
ENVIRONMENTAL SIGNIFICANCE OPINION - THARWA-OUTWARD BOUND COMMUNAL CENTRE (ESO 202400049)

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

APPLICANT

Canberra Town Planning, as represented by Nichelle Jackson, 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 the replacement of the existing administration wing and dining hall at the Tharwa Outward Bound communal centre. Works will be restricted to Block 2 and are comprised of the demolition of the existing administration wing and dining hall; demolition of the existing toilet block; construction of new single storey communal centre comprising an events and dining hall, and ancillary staff administration uses, and construction of a gravel parking area and crossover as described in the submission.

LOCATION

The proposal is for Block 2 Section 12 Tharwa.

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 proponent must implement the mitigation measures as stated in the submission.
2. 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. have constructed a stick nest or occupied a hollow).
3. A fauna spotter must be present when the two mature native trees are removed.
4. An Asset Protection Zone(s) will be required to protect the development and must be included within the development footprint or existing Inner Asset protection Zone.
5. Vegetation management, including retaining trees and landscaping (within the site) will need to comply with the ACT Bushfire Management Standards 2023.
6. Mulches used around buildings and landscaping must be inorganic gravels, stone and rock to comply with fire management requirements.
7. The proponent must involve the ACT Parks and Conservation Service Fire Management Unit in future bushfire management discussions that relate to the Parks and Conservation estate in the adjacent nature reserve / river corridor.
8. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

26 November 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 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 2 mature native trees on the site and may contribute to 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 development proposal is for the replacement of the existing administration wing and dining hall at the Tharwa Outward Bound communal centre. Works will be restricted to Block 2 and are comprised of the demolition of the existing administration wing and dining hall; demolition of the existing toilet block; construction of new single storey communal centre comprising an events and dining hall, and ancillary staff administration uses, and construction of a gravel parking area and crossover as described in the submission.

The proposal site is approximately 6.74 ha and is zoned 'NUZ4: River Corridor' under the Territory Plan. The proposal site is bordered approximately 250 m to the east by the Murrumbidgee River corridor and Gigerline Nature Reserve. To the south is an undeveloped rural block, to the west by Naas Road, and to the north by Cuppacumbalong Estate.

Documentation Submitted

- Biodiversity report regarding supporting documentation for the application for an Environmental Significance Opinion;
- Site and Locality Plan;
- Tree Assessment Plan;
- Tree Planting Plan;
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The proposal site is within a semi-rural landscape, and is bordered to the east by the Murrumbidgee River corridor and Gigerline Nature Reserve, which is an important wildlife corridor for several rare and threatened species, and provides important ecological connectivity into Namadgi National Park further south.

Over 100 animal species, including the following 2 species listed as threatened under the *Nature Conservation Act 2014* have been recorded within a 500m radius of the development site:

- Hooded Robin (*Melanodryas cucullata cucullate*)
- Brown Treecreeper (*Climacteris picumnus victoriae*)

The site is managed by Outward Bound Australia as an outdoor education campus and national base. Historically the site was part of the Cuppacumbalong Estate and was partially cleared to support livestock grazing, with a sheep farming infrastructure

established in 1839. The Federal Government withdrew the rural Cuppacumbalong lease in the 1970s. The Homestead was leased as an art and crafts display space, and today forms part of a Tharwa arts and crafts precinct. At the same time, the site was leased to Outward Bound Australia for outdoor education purposes. The site contains the farming buildings and facilities to support operations and provide outdoor activity spaces for program participants.

Vegetation on-site is characterised as a partially cleared open grassy woodland that supports a sparse tree canopy with a highly modified groundcover and minimal shrub layer. The dominant tree species across the site consists mainly of Red Box (*Eucalyptus polyanthemos*), with some Blakely's Red Gum (*E. blakelyi*), Brittle Gum (*E. mannifera*), Yellow Box (*E. melliodora*) and Ironbark (*E. sideroxylon*). A small number of She-oaks are also present at the site, including River She-oak (*Casuarina cunninghamiana*) and Drooping She-oak (*Allocasuarina verticillata*). The groundcover is dominated by exotic grasses and forbs including Capeweed (*Arctotheca calendula*), various Clovers (*Trifolium spp.*) and Fescue (*Vulpia sp.*), the site is regularly mown.

