

# Planning and Development (Environmental Significance Opinion – Block 1 Section 1 and Block 2 Section 110 Bruce – Calvary Private Hospital) Notice 2015 (No 1)

Notifiable Instrument NI2015–116

Made under the

Planning and Development Act 2007 s 138AD (Requirements in relation to environmental significance opinions)

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## 1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – Block 1 Section 1 and Block 2 Section 110 Bruce – Calvary Private Hospital) Notice 2015 (No 1)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB and item 2(a) of Part 4.3 of Schedule 4 of the *Planning and Development Act 2007* (the Act).

The text of the ESO is in the schedule.

*Note 1:* A copy of the ESO may be obtained from the Environment and Planning Directorate website:

[http://www.planning.act.gov.au/topics/design\\_build/da\\_assessment/environmental\\_assessment/environmental\\_significance\\_opinions](http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/environmental_significance_opinions)

*Note 2:* Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund  
Chief Planning Executive  
18 March 2015

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

### **PROPONENT**

Mr Mark Doran, National Chief Executive Officer, Calvary Healthcare ACT Limited.

### **LOCATION**

Block 1 Section 1 and Block 2 Section 110 Bruce.

### **DEVELOPMENT PROPOSAL**

The project is for the construction of a stand-alone private hospital within the grounds of the existing Calvary Hospital in Bruce. It is proposed to construct the new hospital predominantly on the site of an existing bitumen carpark, however the proposal will require a 60m Asset Protection Zone that will remove much of the canopy and shrub layer within 1.14ha of the adjoining unleased Territory Land.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

### **OPINION**

Construction of the proposed hospital in the manner described in the documentation as submitted is unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Dr A. Lane  
Conservator of Flora and Fauna

/6 March 2015

## STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

*Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area.*

The proposal will impact on 1.14ha of native vegetation.

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 for an environmental significance opinion (ESO) 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 and known values of the sites.

### **Project description**

The construction of a private hospital within the grounds of the existing Calvary Hospital located on Block 1 Section 1 Bruce, and the establishment of an associated Asset Protection Zone on Block 2 Section 110 Bruce to protect the hospital from the impacts of wildfire.

The scope of works as proposed by the proponent is as follows:

- The construction of a private hospital consisting of 76 surgical/medical beds; 2 post-natal beds; 10 Coronary Care Unit / High Dependency Unit beds, 6 operating theatres; 1 minor operations theatre; and 1 endoscopy suite.
- Implementation of a 60m asset protection zone in the adjoining unleased Territory Land, located between the existing hospital grounds and Gungahlin Drive, to protect the hospital from the effects of wildfire. This work will impact on 1.14 ha of native vegetation requiring the removal of much of the canopy layer and shrub layer.

### **Documentation Submitted**

- Report titled: Supporting Documentation for an Environmental Significance Opinion, Calvary Hospital Bruce, ACT (Umwelt 2015);
- Asset Protection Zone Plan;
- Plan showing Habitat Trees for Retention;
- Extent of Vegetation Clearing Plan; and
- ESO Application Form 1M.

### ***Natural conservation values present***

The proposed hospital site is located predominantly on an existing bitumen carpark and the construction of the hospital will not have significant environmental impact.

The asset protection zone required for protection of the hospital is largely within open space vegetated by Scribbly Gum – Red Stringybark – Brittle Gum dry open forest and contains 83 hollow bearing trees.

The report submitted provides comprehensive assessment of the natural values of the site and contains a table of the vegetation noted on the site during a site survey undertaken by Umwelt in January 2015 (Table 4.1). The report notes that the site contains native vegetation with an open forest structure, dominated by Scribbly Gum (*Eucalyptus rossii*), with lesser occurrences of Red Stringybark (*E. macrorhyncha*) and Brittle Gum (*E. mannifera* subsp. *mannifera*). Two Yellow Box (*E. melliodora*) occur within southern parts of the Project Area.



