

Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Block 6, Section 51, Wright – Stromlo Forest Anglican College) Notice 2023

Notifiable instrument NI2023–685

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 6, Section 51, Wright – Stromlo Forest Anglican College) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 19 October 2023, 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 6, Section 51, Wright, of a school and associated works.

(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
6 November 2023

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

Anglican Church Property Trust, Diocese of Canberra and Goulburn as represented by Mr Craig Dent, Associate Director, Colliers.

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 Stromlo Forest Anglican College as described in the submission.

LOCATION

Block 6, Section 51 - Wright

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

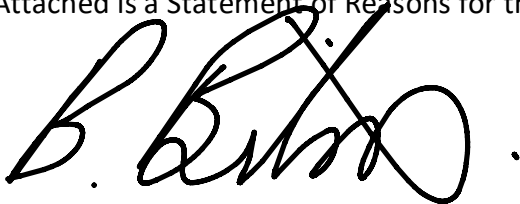
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

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

1. Restrict as far as possible, clearing of:
 - mature eucalypts over 50 cm diameter at breast height; and

- mature native trees that contain nest hollows.
2. Promote retention of standing dead trees wherever possible.
 3. Encourage retention of non-mature native trees to ensure a future supply of mature trees and avoid lag times
 4. For those trees and tree regeneration that will be required to be removed, the following replacement ratios must be used:
 - Mature native tree replacement ratio is 1:50 for trees approved for removal outside a Nature Reserve or offset area.
 - Immature native tree replacement ratio is 1:5 for immature trees approved for removal outside a Nature Reserve or offset area.
 - Shrub replacement ratio is 1:4 for shrubs approved for removal outside a Nature Reserve or offset area.
 - Locations for replacement plantings must be provided in the Landscape Plan and occur within a Nature Reserve, offset area or urban open space to the satisfaction of PCS (or TCCS depending on the land custodian).
 - Mature native trees approved for removal outside a Nature Reserve or offset area must be reinstated intact as coarse woody debris within a Nature Reserve or offset area to the satisfaction of PCS.
 - Landscaping within the development area must be consistent with and promote the values of the adjacent Molonglo River Reserve.
 5. BURROW MANAGEMENT
 - A Construction Environment Management Plan (CEMP) must detail a plan of management for burrows located on the development site.
 - A nature conservation license (under the [Nature Conservation Act 2014](#)) must be obtained prior to decommissioning any burrows.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

19 October 2023

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 development proposes to impact 0.36ha of NC listed BGW, 13 remnant native trees and native tree regeneration.

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

Stromlo Forest Anglican College will develop a new school facility in the suburb of Wright. The school will cater for 1854 students ranging from pre-school – year 12. Once completed the school will include 5 buildings spread across the 5-hectare site comprising of a single storey early learning centre, 4 storey junior school, 5 storey senior school, 4 storey college building, single storey gymnasium, playing field, 4 hard courts and a 4 lane cricket net facility.

Documentation Submitted

- Capital Ecology – Ecological Impact Assessment
- Objectives and need statement
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The current vegetation on the block proposed for development of the school supports NC Act listed Box-Gum Woodland and NC Act native vegetation. The majority of the block is dominated by exotic ground storey and mid storey with a few small patches of remnant trees. The area has been largely historically cleared for agriculture and urban development except for the several remnant trees in the north. A small strip of riparian vegetation exists in the north of the study area along a highly disturbed unnamed stream.

No threatened species of mammals, frogs or reptiles have been recorded on the block. 3 species of rare or threatened birds have been recorded within a 500m radius of the site, however, it is unlikely the site supports important nesting and foraging sites with the resources present.

Active nesting sites of common native birds, Fairy Martin and Striated Pardalote, were also recorded on the proposed site however these sites are located within the immediate vicinity of a drainage culvert making it unlikely they would be cleared for any development. The site also supports wombats and their burrows with recent surveys indicating likely active burrows.

Potentially Significant Environmental Impacts

Considering the low condition and the highly fragmented nature of NC Act listed Box-Gum Woodland and NC Act native vegetation mapped on the site it is unlikely that the proposed development will have a significant adverse environmental impact upon this threatened ecological community listed under the EPBC Act or NC Act.

Potential impacts on non-threatened species identified from the proposal include the spread of weeds, sedimentation and pollution of aquatic environments, clearing of vegetation, habitat disturbance and burrow destruction. Mitigation measures have

been developed to reduce potential impacts upon non-threatened species and the proposal includes weed and pathogen hygiene conditions.

The development will impact 0.36ha of NC listed BGW, 13 remnant native trees and native tree regeneration. The loss of mature native trees (including hollow-bearing trees) and a lack of recruitment' is listed as a key threatening process under the NC Act. Conditions have been included to reduce impacts to this threatened community as well as conditions to reduce impacts to non-threatened native species.

Conditions

1. Restrict as far as possible, clearing of:
 - mature eucalypts over 50 cm diameter at breast height; and
 - mature native trees that contain nest hollows.
2. Promote retention of standing dead trees wherever possible.
3. Encourage retention of non-mature native trees to ensure a future supply of mature trees and avoid lag times.
4. For those trees and tree regeneration that will be removed, the following replacement ratios must be used:
 - Mature native tree replacement ratio is 1:50 for trees approved for removal outside a Nature Reserve or offset area.
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 - Landscaping within the development area must be consistent with and promote the values of the adjacent Molonglo River Reserve.
5. BURROWS
 - A Construction Environment Management Plan (CEMP) must detail a plan of management for burrows located on the development site.
 - A nature conservation license (under the [Nature Conservation Act 2014](#)) must be obtained prior to decommissioning any burrows.

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.