

Planning and Development (Conditional Environmental Significance Opinion—Block 1 Section 56 Red Hill and Block 76 Section 10 Garran—Federal Golf Club Retirement Village and Water Infrastructure) Notice 2022

Notifiable instrument NI2022–538

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 1 Section 56 Red Hill and Block 76 Section 10 Garran—Federal Golf Club Retirement Village and Water Infrastructure) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 12 October 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 construction, on block 1 section 56 Red Hill and block 76 section 10 Garran, of a retirement village, water infrastructure, golf course and associated works, as described in the submission.

(2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
25 October 2022

Schedule

See section 3(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

Mbark FGC Retirement Pty Ltd, as represented by Mr David Consalvi, Director.

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 a retirement village, water infrastructure, golf course and associated works as described in the submission.

LOCATION

The proposed works are located within the Federal Golf Club (FGC) at Block 1 Section 56 Red Hill and Block 76 Section 10 Garran.

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 s138AB(4) of the Act:

1. Options to enhance connectivity values between the FGC and the Hughes Garran Woodlands and Goble Park must be investigated to best inform the Estate Development Plan, as these are key regional linkages.
2. Any modifications to Kitchener Street resulting from the development of access roads for the new development must consider opportunities to enhance wildlife crossing infrastructure between Red Hill, the FGC and Hughes Garran Woodland. Examples of this infrastructure may include large vegetated culverts with appropriate habitat structures in place to facilitate movement by a range of terrestrial wildlife species; and possum and glider crossing poles and wires above the road.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

12 October 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 Federal Golf Club (FGC) contains:

One community listed as endangered:

- White-Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box Gum Woodland)

Records of four animal species listed as threatened under the *Nature Conservation Act 2014* and/or the *Environment Protection and Biodiversity Conservation Act 1999*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Superb Parrot (*Polytelis swainsonii*)
- Little Eagle (*Hieraaetus morphnoides*)
- Scarlet Robin (*Petroica boodang*)

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 approximately 4.13ha 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 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 proposal includes:

- Construction of two new water storage facilities and one expanded water storage facility
- Development of a low-density retirement village with a maximum yield of 125 dwellings, with some dwellings located in low-rise apartment buildings with a maximum of 3 storeys
- Construction of a new access driveway from Kitchener Street
- Construction of electricity, water and sewerage services
- Adjustments to the golf course to permit the construction of the above elements

Documentation Submitted

- Federal Golf Club Retirement Village and Water Infrastructure – ESO Application Supporting Information (August 2022);
- Letters of Authorisation;
- Form 1M.

Natural conservation values present

The FGC is located directly to the south of Red Hill Nature Reserve and contains vegetation which plays an important role in both local and regional connectivity, particularly for birds and arboreal mammals.

The FGC contains some remnant areas of Box Gum Woodland and a significant number of large remnant hollow bearing trees (estimated at approximately 600) which provide habitat for many species, including threatened birds. The environment has otherwise been highly modified due to its use as a golf course and regular

landscape maintenance activities. The majority of the proposed disturbance footprint comprises exotic and highly maintained grassed areas.

At least three species of mammals, one species of reptiles, and at least 68 species of birds have been recorded within the FGC. There are four animal species listed as threatened under the *Nature Conservation Act 2014* and/or the *Environment Protection and Biodiversity Conservation Act 1999*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*) – including breeding habitat
- Superb Parrot (*Polytelis swainsonii*)
- Little Eagle (*Hieraaetus morphnoides*)
- Scarlet Robin (*Petroica boodang*)

Potentially Significant Environmental Impacts

The proposed works have been carefully sited to avoid any impact to Box Gum Woodland and higher value areas, however, will result in removal of a maximum of 20 hollow bearing trees although this represents a loss of less than 5% of hollow bearing trees within the FGC. Two hollow bearing trees which contain hollows deemed suitable for Gang-gang cockatoos are to be removed, however, all known Gang-gang nesting trees are to be retained.

The works will result in a small reduction in foraging habitat for both Gang-gangs and Superb Parrots, but this is unlikely to be significant due to the proximity of the Red Hill Nature Reserve, the proponent's avoidance of high-use foraging sites, and these species' utilisation of adjacent urban areas.

Important mitigation measures have been included in the ESO application which will assist in reducing the impacts of the development:

- Retention and maintenance of connectivity corridors around the southern, eastern and western edges of the FGC
- Additional plantings to reduce canopy gaps around the proposed road alignment
- Salvage and relocation of removed hollows with follow up monitoring
- Avoidance of tree clearing during Gang-gang and Superb Parrot breeding periods
- Additional landscaping to enhance Superb Parrot foraging habitat, and replanting of removed endemic trees at a ratio of 10:1.
- Weed management to prevent further habitat degradation

Additionally, 10.4ha from the north western area of the FGC is proposed to be incorporated into Red Hill Nature Reserve as it contains significant ecological values including Box Gum Woodland and Gang-gang nesting trees.

Conditions have been included to ensure that connectivity is retained and enhanced to the greatest extent possible:

1. Options to enhance connectivity values between the FGC and the Hughes Garran Woodlands and Goble Park must be investigated to best inform the Estate Development Plan, as these are key regional linkages.
2. Any modifications to Kitchener Street resulting from the development of access roads for the new development must consider opportunities to enhance wildlife crossing infrastructure between Red Hill, the FGC and Hughes Garran Woodland. Examples of this infrastructure may include large vegetated culverts with appropriate habitat structures in place to facilitate movement by a range of terrestrial wildlife species; and possum and glider crossing poles and wires above the road.

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.