It also notes that the midstorey contains a reasonable diversity of shrubs expected in this plant community, and has a patch mosaic of sparse and moderately dense shrubby areas. The most common shrub is *Daviesia leptophylla*, with *Cassinia longifolia*, *Cassinia quinquefaria*, *Dillwynia sericea*, *Monotoca scoparia*, *Acacia buxifolia* subsp. *buxifolia* also being common. There are isolated occurrences of *Exocarpos cupressiformis*, *Acacia deanei*, *A. genistifolia*, *A. gunnii*, *Grevillina lanigera*, *Leptospermum continentale* and *Pomaderris betulina*. Shrub cover and diversity is reduced in the north of the Project Area.

The survey undertaken in January 2015 found that the groundlayer is native and 33 native species were recorded. The report notes that most perennial species recorded were identifiable to species level at this time, however annual species (primarily orchids) were absent. The understorey forms a mosaic of tussock grasses (30% cover), forbs (8%), sub-shrubs (5%), leaf/bark litter (60%) and bare ground (<5%). The main tussock grass is *Rytidosperma pallidum*, with lesser occurrences of *Dichelachne* spp., *Poa sieberiana*, *Austrostipa scabra* subsp. *falcata* and *Themeda triandra*. Main forbs include *Goodenia hederacea* subsp. *hederacea*, *Lomandra filiformis* sens. lat., *Gonocarpus tetragynus*, *Hovea linearis*, *Oxalis perennans*, *Dianella longifolia* and *Poranthera microphylla*. North-west of the car park, scattered occurrences of *Coronidium oxylepis* subsp. *lanatum* occur.

Minor weed incursions were noted on the site with Honeysuckle, Bluebell Creeper and Blackberry. Closer to the existing car park Flatweed (*Hypochaeris radicata*), Common Centaury (*Centaureum erythraea*), the annual/short-lived perennial Quaking Grass (*Briza maxima*) and the perennial Paspalum (*Paspalum dilatatum*) were also found.

### **Potentially Significant Environmental Impacts**

The proposal is unlikely to have significant environmental impacts as this area is not in a key area of connectivity, is not significant woodland bird habitat and is similar to well conserved and widespread dry forest vegetation on Bruce Ridge, Aranda Bushland, Gossan Hill and Black Mountain reserves, (approximately 650 ha protected in nature reserve).

The development area does support some plant species such as the daisy *Coronidium oxylepis* subsp. *lanatum*, Black Mountain Leopard Orchid *Diuris nigromontana* and Pale Flax Lily *Dianella longifolia* that are currently considered rare in the ACT. However the first two plants are widespread and common across Black Mountain sandstone (largely the only habitat in which they occur in the ACT) while on the basis of recent records, the *Dianella* should probably not be considered rare in the ACT.

There are no EPBC communities or species present. Although the ecological consultant did not survey the site till after peak flowering period, I am satisfied that

although the site is potential habitat of *Swainsona recta* and the Canberra Spider Orchid, they are not present on site as the habitat is at best marginal. The site was surveyed last season at an appropriate time and these plants were not observed. In addition, an intensive survey along and near the Gungahlin Drive extension about 7 years ago, failed to locate the plants in the near vicinity.

There are 83 hollow bearing trees within the asset protection zone that contain a range of hollow sizes. All red stringy bark trees within the asset protection zone will be removed as they are considered highly flammable based on the ability for fire to persist on the fibrous trunk. A further 19 trees will be removed to ensure that the canopy cover is below 15% within 40m, and 30% within 40-60m of the new hospital.

At least 58 habitat trees will be retained with that number possibly increasing to 77 pending negotiations with Emergency Services. Although not noted in the report, there is scope to “habitat” some of the trees to retain important hollows. This involves removal of all the branches to within a metre or two of the trunk, effectively killing the tree but retaining the standing timber with the hollows for use by birds or other wildlife. This mitigation measure can be addressed as part of the subsequent Development Application for the site.

The Development Application should also seek to address the issue of cumulative impacts on neighbouring bushland from multiple developments and parking associated with Cavalry Hospital. Fencing of the bushland-hospital boundary, restoration of areas compacted by unsanctioned parking and provision of adequate parking within the Hospital grounds are all key considerations.

It has been determined that the potential for a significant environmental impact is low.