The site is part of a transitional zone comprising of both (u19) *Blakely's Red Gum – Yellow Box tall grassy woodland* as well as the (q6) *Red Box tall grass-shrub woodlands vegetation community*. The former is a component of the *Yellow Box Red Gum Grassy Woodland* (endangered ecological community (EEC) under the ACT *Nature Conservation Act 2014*) as well as the *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (critically endangered ecological community (CEEC) under the Federal *Environment Protection and Biodiversity Conservation Act 1999*). However, given the overall degradation and modification of the groundcover vegetation and lack of natural tree regeneration leading to low tree densities across the site, means the vegetation community within the site does not meet the definition of either EPBC or NC Act listed threatened ecological communities.

Several rare or uncommon plants are found mainly within the river corridor, including Red Water Milfoil (*Myriophyllum verrucosum*), Water Plantain (*Alisma plantago-aquatica*), River Red Gum (*E. camaldulensis*), Austral Mudwort (*Limosella australis*), Bertya (*Bertya rosmarinifolia*), Behr's Swainson-pea (*Swainsona behriana*), Stiff Woodruff (*Asperula ambleia*), and Trim Flat Sedge (*Cyperus concinnus*). While they could potentially occur on the outer eastern margins of the site, none of these species were observed within the site, and are considered unlikely to occur within the construction footprint.

Overall, the site contains relatively high arboreal habitat values, with 68 Mature Native Trees (MNTs) recorded, as well as 17 hollow bearing trees, providing important arboreal fauna habitat and ecological connectivity to the surrounding box gum woodland. The arboreal fauna most likely to use these habitats are mainly

common birds and arboreal mammals such as Brush-tailed Possums. The general lack of suitable midstorey and understorey complexity and other habitat structures such as rocks or fallen timber mean the area is unlikely to support small woodland birds or ground-dwelling species.

Potentially Significant Environmental Impacts

The proposal will remove 9 trees, of which 2 are MNTs and 3 are dead trees (stags). The proposal will not impact on a threatened species or ecological community and will not remove more than 0.5ha of native vegetation. The placement of the new buildings has been well considered and chosen to avoid impacts to larger numbers of MNT's.

The 2 MNTs for removal are large remnant trees which potentially provide habitat value in the form of roosting sites, nectar resources and as a source of natural recruitment. Another tree targeted for removal (*E. sideroxylon*) provides a winter foraging resource for nectivorous birds at a time when these resources are limited. Two River She-oaks and two Drooping She-oaks will also be removed, which provide important foraging habitat for the Glossy-black Cockatoo which feeds almost exclusively on the seeds of these trees.

The MNTs being removed are immediately adjacent to existing buildings and do not have specific habitat values such as hollows or mistletoe. The proportion of MNTs being retained on site is sufficient to retain the ecological functions that they provide to the local area. Except for the She-oaks, the native trees to be removed are all locally common and relatively abundant and are also widespread species in the broader ACT region. An additional 77 trees and shrubs will be planted to mitigate the impacts of the tree removal, including 11 Drooping She-oaks (a locally rare species). The proposed planting will ensure that potential remains for young trees to grow into mature native trees.

No local populations of any arboreal fauna species, common or threatened, are likely to be significantly impacted by the loss, or temporary reduction in the arboreal habitats at the site to the extent that the long-term viability of any local populations would be placed at risk.

For these reasons, the proposal does not contribute to the loss of mature native trees key threatening process and the proposal will not result in a significant impact on a protected matter if it is undertaken as per the ESO and attached conditions.

Conditions have been included to ensure that works will minimise impacts to fauna that may occupy the removed trees, as well as landscape planning requirements to minimise fire risk.

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4. An Asset Protection Zone(s) will be required to protect the development and must be included within the development footprint or existing Inner Asset protection Zone.
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7. The proponent must involve the ACT Parks and Conservation Service Fire Management Unit in future bushfire management discussions that relate to the Parks and Conservation estate in the adjacent nature reserve / river corridor.
8. The proposed works may be subject to random compliance inspection by Conservation Officers as 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.