



ENVIRONMENTAL SIGNIFICANCE OPINION - Lathlain Street Precinct (ESO 202500022)

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

APPLICANT

Purdon Planning Pty Ltd, as represented by Mr Bradley Yates, Senior Urban 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 creating new public spaces through the regeneration of derelict land in the Belconnen Town Centre as part of the Lathlain Street Precinct project. Proposed works include the demolition of existing structures, tree and vegetation removal, remediation of the site, public works and parkland as described in the submission.

LOCATION

The works are located in Blocks 1 and 24 Section 21 & Blocks 3 and 7 Section 23 Belconnen.

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. All trees proposed for removal must be assessed for PFAS contamination and demonstrated to have unacceptable levels to justify that removal is unavoidable. This is especially the case for trees 2208, 2092, 2090 and 696 (as shown on Place Logic Tree management Plan Issue 4 Rev D 101.1 Date 04.04.2025) which appear not to have been tested and are outside of the contaminated soil area to be removed and could possibly be retained (southwest of site).
3. With reference to the Typical Landscape Details – Tree Planting plans by Place Logic, consider a slope between the clean soil layer and the HDPE Root Control Barrier or install drainage to prevent moisture retention at the base of the tree.
4. The following key tree species provide movement and foraging habitat for the threatened Swift Parrot and Superb Parrot and are suitable for planting in an urban context, tree replacements should consist of these species:
 - Mugga Ironbark (*Eucalyptus sideroxylon*)
 - Yellow Gum (*E. leucoxylon*),
 - Red Ironbark (*E. tricarpa*),
 - Grey Box (*E. microcarpa*),
 - White Box (*E. albens*),
 - Yellow Box (*E. melliodora*),
 - Swamp Mahogany (*E. robusta*),
 - Forest Red Gum (*E. tereticornis*),
 - Blackbutt (*E. pilularis*), OR
 - Spotted Gum (*Corymbia maculata*).
5. Consolidate plans by overlaying tree contamination results from Lanterra Consulting (PFAS Contamination Assessment Pg 19 Figure 5) with the Tree Management Plan (Issue 4 Rev D, Dwg 101.1, Date 04.04.2025) and Tree Assessment Data (Issue 4, Rev B, Dwg 101.2, Date 04.04.2025) by Place Logic for clarification. This may require using multiple tree numbers for individual trees as each consultant has used their own tree numbering system.

6. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a large, sweeping flourish extending from the end of the signature.

Bren Burkevics
Conservator of Flora and Fauna

30 May 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*

Sightings of Swift Parrot (*Lathamus discolor*) and Superb Parrot (*Polytelis swainsonii*) have been recorded within the study area. Both species are listed under the Australian *Environment Protection and Biodiversity Conservation Act 1999* and ACT *Nature Conservation Act 2014*.

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 development proposal is for creating new public spaces through the regeneration of derelict land in the Belconnen Town Centre as part of the Lathlain Street Precinct project. Proposed works include the demolition of existing structures, tree and vegetation removal, remediation of the site, public works and parkland.

The site previously contained the Belconnen Ambulance Station (Block 1 Section 21, Belconnen), the former Belconnen Fire Station (part of Block 24 Section 21) and a public access path (Block 3 Section 23). The buildings were demolished in 2020, and the site is vacant with only the surface structures from the previous Fire and Ambulance stations remaining. The total area of the site is approximately 10,000m².

Environmental investigations completed since 2002 identified the presence of per and poly-fluoroalkyl substances (PFAS) associated with the use of aqueous film-forming foam (AFFF) used for fire-fighting training purposes on Block 24 Section 21. The use of AFFF has resulted in levels of PFAS contamination more than acceptable levels within the external structures of the buildings, utilities infrastructure, soil and groundwater across Blocks 24 and part of Block 1 Section 23.

Blocks 3 and 7 Section 23, Block 1 Section 21 and Part Block 24 Section 21, are to be developed as urban landscaping. Blocks 7 and 3 Section 23 have been assessed and were considered suitable for future public open space use. The northern part of Block 24 Section 21 is proposed for commercial use and will be sold for development in the future. A separate Development Application for this northern section will be submitted for any future development.

