

Territory Planning Authority

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**Re. reconsideration of DA202341697**

The Conservation Council ACT Region (**Council**) is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

The Council understands there is community support for this proposal. We are not opposed to it. As set out below, however, we do think the proposal and its assessment could be improved.

The Council has reviewed the planning report *Response to Notice of Decision – Block 1640 Belconnen; Blocks 2 and 5 Section 37 Strathnairn; and Block 1 Section 3 Macnamara – Reconsideration Application for DA 202341697* prepared by Canberra Town Planning. We note, from section:

- 2.1.2 Amendment 1 - that the scale of the pavilion has decreased and that the proponent claims this reduction has “significantly decreased ... the scale, and the resultant impact, of the development”
  - Where the *building* has been reduced in size, over much of that space, site hardening remains. As a result, the scale of the reduction in direct residual impact appears to have been over-stated.
- 2.1.3 Amendment 2 and section 2.1.4 Amendment 3 – that the proponent claims impacts on Natural Temperate Grassland of the South Eastern Highlands (**NTG-SEH**) will now be avoided by what appear to us to be relatively minor changes in the pavilion location and elevation
  - Absent measures that might be effective in mitigating *indirect* impacts, the Council consider the claim impacts on NTG-SEH will be avoided altogether lacks justification.
- 2.1.10 Amendment 9 - the amphitheatre to the west of the proposed pavilion has been removed, and this change “preserves the Natural Temperate Grassland existing to the west of the proposed structure”, and that an additional pathway is intended to discourage foot traffic on — and, therefore, protect — the existing NTG-SEH
  - It is clear the removal of the amphitheatre will likely prevent the *immediate* direct loss of NTG-SEH (or the rapid loss of NTG-SEH condition); however, the Council is not convinced ‘a path intended to discourage foot traffic’ will be fully effective in avoiding the impact of, e.g., humans kicking footballs and the like. Rather, it is almost certain indirect impacts from compaction will over time reduce the condition of the NTG-SEH to the south and west of the pavilion. Over time, it is likely this will result in the gradual reduction in condition and eventual loss of that NTG-SEH. We want people to have fun; we also want critically endangered nature valued appropriately. We encourage the proponent to consider the potential to mitigate indirect impacts with greater care, including by considering whether additional indirect mitigation measures are possible, and their likely effectiveness.
- 2.1.11 Amendment 10 – that the scale of road widening is slightly reduced and from this we understand the scale of loss of NTG-SEH will be slightly reduced. We understand raised grated habitat crossings will also assist in limiting direct impacts. On the matter of NTG-SEH connectivity, the proponent cites in support “Civil Plans” and lists points reportedly raised and inferences drawn in a document authored by Capital Ecology and titled Additional Information in Response to the ACT Government’s Notice of Decision”.

- That there is a slight reduction in impacts from road widening is good.
- There are 41 plans associated with DA202341697; it is not clear which plans refer.
- We have run out of time to review the detailed points raised about connectivity. The logic appears sound.

We note from the Capital Ecology document titled *Riverside Park, Ginninderry, ACT – Additional information in response to the ACT Government’s Notice of Decision. Capital Ecology project no. 3462* that its authors consider “Riverside Park and the associated access road have always been likely to impact Natural Temperate Grassland [and that impact] has been appropriately assessed in accordance with the relevant Commonwealth approvals and EIS Exemption conditions for development approval.”<sup>1</sup>

The impact may have been assessed; however, as above, the Council are concerned the reduction in direct residual impact of the pavilion has been over-stated, and that indirect impacts on NTG-SEH surrounding the pavilion will not be avoided as claimed. We consider indirect impacts are likely to be significant and result, over time, in a substantial loss of NTG-SEH.

If we are reading the paperwork correctly and the proponent is claiming impacts on NTG-SEH around the pavilion and elsewhere will be largely avoided, then that claim lacks credibility, i.e., we consider significant indirect impacts are almost certain to occur.

This brings into question Capital Ecology’s statements about the sufficiency of offsets; the Council considers it likely the quantum of NTG-SEH offsets required has been under-stated.

The Council understands, in 2020, surveys by the 2016 definition of NTG-SEH found 44.47 ha of the Ginninderry Conservation Corridor met the EPBC Act criteria for NTG-SEH.<sup>2</sup> Hence, we understand the protection and improved management of this substantial area of NTG-SEH may be sufficient to compensate for the impacts of DA202341697.

If this proposal is approved, it would be good to require, via a condition, the publication of the number of these 44.47 ha of NTG-SEH have now been ‘retired’ so to speak to offset the impacts of DA202341697 and other developments.

### Recommendations

It appears to the Council:

- the impacts of the proposal on NTG-SEH have been understated
- more could be done to mitigate the indirect impacts of the proposal – as a result further work is required to identify mitigation measures and evaluate their likely effectiveness
- if claims impacts on NTG-SEH will be avoided are an overstatement, then the real extent of impacts should be made clear
- if impacts have been understated then offset calculations need to be revised.

Yours sincerely

SIGNED

Dr Simon Copland  
Chief Executive, Conservation Council ACT Region

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<sup>1</sup> <https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUPP-202341697-RECON-EIS-ADD-INFO-01.pdf>, p. 6

<sup>2</sup> Capital Ecology (July 2020) [The Extent and Condition of Natural Temperate Grassland of the South Eastern Highlands in the Ginninderry Project Area](https://ginninderry.com/wp-content/uploads/2021/08/Capital-Ecology-2020-Extent-and-condition-of-NTG-of-the-SEH-in-the-Ginninderry-project-area.pdf), <https://ginninderry.com/wp-content/uploads/2021/08/Capital-Ecology-2020-Extent-and-condition-of-NTG-of-the-SEH-in-the-Ginninderry-project-area.pdf>, p. 23 and Figure 3.1-b on p. 20