

# Planning and Development (Conditional Environmental Significance Opinion – Block 9, Section 3, Bruce – Subdivision of University of Canberra Bruce Campus) Notice 2022

Notifiable instrument NI2022–249

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 (Conditional Environmental Significance Opinion – Block 9, Section 3, Bruce– Subdivision of University of Canberra Bruce Campus) Notice 2022*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 10 April 2022, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to a proposal to subdivide Block 9, Section 3, of Bruce into two blocks, for the purposes of creating a new Crown lease, while retaining the remainder of the land within the existing university Bruce campus. The proposal includes the erection of a single sign.

- (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.

George Cilliers  
Delegate of the planning and land authority  
29 April 2022

## Schedule

See section 3(2)

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### 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 Mr Chris Wheeler, Partner at King & Wood Mallesons.

#### 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 subdivision of land, surrendering one Crown Lease and being issued two new Crown Leases as described in the submission.

#### LOCATION

Bruce Section 3 Block 9 - University of Canberra

#### 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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

10 April 2022

## 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 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 (“**University**”) is the Crown lessee of Block 9 Section 3 Bruce, on which is situated the University of Canberra campus (“**Land**”).

The University wishes to subdivide the Land into two blocks, for the purposes of transferring one of the blocks to a developer to develop (“**Project Land**”), whilst retaining the remainder of the Land as the University Bruce campus (“**Campus Land**”).

No construction works are being proposed as part of the subdivision (except for the erection of a small single sign) and the University will not be seeking any additional development rights in respect of either the Campus Land or the Project Land.

It is anticipated that once the subdivision occurs, the proposed developer will at a later stage lodge its own applications for approval with EPSDD to develop the site. Future applications may include an Estate Development Plan and built-form development applications. It is clear in the application that the proponent understands the requirement for additional environmental assessments to be undertaken once the development requirements are more understood and defined.

#### **Documentation Submitted**

- Letter of Authorisation
- UC Subdivision Proposal
- Capital Ecology – Ecological Values and Constraints Assessment.

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

The site contains a combination of exotic dominated groundstorey (5.78ha), planted native overstorey and midstorey (3.18ha), native dominated groundstorey with low-moderate diversity (2.11ha), and several small patches of native dominated vegetation with a moderate diversity of forbs (0.48ha).

The ecological assessment has identified these moderate diversity patches as Box Gum Woodland (0.48ha), a threatened ecological community, however ACT ecologists have mapped these areas as Natural Temperate Grassland (1.2ha), another threatened ecological community.

There are two records of threatened Golden Sun Moth (*Synemon plana*) from 2014, however none have been recorded during surveys in subsequent seasons of potential habitat.

The study area also contains two hollow bearing remnant Blakely’s Red Gum trees which may provide habitat for microbats and native birds. Superb Parrots (*Polytelis swainsonii*) and Gang-gang Cockatoos (*Callocephalon fimbriatum*) are known to forage at the site. Both these species are listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*.

#### **Impact on the Environment**

This application is for the subdivision of the land only and so there are no details regarding any potential development on which comments can be provided. The proponent has made it clear that they are aware that any future development applications that may be submitted by the developer, if the subdivision were to be approved, would be subject to additional environmental assessments.

It is worth noting by the proponent that the following comments, amongst others, will be taken into consideration with regards to any future development applications and the following comments are being made on the 'University of Canberra Campus Community Project – Ecological Values and Constraints Assessment' undertaken by Capital Ecology:

- Weed management needs to be improved to prevent further decline of Natural Temperate Grassland and woodland values (pg 16)
- Values appear to have declined in the past decade, when comparing the current report to mapping undertaken in the early 2000's
- Retention of identified hollow bearing trees is critical
- Natural Temperate Grassland rather than Box Gum Woodland is potentially located in the study area (Figure 1 below)
- Protection of superb parrot feeding is identified under Superb Parrot Action Plan (see pg 184 of Action Plan)
- There is the potential for Gang-gang Cockatoos to nest in this area.



**Figure 1:** Map on left shows EPBC listed Natural Temperate Grassland (green with black stripe) with picture on right from Capital Ecology report showing same area as either high quality (dark green) or degraded woodland (light green) but not grassland.

### Potentially Significant Environmental Impacts

While the subdivision proposal in itself will not have significant environmental impact, it will be critical to see an attempt to improve and connect existing habitat

while still providing opportunities for development. Key points to consider in future proposals include:

- Identification of connectivity pathways for protection
- The need to undertake weed management in these areas
- Identification of restoration opportunities as part of future development plans
- Consideration of cumulative impact of loss of feed trees for listed birds (Gang-gang and Superb Parrot)

It has been determined that if the works are undertaken in a manner consistent with the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.