ENVIRONMENTAL SIGNIFICANCE OPINION - PHILLIP - Section 79 Phillip Masterplan Redevelopment (ESO 202400042)

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

APPLICANT

P L A N I T Strategic, as represented by Ian Mackay, 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 the redevelopment of the former Pitch and Putt Site in Phillip, as described in the submission.

LOCATION

50 Launceston Street, Phillip
Block 4 Section 79 Phillip

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. The proposed works may be subject to random compliance inspection by Conservation Officers appointed under the *Nature Conservation Act 2014* as requested by the Conservator of Flora and Fauna.
2. A Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP must at a minimum contain the following:
    (a) Sediment and erosion control plan;
    (b) Tree management plan;
    (c) Commitment to undertake pre-clearance fauna surveys;
    (d) Fauna management plan and burrow management plan, as required; and
    (e) Weed management plan.
3. All native trees and shrubs removed by the proposal must be replaced in consultation with and to the satisfaction of the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.

Rachael de Hosson
A/Conservator of Flora and Fauna

7 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 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*

Several rare and threatened bird species have been recorded within proximity to the proposal site, including listed Vulnerable Superb Parrot (*Polytelis swainsonii*) and Endangered Gang-gang Cockatoo (*Callocephalon fimbriatum*). The site contains a relatively large number of River Sheoak (*Casuarina cunninghamiana*), which provide foraging habitat value for listed Vulnerable Glossy Black Cockatoo (*Calyptorhynchus lathami lathami*).

Part 1.2, item 25 - proposal that is likely to result in a key threatening process under the Nature Conservation Act 2014

The proposed works will result in the removal of 82 native trees on the site, of which at least 4 are mature native trees. This is a total loss of 87% of native trees and at least 66% of mature native trees from the site, and may result in the key threatening process of loss of mature native trees and lack of recruitment.

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 the development of the former Pitch and Putt site in Phillip. The proposal site is within the Woden Valley district, which contains high density residential/commercial development, including the Woden Town Centre.

The proposed development covers approximately 2.5 ha of the 3.6 ha block and includes:

- Seven new buildings ranging between 6 and 16 residential storeys accommodating 888 residential units and three commercial units.
- Landscaped spaces between buildings and landscaped setbacks along the stormwater channels.
- Shared basements under buildings to accommodate parking.
- New access to Yamba Drive and internal driveway with visitor parking.
- New shared use pathways to connect to the active travel network.

The proposal would require clearing of native vegetation: clearance of approximately 0.486 ha of NC Act native vegetation, including removal of 82 of 94 native trees on site.

Documentation Submitted

- Environmental Significance Opinion Submission Report – September 2024
- Context and Locality Plan Map

- Masterplan and Subdivision Map
- Landscape Masterplan Report
- Letter of Authorisation
- Form 1M

Natural conservation values present

The proposal site is a former Pitch and Putt golf course, located in the Woden Valley urban landscape. The site is heavily disturbed, with an understorey dominated by exotic species but also containing disturbance tolerant native grasses and forbs at low densities. Vegetation has been characterised into two broad categories, being cleared sections that were part of the former golf course (i.e. fairways, greens and tees) and planted treed areas.

Trees within the site are a mix of natives and exotics, the majority of which are likely planted specimens. The proponent has reported a total of 6 mature native trees onsite, based on trunk diameters. An additional 6 Sheoak trees are multitrunked, with a combined trunk diameter greater than 50cm. Sheoak trees generally mature at a smaller trunk diameter than Eucalypts, so several larger River Sheoak trees onsite may also be considered mature native trees.

The site borders Yarralumla Creek to the west, which extends from the Wanniassa Hills Nature Reserve, flowing northwards to meet the Molonglo River downstream of Scrivener Dam. The catchment has been significantly altered from its original natural condition and is now generally regarded as a developed urban environment, being a concrete armoured channel.

The site is within the urban ecological network and is likely to provide some connectivity value for several bird species within the landscape. There are numerous records of Superb Parrot and Gang-gang Cockatoo within proximity to the proposal site. The site is unlikely to provide high-value foraging or breeding habitat for these species but does provide some connectivity value within the broader landscape.

Potentially Significant Environmental Impacts

The proposal site is a highly modified environment which was entirely cleared of trees as recently as 1975 and has been subject to high levels of disturbance through management of the land as a Pitch and Putt golf course. Consequently, ecological values within the site are limited to marginal connectivity and foraging habitat from mostly planted trees and understorey vegetation.

The proposal will result in the clearance of up to 0.486ha of native vegetation, comprised of 0.246ha native treed areas and 0.240ha native understorey. Understorey vegetation is dominated by exotic species, but provides limited foraging habitat value for threatened species, including Superb Parrot. A site visit by the Office

of the Conservator concluded that the understorey native vegetation estimates are conservative, and clearance of vegetation is not likely to exceed the 0.5 ha native vegetation clearance EIS trigger. The loss of this relatively small area of low-quality understorey native vegetation is not considered likely to result in a significant impact to threatened species.

The site supports 186 trees, of which 94 are native species (largely comprised of River Sheoak *Casuarina cunninghamiana* and Brittle Gum *Eucalyptus mannifera*). A total of 82 native trees are proposed to be removed. None of these contain hollows and none are remnants, with the vast majority being <50cm diameter at breast height (DBH). The proponent has reported a total of 6 mature native trees (>50cm DBH) onsite, of which 4 are proposed to be cleared. As above, several additional River Sheoak trees are likely to meet the criteria as mature native trees.

Although there are numerous records of Superb Parrot and Gang-gang Cockatoo within proximity to the proposal site, the site does not contain especially high-value habitat resources, nor are these species known to occur within the site. While River Sheoak provides some foraging habitat value for Glossy Black Cockatoo, this species is not known or expected to occur within the proposal site, being a highly modified urban environment which does not support the preferred foraging species, Drooping Sheoak (*Allocasaurina verticillata*).

Given the mature native trees onsite are planted, are not likely to provide critical habitat values for threatened species, and do not contain nests or hollows, the loss of these trees is unlikely to significantly contribute to the loss of mature native trees key threatening process or result in a significant impact to threatened species.

The following conditions have been included to ensure ecological impacts are minimised during construction works:

1. The proposed works may be subject to random compliance inspection by Conservation Officers appointed under the *Nature Conservation Act 2014* as requested by the Conservator of Flora and Fauna.
2. A Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP must at a minimum contain the following:
    (a) Sediment and erosion control plan;
    (b) Tree management plan;
    (c) Commitment to undertake pre-clearance fauna surveys;
    (d) Fauna management plan and burrow management plan, as required; and
    (e) Weed management plan.

3. All native trees and shrubs removed by the proposal must be replaced in consultation with and to the satisfaction of 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.