ACT Government
City and Environment

ENVIRONMENTAL SIGNIFICANCE OPINION – ESO2025000033 University of Canberra Park Development

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

Spacelab, as represented by Richard Nash, Principal Planner.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the University of Canberra Park development as described in the submission.

LOCATION

Block 11 Section 3, Bruce

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the application.
2. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:

Pre-construction:

4. Development description, including but not limited to details of sediment and erosion controls, material stockpiling, and cut and fill balances;
5. Development conditions response table;
6. Required licences and approvals required for the proposed works, which may include licences to relocate fauna during works;
7. Ecological protection subplan, including measures specific to managing impacts to protected species (including burrows) and retained trees
8. Site access and mobilisation subplan, including details of access routes, which avoid impacting protected areas.

Construction:

9. Unexpected finds subplan;
10. Biosecurity management subplan; and
11. Bushfire mitigation and weather constraints.
12. A Nature Conservation Act license to disturb the nest of a native species will be required prior to removal of a tree if it is occupied by native fauna (i.e. a stick nest or occupied a hollow).
13. A fauna spotter must be present when mature native trees are removed.
14. If any native vertebrate fauna is found on the works area, work must stop immediately, and the animal moved to a safe location in adjacent habitat.
15. No trees additional to those identified for removal are to be removed without prior authorization from the Conservator.
16. Temporary fencing must be erected around any habitat trees that are to be retained, prior to vegetation clearing
17. Important breeding habitat features, including mature native trees (DBH >50cm) and hollow-bearing trees and burrows, must be clearly marked out prior to construction works and avoided by vegetation clearing and earthworks.
18. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease. Hot works activities must be deferred to be undertaken under less risky conditions and consideration given to what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four-day outlook are available during the declared bushfire danger period at https://esa.act.gov.au/ for the proponent to assess risks.
19. Staff undertaking vegetation clearance and/or earthworks must complete induction prior to undertaking works, which includes identification of threatened and rare species noted in this ESO.
20. Temporary fencing must be erected around the mapped Box Gum Woodland, prior to vegetation clearing.

21. Signage must be erected on the temporary fencing at a spacing of no more than 100m indicating that no construction activities are to occur within the fences and that the areas are environmentally sensitive.

<u>Post-construction:</u>

22. Rehabilitation subplan, including measures specific to improving ecological context and connectivity of retained native vegetation.

Attached is a Statement of Reasons for the decision.

[redacted]

Bren Burkevics
Conservator of Flora and Fauna

5 August 2025

STATEMENT OF REASONS
REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:

(a) a critically endangered species;
(b) an endangered species;
(c) a vulnerable species;
(d) a conservation dependent species;
(e) a regionally threatened species;
(f) a regionally conservation dependent species;
(g) a provisionally listed threatened species;
(h) a listed migratory species;
(i) a threatened ecological community;
(j) a protected native species;
(k) a Ramsar wetland;
(l) any other protected matter

The site contains a large patch of Southern Blue Gums which are a preferred food resource for Gang-Gang cockatoos (*Nature Conservation Act 2014* (NC Act) Endangered Species)

Part 1.2, item 17 – proposal involving -

(a) the clearing of more than 0.5ha of native vegetation in a native vegetation area, other than on land in a future urban area; or
(b) the clearing of more than 5.0ha of native vegetation in a native vegetation area on land in a future urban area

The proposal will impact on 2.36ha of native vegetation.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna for an opinion to that effect.

Meaning of *significant* adverse environmental impact
An adverse environmental impact is ***significant*** if—

(a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
(b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is ***significant***, the following matters must be taken into account:

(a) the kind, size, frequency, intensity, scope and length of time of the impact;
(b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description
The University of Canberra are proposing work to create a University Park. The development will redevelop the current area of open space into a place for the UC community to use for recreation and educational purposes. The development involves the construction of walking paths, ponds and water features, playground and exercise equipment, an amphitheatre and other recreational facilities such as lawns and seating areas. The park is set to be the first major open space works to be delivered within the University of Canberra campus, informed by the Bruce Campus' 2020-2024 Master Plan.

The park's design is driven by an overall vision and a strong 'designing for country' narrative that adopts an undercurrent of water-based theming and innovation to support the design. The design proposes bold and memorable geometric forms that define the various precincts and increase biodiversity across the campus by creating a series of interconnected habitats. A key interest to the design were the identification of low-lying areas which support existing storm water channels through degraded and superficial drainage trenches. The design focuses on improving water quality through Water Sensitive Urban Design (WSUD) measures resulting in the creation of a functioning ephemeral-like creek environment.

The design aims to retain the majority of the existing vegetation onsite while improving its ecological value. The design has been modified in order to avoid a number of additional tree removals however will still require the removal of 274 trees under the current design. The proposal aims to enhance the existing vegetation onsite by thinning in some areas to create a more open structure to encourage growth of the remaining trees.

