ENVIRONMENTAL SIGNIFICANCE OPINION - Bruce Mixed Use Residential Development (ESO 202400012)

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

APPLICANT

Peet Bruce Pty Ltd, as represented by Richard Nash, Project Director.

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 mixed-use residential development, comprising 1,629 residential dwellings, parklands and open spaces, as described in the submission.

LOCATION

Part of Block 11 and all of Blocks 12, 13, 14, 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. The proposed works may be subject to random compliance inspection by Conservation Officials as requested by the Conservator of Flora and Fauna.

2. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:
    - Pre-construction:
        - Development description, including but not limited to details of sediment and erosion controls, material stockpiling, and cut and fill balances;
        - Development conditions response table;
        - Required licences and approvals required for the proposed works, which may include licences to relocate fauna during works;
        - Ecological protection subplan, including measures specific to managing impacts to protected species (including burrows) and retained trees;
        - Site access and mobilisation subplan, including details of access routes, which avoid impacting protected areas.
    - Construction:
        - Unexpected finds subplan;
        - Biosecurity management subplan; and
        - Bushfire mitigation and weather constraints.
    - Post-construction:
        - Rehabilitation subplan, including measures specific to improving ecological context and connectivity of retained native vegetation.
3. An environmental assessment must be undertaken by a suitably qualified environmental consultant and in accordance with the Environment Protection Authority (EPA) in accordance with Contaminated Sites Information Sheet 11 – Environment Protection Authority Report Submission Requirements, for review and endorsement by the EPA prior to the site being used for other purposes.

Attached is a Statement of Reasons for the decision.

Bren Burkevics
Conservator of Flora and Fauna

17 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 species have potential to occur within the proposal site, including:

- Gang-gang Cockatoo *Callocephalon fimbriatum*
- Superb Parrot *Polytelis swainsonii*
- Scarlet Robin *Petroica boodang*
- White-winged Triller *Lalage tricolor*
- Hooded Robin *Melanodryas cucullata cucullata*
- Diamond Firetail *Stagonopleura guttata*
- Golden Sun Moth *Synemon plana*

The proposal site also supports 0.48 ha of Box Gum Woodland, which is listed as an Endangered Ecological Community under the *Nature Conservation Act 2014* (NC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

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 result in the loss of approximately 4.63 ha of the 5.66 ha of NC Act native vegetation.

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

The proposed will result in the loss of 55 mature native trees (MNTs), which equates to approximately 28% of MNTs within the proposal site. This loss has potential to significantly contribute to the key threatening process of loss of mature native trees and lack of recruitment.

The proponent wants the application for the development approval assessed in the merit track 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 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 proposed development is for the construction of 1,629 residential dwellings with a diverse mix of housing type, tenure and yields. The proposal also includes the renewal of parklands and the creation of new open spaces that integrate with the 22 hectares of immediately adjoining open space, Lake Ginninderra and Belconnen Town Centre.

The current ESO submission is the result of several redesigns by the proponent to address environmental impacts identified by the Office of the Conservator. The first ESO submission proposed the clearance of the vast majority of trees onsite, including approximately 90% of mature native trees (above 50cm diameter at breast height).

The Office of the Conservator identified three areas with important ecological values, that contain the largest trees onsite and provide important connectivity and foraging habitat value within the broader landscape, particularly for Gang-gang Cockatoo:

1. A patch of large planted Blue Gums in the north-west of the site.
2. The northern edge of University Park, in the south of the site.
3. A patch of native vegetation known as Spring Square, in the centre-east of the site.

The Office of the Conservator advised that that environmental impacts could be substantially reduced by retaining a greater proportion of mature native trees onsite, and by retaining the above areas of high ecological importance. The amended design has increased the retention of mature native trees from 10% to 71%, and now retains the sites identified as possessing important ecological values. The remaining mature native trees being removed are largely restricted to planted trees within the existing University of Canberra carpark.

Documentation Submitted

- Environmental Impact Assessment v6 – September 2024;
- Peet Bruce ESO Report;
- Canopy Plan;
- Tree plan;
- Design Report;
- Biodiversity Sensitive Urban Design Response;
- Letters of Authorisation;
- Form 1M.

Natural conservation values present

The proposal site covers an area of approximately 16 ha and is comprised of a mix of planted native trees, derived grasslands, and modified urban infrastructure. The site is located within a largely urban environment and is zoned as 'CF: Community and Facilities' under the Territory Plan. The site is bordered by:

- Aikman Drive, John Knight Memorial Park, and further urban development to the west;
- Thirriwirri Street and the University of Canberra Public Hospital to the north; and
- University of Canberra to the south and east, including buildings and open spaces.

