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## **ENVIRONMENTAL SIGNIFICANCE OPINION - Crown Lease Subdivision - 1414, 1633 & 1635/0 TUGGERANONG & 13/117 CONDER (ESO202400041)**

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

### **APPLICANT**

PLANIT Strategic Pty Ltd, as represented by Hope Watson, Senior Environmental and Town 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 a Crown Lease variation to subdivide the current Crown Lease into two Crown Leases by surrender and regrant of new leases. The proposal would subdivide Block 1414 in the District of Tuggeranong into a separate individual Crown Lease, the balance of the other three Blocks; Block 1633 and 1635 in the District of Tuggeranong and Block 13 Section 117 in the Division of Conder would comprise the other Crown Lease as described in the submission.

### **LOCATION**

- Blocks 1414, 1633 and 1635 District Tuggeranong
- Block 13 Section 117 Division Conder

### **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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.

A handwritten signature in blue ink, appearing to read 'Fiona Wright', with a stylized, cursive script.

Fiona Wright  
A/Conservator of Flora and Fauna

2 October 2024

## 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 18 - proposal for development in a reserve, unless the proposal is for minor public works to be carried out by or for the Territory in accordance with a minor public works code approved by the conservator of flora and fauna under the Nature Conservation Act 2014, section 318A;*

Parts of the Crown Lease (Blocks 1633 and 1635 Tuggeranong) lies within Rob Roy Nature Reserve.

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 proposal is for a Crown Lease variation to subdivide the current Crown Lease into two Crown Leases by surrender and regrant of new leases. The proposal would subdivide Block 1414 in the District of Tuggeranong into a separate individual Crown Lease, the balance of the other three Blocks; Block 1633 and 1635 in the District of Tuggeranong and Block 13 Section 117 in the Division of Conder would comprise the other Crown Lease.

Block 1414 is adjacent to Melrose Nature Reserve and is physically separated from the other blocks by the Monaro Highway. Separating from the Crown Lease provides the opportunity for the lessee to sell the block in the future.

No physical works or new block boundaries are proposed.

**Documentation Submitted**

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion.
- Letter(s) of Authorisation.
- Form 1M.

**Natural conservation values present**

Rob Roy Nature Reserve is a large, protected area adjoining the southern tip of Canberra's suburbs. The reserve is over 2,000 ha in area, and provides important ecological connectivity to surrounding landscapes, including Tuggeranong Hill, Melrose Nature Reserve and Gigerline Nature Reserve.

The upper slopes of Rob Roy Nature Reserve support the largest area of the red box - mealy bundy - scribbly gum association remaining the ACT, and the reserve also has importance as part of the honey eater migration route and supports many regionally declining birds, especially those that do not persist in urban environments. It is one of the few locations in the ACT where glossy black cockatoos feed and one of very few reserves that still support small mammal species now mostly absent from the urban area.

Over 400 species have been recorded in Rob Roy Nature Reserve, with at least 5 species listed as threatened under the *Nature Conservation Act 2014*:

- Southern Brown Bandicoot (*Isodon obesulus obesulus*)
- Hoary Sunray (*Leucochrysum albicans subsp. Tricolor*)
- Spotted-Tailed Quoll (*Dasyurus maculatus*)
- Southern Whiteface (*Aphelocephala leucopsis*)
- Pale Pomaderris (*Pomaderris pallida*)

### **Potentially Significant Environmental Impacts**

As the proposal involves subdivision of the Crown Lease only, with no physical works, it will not result in any increased risk to the environment. However, there are underlying management concerns which are discussed below.

Parts of Blocks 1633 and 1635 lie within the Rob Roy Nature Reserve, with no fencing separating the nature reserve. This makes it impossible to control stock grazing in the reserve areas and may make it difficult to manage for conservation outcomes. This situation has implications for the type of stock that can be run on the un-reserved land.

The current ESO proposes having Block 1633 Tuggeranong, Block 1635 Tuggeranong and Block 13 Section 117 in the Division of Conder all in the same lease. Block 1635 Tuggeranong and Block 13 Section 117 in the Division of Conder both have PC overlays and are part of Tuggeranong Hill and Rob Roy Nature Reserves respectively. These blocks are almost entirely zoned NUZ3 Hills Ridges and Buffers. Having these blocks together in the same lease retains uncertainty over management priorities and removes the ability of the Government to consolidate the nature reserve blocks should the lessee decide to sell in future.

Fencing of the nature reserve can be explored further at the later Development Application stage to subdivide the Crown Lease.

Constraints on the type of stock permitted on un-reserved land may be required. These controls could be addressed the lease clause for the new Crown Lease.

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