There are a total of 28 trees on site, of which 23 trees are proposed for removal due to excessive levels of PFAS contamination. While not all trees were tested, the widespread nature of the testing has led the team to conclude the results apply to all the trees. The detailed design is undetermined at this stage, with future tree removal

and planting details dependent on follow up PFAS testing. Prior to the development of the site, a Remediation Work Plan will be prepared to test all untested trees and determine if retention is possible. Any associated Tree Management Plan or landscape design plan will be updated to retain and protect the trees.

Approximately 3,200m³ of PFAS contaminated soil is proposed for removal, with an impacted area of approximately 1,600m² and an average depth of approximately 2m. Soil will be imported for reinstatement purposes.

Documentation Submitted

- Tree Management Plan;
- Tree Assessment Data;
- Tree Management Report;
- Typical Landscape Details – Tree Planting 1 & 2;
- General Arrangement Plan;
- Ecological Tree Assessment;
- Remedial Action Plan;
- PFAS Contamination Assessment;
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The site has been heavily modified from its natural state, with no apparent ecological community present. The site does not support any remnant vegetation communities, with all trees appearing to be planted in the 1970s/1980s.

The main natural conservation values present is the 28 trees on site, of which 24 are native and 16 meet the general definition of Mature Native Trees (MNTs): 11 eucalypts >50cm DBH (3 of which are >80cm) and 6 She-oak's >40cm DBH (2 of which are >80cm DBH). The proposal intends to remove all but 5 She-oaks due to PFAS contamination, resulting in a total loss of 19 native trees of which 11 are MNTs. Most trees did not exhibit significant habitat values.

Sightings of Swift Parrot (*Lathamus discolor*) and Superb Parrot (*Polytelis swainsonii*) have been recorded within the study area. There is potential that these threatened species may use trees on site for movement through the landscape and foraging, particularly Mugga Ironbark (*Eucalyptus sideroxylon*).

Potentially Significant Environmental Impacts

The development site is within a modified urban landscape and provides only limited foraging and connectivity habitat value, in the form of planted native and exotic trees. The development site is outside of the mapped ecological network and is unlikely to provide any important habitat linkages. While the trees proposed for removal provide some foraging habitat value for threatened birds, they are well represented as plantings across the ACT.

Of note, Mugga Ironbark provides important winter foraging habitat for Swift Parrots during the species' seasonal migration to mainland Australia. While the loss of 9 Mugga Ironbarks may reduce the availability of foraging resources for the Swift Parrot, the granting of an ESO is supported given most trees proposed for removal contain unacceptable PFAS levels, and that retention would likely present an ongoing risk to human health, as well as other species utilising these trees for foraging.

To compensate for the loss of movement and foraging habitat for the Swift and Superb Parrot, it is recommended that the final landscaping design should replace the lost ecological value of trees removed from the site. An ecologist should be engaged to work with the planners to choose species and designs that will restore and establish the sites' ecological function, in particular replanting a sufficient number of winter-flowering eucalypts. The following list of key tree species provide movement and foraging habitat for the Swift and Superb Parrot and are suitable for planting in an urban context:

- Mugga Ironbark (*Eucalyptus sideroxylon*)
- Yellow Gum (*E. leucoxylon*),
- Red Ironbark (*E. tricarpa*),
- Grey Box (*E. microcarpa*),
- White Box (*E. albens*),
- Yellow Box (*E. melliodora*),
- Swamp Mahogany (*E. robusta*),
- Forest Red Gum (*E. tereticornis*),
- Blackbutt (*E. pilularis*), OR
- Spotted Gum (*Corymbia maculata*).

Conditions have been included to ensure all trees are assessed and justified for removal, and recommendations for restoring the site's ecological functions to compensate for the loss of movement and foraging habitat for the threatened Swift and Superb Parrot.

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. All trees proposed for removal must be assessed for PFAS contamination and demonstrated to have unacceptable levels to justify that removal is unavoidable. This is especially the case for trees 2208, 2092, 2090 and 696 (as shown on Place Logic Tree management Plan Issue 4 Rev D 101.1 Date 04.04.2025) which appear not to have been tested and are outside of the contaminated soil area to be removed and could possibly be retained (southwest of site).
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6. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

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.