The proposal site is located within the Urban Ecological Network, being an area prioritised for connectivity for native wildlife. The site contains areas mapped as supporting connectivity values for several fauna groups, including potential core habitat for mammals, grassland reptiles and amphibians; potential remnant patches for riparian and grassland reptiles and mammals; connected habitat for native bees; and a potential connectivity corridor for small woodland birds.

The proposal site was historically used as agricultural land, primarily for sheep grazing, and subsequently for the University of Canberra and associated developments. Assessment of the few remaining remnant trees and stumps concluded that the pre-disturbance state of the site would have supported a Box Gum Woodland vegetation community. Given the extensive disturbance over many decades, vegetation within the site is now largely degraded, with only 2 remnant trees and a largely exotic understorey. The remnant trees within the site are Blakely's Red Gum (*Eucalyptus blakelyi*), both of which contain hollows.

Vegetation within the proposal site has been characterised into the following 4 classes:

- Derived native grassland with moderate forb diversity (0.48 ha) - marginally meets the criteria for EPBC Act/NC Act Box-Gum Woodland in its derived native grassland form.
- Native pasture with low forb diversity (2.18 ha).
- Exotic pasture (6.30 ha).
- Plantings of local and non-local overstorey and midstorey species (3.57 ha) - supports numerous mature native trees (>50 cm diameter at breast height)

Trees within the site can be further classified into the following patches:

1. A patch of large planted Blue Gums in the north-west of the site, with an area of 0.57 ha.
2. The northern edge of University Park, in the south of the site, which supports a wide mix of native trees, including Blue Gum. University Park meets the minimum dimensions of core woodland habitat (250 m), as per the Biodiversity Sensitive Urban Design Guidelines.
3. A patch of native vegetation known as Spring Square, in the centre-east of the site, comprising a mix of native trees and shrubs, dominated by planted River Sheoak *Casuarina cunninghamiana.* The understorey is exotic dominant and supports a low diversity of native species.

The site is within the known distribution of several rare and threatened bird species. Notably, Gang-gang Cockatoo has been recorded extensively within close proximity to the site, and there is evidence of foraging within the University Park portion of the proposal site. While Gang-gang Cockatoo forages on a wide diversity of plant species,

Blue Gum is known to be an important foraging source within the ACT. As such, University Park and the north-west patch of large planted Blue Gums are likely to provide important foraging habitat for Gang-gang Cockatoo.

Several other rare and threatened woodland bird species are likely to periodically occur within, or in proximity to, the proposal site, including Superb Parrot, Scarlet Robin, White-winged Triller, Hooded Robin, and Diamond Firetail. The site is likely to provide connectivity value and some foraging habitat value for these species in the form of native and exotic grass seeds, and by supporting invertebrates both within the grassland and treed areas.

The proposal site has historically supported Golden Sun Moth, with records at the site as recently as 2014. Subsequent surveys were undertaken in 2017 and 2021, which did not detect this species. These surveys were undertaken in line with the ACT Governments survey guidelines, and detected Golden Sun Moth at several other nearby sites, indicating suitability of survey timing. Based on these surveys, the likelihood of Golden Sun Moth occurring at the proposal site is low. The likelihood that the site will be recolonised is also relatively low, given the nearest known Golden Sun Moth site is >200 m from the potentially suitable habitat within site, and the species is not considered likely to disperse further than 100 m.

Potentially Significant Environmental Impacts

The proposal will result in the loss of 4.63 ha of NC Act native vegetation, which equates to an 82% loss of the 5.66 ha of native vegetation within the site.

Three patches within the site (totalling 0.48 ha) meet criteria for listing as Box Gum Woodland and Derived Native Grassland under both the NC Act and EPBC Act. These areas are likely degraded remnants of the site's pre-European plant community, which has been substantially fragmented within the broader landscape. The closest known patch supporting this threatened community is within the Gossan Hill Nature Reserve, which is >500 m south of the site and is separated by urban infrastructure. While meeting the criteria for listing as a threatened ecological community, the patches are of relatively low quality, being 58% native cover and supporting 9 native non-grass understorey species (EPBC listing generally requires 12 species). Given the relatively low quality and small area of patches, and low likelihood of connectivity within the broader landscape, the loss of 0.48 ha of Box Gum Woodland Derived Grasslands is not considered likely to result in a significant impact to this community.

The remaining native vegetation proposed to be cleared is comprised of low forb diversity native dominant pasture with no native tree canopy or mid storey; and mixed local and non-local tree canopy and mid storey, with exotic dominant and low diversity ground storey. These areas provide some habitat value for a range of fauna, as discussed below, but do not provide unique or especially high-value habitat

features within the broader landscape. Large areas supporting treed habitats are present within John Knight Memorial Park to the west (<100 m), Reservoir Hill to the north-east (~500 m), and Gossan Hill to the south (~700 m). Areas supporting native pastures are mapped extensively to the north and east of the site. In consideration of the relatively small area and low diversity of native vegetation within the site, and noting that the majority of trees (and all remnant trees) are being retained, the loss of 4.63 ha of native vegetation (including 0.48 ha of NC Act and EPBC Box Gum Woodland) is not considered likely to significantly impact, or contribute to the impact on, the function, system, value of native vegetation.

