

Planning and Development (Conditional Environmental Significance Opinion – Block 9, Section 3 Bruce - University of Canberra Health Precinct) Notice 2018

Notifiable Instrument NI2018–36

Made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 9, Section 3 Bruce – University of Canberra Health Precinct) Notice 2018*.

2 Conditional Environmental Significance Opinion

- (1) On 15 January 2018, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 9, Section 3, Division of Bruce, of a health precinct including health, aged care, and educational facilities, and associated supporting infrastructure.
- (2) In this section:
Conditional environmental significance opinion means the opinion in the schedule.

Note Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton
Chief Planning Executive
29 January 2018

Schedule

See Section 2 (2)

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

University of Canberra, as represented by Arabella Rohde, Senior Development Manager.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA 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 development of health facilities, aged care facilities, educational facilities, and associated supporting infrastructure as described in the submission.

LOCATION

Block 9 Section 3 Bruce, Canberra University.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

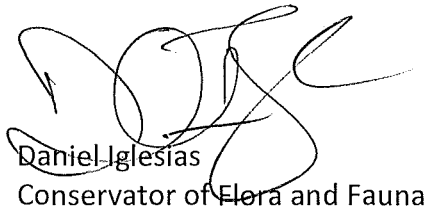
Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- That all works are in accordance with a Construction Environment Management Plan approved by the ACT Planning and Land Authority prior to the commencement of any works;

- That the area to be developed is fenced prior to the commencement of any works and that the fence remains in place until all works are completed.

Attached is a Statement of Reasons for the decision.



Daniel Iglesias
Conservator of Flora and Fauna

15 January 2018

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 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

The site contains remnants of the Yellow Box – Blakely's Red Gum Grassy Woodland community (Box-Gum Woodland) listed as endangered pursuant to the *Nature Conservation Act 2014* (NC Act), but the vegetation does not meet the criteria for the community as listed pursuant to the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC).

The site also contains Golden Sun Moth (*Synemon plana*), a species listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act.

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 involve the clearance of 0.903 ha of native vegetation of which 0.860 ha is native pasture.

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 University of Canberra Public Hospital (still under construction) is located on Block 9 Section 3 Bruce, at the corner of Ginninderra Drive and Aikman Drive. It is proposed to develop the area immediately to the east of this facility to include other health, aged care and educational facilities and associated supporting infrastructure. These developments are likely to involve the removal of all the vegetation on the site.

Documentation Submitted

- University of Canberra Health Cluster Precinct – Ecological Impact Assessment and Environmental Significance Opinion Supporting Document (Capital Ecology Pty Ltd 22 November 2017);
- Sub-precinct Master Plan
- Sublease Plan
- Form 1M.

Natural conservation values present

The area proposed for development is identified on ACTMAPi as supporting Natural Temperate Grassland, but the northern end of the University Campus is recognised as being within a historical ecotone between Box-Gum Woodland and Natural Temperate Grassland. In 2014 the subject site was identified by Umwelt as Box-Gum Woodland and the Commonwealth's Department of the Environment concurred with this classification in their assessment of the referral for the adjoining University of Canberra Public Hospital (ref EPBC 2013/6987).

A further study by Capital Ecology in December 2016 determined that there are four condition classes of ACT listed Box-Gum Woodland within the area proposed for the development.

Remnant Blakely's Red Gum trees and regeneration over exotic groundstorey –

This zone has remnant Blakely's Red Gum (mature trees and saplings) over a predominantly exotic ground layer. The majority of this patch, including all mature trees, is located beyond the eastern boundary of the proposed development area. A

small (0.028 ha) portion of the vegetation type, containing saplings only, will be impacted by the required vegetation clearance.

The dominant species in the groundlayer include Phalaris (*Phalaris aquatic*), Barley Grass (*Hordeum* sp.), Tall Fescue (*Festuca arundinacea*), Cocksfoot (*Dactylis glomerata*), Rat's Tail Fescue (*Vulpia myuros*), Wild Oats (*Avena* sp.), Great Brome (*Bromus diandrus*), and Soft Brome (*B. hordeaceus*).

Remnant Candlebark tree and regeneration over native groundstorey.

This community comprises a single remnant mature Candlebark tree (*Eucalyptus rubida*) surrounded by a ring of saplings. The ground layer is predominantly native, the dominant species of which are Tall Speargrass (*Austrostipa bigeniculata*), Weeping Grass (*Microlaena stipoides*), and Redleg Grass (*Bothriochloa macra*).

The remnant tree will not be impacted by the works.

Native Pasture

At 0.86 ha, this is the largest area of vegetation type to be impacted. The report notes that all the trees have been removed and the ground layer has been simplified and degraded by stock grazing and regular spring/summer slashing for bushfire hazard mitigation resulting in a proliferation of weeds.

The ground layer is predominantly native, with the dominant species being Tall Speargrass and Redleg Grass.

Exotic Pasture

0.42 ha of the site that lies within the drainage lines and lower lying parts supports exotic pasture and weeds, including Tall Fescue, Serrated Tussock (*Nassella trichotoma*), St John's Wort (*Hypericum perforatum*), Phalaris, Rat's Tail Fescue, Wild Oats, Great Brome, Soft Brome and Cats Ear (*Hypochaeris radicata*).

Whilst some native species, including Speargrasses and Redleg Grass remain, these are a minor component of the groundcover.

Golden Sun Moth

The report notes that targeted surveys for the Golden Sun Moth have been undertaken within this area each season since 2009. These surveys recorded low numbers of moths on 'Campus Hill' southeast of Pantowora Street, and adjacent to the Haydon Drive / Ginninderra Drive intersection, though it also notes that seasonal conditions resulted in poor moth numbers being recorded across most sites in the ACT in 2010 and 2011.

Potentially Significant Environmental Impacts

While several small patches of Golden Sun Moth habitat remain, they are within degraded native pasture that are very sparsely occupied and largely disconnected from the other patches. Therefore the loss of this habitat will not have a significant impact on the conservation of the species in the ACT.

The Superb Parrot (*Polytelis swainsonii*), listed as vulnerable pursuant to both the EPBC Act and the NC Act, is known to regularly visit the University campus to forage. The parrots do not breed within the study area or nearby, are known to forage within urban areas, and will not be impacted by the proposed development.

Scarlet Robin *Petroica boodang*, Varied Sitella *Daphoenositta chrysoptera*, and White-winged Triller *Lalage sueurii* are known to visit the campus, though none are likely to breed within the study area or immediate vicinity. The proposed development is therefore unlikely to significantly impact upon these or any other NC Act listed bird species.

The native pasture present is characteristically suitable for the Perunga Grasshopper (*Perunga ochracea*) a species listed as vulnerable under the NC Act. The species has not been recorded within the University campus, but the species is cryptic and generally only ever opportunistically recorded. As the area of land proposed to be impacted is small, the species is unlikely to be significantly affected by the proposed development if it is present.

The area of Box-Gum Woodland to be cleared is small and degraded. Mitigation measures as provided in the documentation will reduce the likelihood of impacts on the adjoining higher quality vegetation. These include fencing of the development area with no access to adjoining woodland; the requirement for a Construction Environmental Management Plan (CEMP) addressing storage of materials and parking, weed control and vehicle hygiene, weed management for a minimum of 2 years.

It has been determined that if the works are undertaken in a manner consistent with the conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact. However, the proponent should be aware that further works on the campus are likely to have a significant impact on the ecological values left on the site and it is recommended that a Strategic Assessment is undertaken prior to any further developments being considered.