Documentation Submitted
- ESO Report by Spacelab
- Ecological impact assessment – Capital Ecology
- Schematic Landscape Plan
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The site proposed for the Park development is an area of approximately 8.11ha. Of this area, 0.88 ha is considered low quality NC Act Box Gum Woodland occurring in two small patches on the eastern part of the site. These areas are considered low quality due to the ground storey being dominated by exotic grasses, broadleaf weeds and a low diversity of native species. There are two small patches of Box Gum Woodland derived grassland, one to the east of the site and the other to the west. The ground storey in these patches is native dominant with a low diversity of disturbance tolerant native species, the vegetation has been modified to the point where the area no longer meets the definition of EPBC Act listed threatened ecological community.

There is an area of densely planted River She-oak *Casuarina cunninghamiana* and Victorian Blue Gum *Eucalyptus bicostata* located on the central part of the site. The remainder of the site is made up of several patches of mixed plantings and open grassy areas dominated by exotic grasses and woody weeds such as Firethorn. There is significant weed incursion across the site with African lovegrass, Serrated Tussock, St Johns Wort, Blackberry and Paspalum Grass all recorded on the site. The site supports foraging habitat for several species of birds including two species listed as threatened- the Gang Gang Cockatoo and Superb Parrot. These species are known to use the area for foraging and there are Gang Gang nesting records within 300m of the proposed site.

Potentially Significant Environmental Impacts

The site proposed for development is a large area spanning just over 8ha. The area supports some small patches of Box Gum Woodland and Box Gum Woodland derived grasslands however, these areas are considered low quality with a disturbed and modified under storey and moderate level of weed incursion across the site. The works as proposed will impact on a total 2.36ha of native vegetation, however, the design of the park aims to retain the majority of the existing vegetation while improving its ecological value by creating interconnected habitats within the site bounds that represent improvement to the current biodiversity.

The proposal will require the removal of 274 trees representing 21% of the 1306 trees recorded across the site. The proponent has made considerable design changes to avoid impacts to additional trees and the current design avoids impacts to the nine hollow bearing habitat trees located onsite. While the trees being removed do have some habitat and connectivity value, they have been largely planted with non-local species at inappropriately high densities limiting their ecological diversity and function. Thinning out of the canopy and replanting with a diversity of local native species is likely to result in a net positive to local biodiversity values. The threatened Gang Gang Cockatoo are known to use the site for foraging and connectivity, however, given the large number of Southern Blue Gums remaining on the site and the avoidance of removal of hollow bearing trees, impacts to the species will not be significant.

Conditions have been applied to ensure impacts are minimised to local fauna species during the Parks development.

This opinion is granted subject to the following conditions made under s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the application.
2. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:

<u>Pre-construction:</u>

4. Development description, including but not limited to details of sediment and erosion controls, material stockpiling, and cut and fill balances;
5. Development conditions response table;
6. Required licences and approvals required for the proposed works, which may include licences to relocate fauna during works;
7. Ecological protection subplan, including measures specific to managing impacts to protected species (including burrows) and retained trees
8. Site access and mobilisation subplan, including details of access routes, which avoid impacting protected areas.

<u>Construction:</u>

9. Unexpected finds subplan;
10. Biosecurity management subplan; and
11. Bushfire mitigation and weather constraints.
12. A Nature Conservation Act license to disturb the nest of a native species will be required prior to removal of a tree if it is occupied by native fauna (i.e. a stick nest or occupied a hollow).
13. A fauna spotter must be present when mature native trees are removed.
14. If any native vertebrate fauna is found on the works area, work must stop immediately, and the animal moved to a safe location in adjacent habitat.
15. No trees additional to those identified for removal are to be removed without prior authorisation from the Conservator.
16. Temporary fencing must be erected around any habitat trees that are to be retained, prior to vegetation clearing
17. Important breeding habitat features, including mature native trees (DBH >50cm) and hollow-bearing trees and burrows, must be clearly marked out prior to construction works and avoided by vegetation clearing and earthworks.
18. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease. Hot works activities must be deferred to be undertaken under less risky conditions and consideration given to what mitigations measures such as fire suppression equipment can be implemented. The daily rating

and a four-day outlook are available during the declared bushfire danger period at https://esa.act.gov.au/ for the proponent to assess risks.

19. Staff undertaking vegetation clearance and/or earthworks must complete induction prior to undertaking works, which includes identification of threatened and rare species noted in this ESO.
20. Temporary fencing must be erected around the mapped Box Gum Woodland, prior to vegetation clearing.
21. Signage must be erected on the temporary fencing at a spacing of no more than 100m indicating that no construction activities are to occur within the fences and that the areas are environmentally sensitive.

Post-construction:

22. Rehabilitation subplan, including measures specific to improving ecological context and connectivity of retained native vegetation.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.