The proposal will result in the loss of 231 trees, which equates to 47% of trees within the site. The site supports 194 mature native trees, of which 55 (28%) are proposed to be removed. Both remnant trees within the site are proposed to be retained, in addition to the areas containing larger mature native trees within a more ecologically functional setting (i.e. vegetated understorey as opposed to modified impermeable surfaces). The remaining trees proposed for removal are primarily native plantings within the existing carpark and UC garden space. The trees within the existing carpark have been planted at high density and are growth restricted by the carparks impermeable tarmac. Trees within the existing carpark are therefore not considered likely to reach full maturity or provide long-term important habitat. Given these factors, the proposal is not considered likely to significantly contribute to the loss of mature native trees key threatening process.

Several rare and threatened woodland birds are known to occur within, or in proximity to, the proposal site. Of note, there are numerous records of Gang-gang Cockatoo and Superb Parrot within proximity to the site. The site supports 2 remnant hollow-bearing trees (to be retained), which are an important habitat features within the landscape but are not considered likely to currently support Gang-gang Cockatoo or Superb Parrot nesting given the small size of hollows and site context.

The proposal will result in the loss up to 1.99 ha of potential Gang-gang Cockatoo and Superb Parrot foraging habitat. Suitable foraging habitat for both species is highly variable. Of note, the proposal site supports numerous mature Blue Gum trees, which are a preferred foraging species for Gang-gang Cockatoo. The site also supports areas of native pasture, which provides a foraging resource for Superb Parrot. The amended design proposes to retain 87% of Blue Gums and 72% of mature trees within the site. While retention of mature native trees also benefits Superb Parrot, the total loss of understorey vegetation reduces the availability of foraging resources for this species and should be compensated for through supplementary plantings and revegetation, this issue can be addressed at the DA stage through application of the Biodiversity Sensitive Urban Guide.

Vegetation within the site provides connectivity value for several fauna groups. The connectivity value of the site is primarily for woodland birds, however native dominant grasslands and pastures also provide some habitat and connectivity value for reptiles and amphibians. Noting the isolation of the site by roads, relatively low quality of patches, and fragmented distribution across the site, grassland areas are unlikely to provide important connectivity for reptiles and amphibians. Native vegetation within University Park to the south of the site has potential to support core habitat for small to medium size terrestrial mammals. This patch is of moderate habitat quality, being comprised of planted trees and supporting a relatively low diversity and cover of mid and ground storey vegetation. The function of this patch may be improved with additional mid and ground storey revegetation measures.

The site provides important connectivity value for woodland birds in the form of islands of native vegetation within an urban landscape, and canopy linkages with John Knight Memorial Park, to the west. The areas which provide higher connectivity value are those larger treed patches identified by the Office of the Conservator, which are now to be retained. Connectivity value within the site is limited by surrounding roads, relatively narrow treed corridors, and large gaps between patches. Further design changes to connect and improve the functionality of retained patches in line with the Biodiversity Sensitive Urban Design guide would benefit ecological connectivity within the site.

Conditions have been included to ensure that environmental impacts are minimised during works.

1. The proposed works may be subject to random compliance inspection by Conservation Officials as requested by the Conservator of Flora and Fauna.
2. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:
    - Pre-construction:
        - Development description, including but not limited to details of sediment and erosion controls, material stockpiling, and cut and fill balances;
        - Development conditions response table – i.e. how the CEMP fulfils the conditions of the NOD and ESO;
        - Required licences and approvals required for the proposed works, which may include licences to relocate fauna during works;

        - Ecological protection subplan, including measures specific to managing impacts to protected species (including burrows) and retained trees;
        - Site access and mobilisation subplan, including details of access routes, which avoid impacting protected areas.
    - Construction:
        - Unexpected finds subplan;
        - Biosecurity management subplan; and
        - Bushfire mitigation and weather constraints.
    - Post-construction:
        - Rehabilitation subplan, including measures specific to improving ecological context and connectivity of retained native vegetation as per the Biodiversity Sensitive Urban Design guidelines.
3. An environmental assessment must be undertaken by a suitably qualified environmental consultant and in accordance with the Environment Protection Authority (EPA) in accordance with Contaminated Sites Information Sheet 11 – Environment Protection Authority Report Submission Requirements, for review and endorsement by the EPA prior to the site being used for other purposes.

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.