



**CONSERVATION
COUNCIL** ACT REGION

Submission to the ACT Planning Authority

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Development Application no. 202544835

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The Conservation Council ACT Region 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.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

For further information please contact:

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Introduction

The Conservation Council ACT Region appreciates the opportunity to provide comments to ACT Planning regarding the Development Application no. 202544835202544835. However, we object to the proposal as the development will impact Red Hill Nature Reserve significantly. Red Hill Nature Reserve is an area of critically endangered Box Gum - Red Gum Woodland, which is of national environmental significance. The proposal will lead to the destruction of the mid and understorey of a highly diverse area of endangered woodland that is an integral part of the second largest remaining woodland remnant of its type and known habitat of many threatened and rare woodland species. It will also cause ongoing and long term flourishing of weeds within the works area, which will increase the level of weed invasion into neighbouring parts of the Reserve and woodland, requiring additional weed control measures. If weed control is not undertaken there will be significant indirect impacts on a much wider area. These impacts were not considered in the application. It is for these reasons that we object to this proposal.

Environmental values to be impacted

Destruction of critically endangered woodland

The applicant is proposing the clearing of most of the (46) trees, saplings and shrubs and understorey mowing of around 1143 square metres of reserve and about 1890 square metres of high quality endangered Box Gum woodland.

The woodland present within the Development Application footprint is known as White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland. This community is listed as critically endangered under Commonwealth legislation and endangered in the ACT. The proposal is continuous with 350ha of this woodland on Red Hill and is a functioning component of a wider 1450ha woodland patch, which is the second largest remnant of this woodland type anywhere. The proposed development supposedly affects a small percentage of the larger woodland remnant. The consequences will however impact the conservation of other parts of the endangered woodland. Redhill Regenerators provided details in their submission, which we support.

For a woodland area to be considered as part of the critically endangered woodland, the continuous woodland patch of which it is a part of, must be at least 1000 square metres in area, have a predominately native understorey and have at least 12 native (non-grass) understorey species including one species that the Commonwealth consider to be important. The patch is part of a 3,500,000 square metre patch that contains over 250 native (non grass) understorey species and over 75 important species. All of the native vegetation in the proposed Asset Protection Zone (APZ) is part of the ecological community.

Wrong Biodiversity Assessment

The mapping of critically endangered woodland in the Biodiversity Assessment is wrong and is an underestimation. Even if considered as an isolated patch the proposed APZ area meets the inclusion definition to be considered part of the critically endangered woodland. The Redhill

Regenerators have detailed the ecological importance of this area in their submission which the Conservation Council ACT Region supports.

Any activity that could have a significant impact on the critically endangered woodland needs to be referred to the Commonwealth under the Environment Protection Biodiversity Conservation Act.

Within the Policy Statement for woodlands the Commonwealth states that:

“Examples of activities that could have a significant impact include:

Clearing trees or understorey vegetation in patches of the ecological community or vegetation next to the ecological community.....”

In addition general EPBC referral guidelines state that:

“An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility it will reduce the extent of an ecological community”

It is not clear why this proposal has not been referred to the Commonwealth. Part of the affected area is furthermore protected within a Nature Reserve as shown in Figure 1.1 in the Biodiversity Assessment Report. The proposal will result in the loss of nationally threatened Box-Gum Woodland listed under the EPBC Act, and would constitute a loss in the extent of the critically endangered woodland in the ACT and Region.

ESO underestimates impact

The ESO was issued on the basis of only 900 square metres of woodland being impacted, when double this area will be directly impacted, and that it was of low rather than high condition. This questions the validity of the ESO. In addition, and as detailed below the ESO has not considered the main likely impact of the proposal which is ongoing degradation and eventual loss of most of the native understorey within the APZ.

The site's ecological values and its importance for the support of threatened species were inadequately considered in both the ESO and Development Application documents. The Redhill Regenerators provide details in their submission which the Conservation Council ACT Region supports.

Potential Environmental Impacts

We agree with the Redhill Regenerator that environmental assessments and ESO are fundamentally flawed and inadequate because:

- They consider the impact of tree removal only.
- They do not consider significant impact on mid and understory woodland and habitat
- The condition of woodland and its trajectory of improvement was significantly undervalued in the assessments.

- The Bushfire Assessment's management recommendations and subsequent impact on the ecological degradation of the site were not taken into account in the ESO.

Mowing and weeds

The requirement as per the bushfire Assessment to keep the APZ mown will eliminate low woody vegetation, prevent natural regeneration and undermine any replacement plantings and habitat enhancements, impacts barely addressed in the ESO or development application. Despite widespread African Lovegrass in the area, the proposal relies on short-term hygiene and weed-control measures that have repeatedly failed elsewhere in the ACT, where mowing is known to be the primary vector of its spread. Evidence from comparable mown woodland strips shows that only continuous, long-term weed spraying prevents Lovegrass monocultures, and that invasion inevitably spreads into adjacent intact woodland. A mown APZ would therefore become a persistent source of ecological degradation, as outlined in greater detail in the Redhill Regenerator's submission.

Simplification of woodland understorey

In addition to the significant degradation of understorey, as noted previously, the mowing in combination with the felling of most of the trees and shrubs will greatly simplify the habitat present in the area, making it unsuitable to most of the threatened, rare or uncommon species recorded within or in the near vicinity of the proposed APZ. These species are already threatened and any loss of their existing habitat will just exacerbate the pressure on these species. It should be noted that the tree assessment was based on plant size not species location – there are many more tree and locally native shrub seedlings and small saplings that will be lost than recognised in the Development Application documents.

Placement of boulders

The placement of boulders will require the movement of heavy machinery over the woodland area and Nature Reserve. Creating further disturbance and sites for weed invasion. The rocks themselves will also shade out woodland understorey and are a wrong size, arrangement and location to provide important reptile habitat.

The line of rocks is most likely to give the impression that they mark the edge of the Nature Reserve. A mown understorey, cleared of branches to 2m height, is likely to be an attractive place for people to park, further compacting soil and disturbing vegetation and encouraging weed growth. This could include vehicles belonging to or visiting residents of Rusden Street or visitors or staff to the proposed palliative care facility. The application states that construction vehicles (and presumably private vehicles of workers involved in construction), will be prohibited from a Tree Protection Zone, but there is no evidence of such a proposed zone within the application documents.

Use of Dryland Grass Mix

Dryland grass mix consists of exotic herb and grass species. These are environmental weeds and include Fescue – one of the weeds that is currently being sprayed within the Nature

Reserve. A weed currently subject to control within the proposed APZ, must not be proposed for use in rehabilitation within and adjacent to the Nature Reserve.

Bushfire Management Assessment

The Bushfire Management Assessment was blind to the significant woodland values within the Nature Reserve. Had this been known different recommendations would have been likely to be issued.

As stated on page 13 of the Bushfire Management Assessment,

“For the purposes of this assessment, the proponent has not provided nor indicated there to be any threatened flora and fauna which could potentially affect the subject development site.”

Knowledge of the conservation value of the land, is likely to have changed the recommendation that the grass of the whole 33m incursion into the reserve be mown. In fact the specification of having grass at 20cm or less, is much more likely to be met if the mowing sensitive native grasses currently in the area are maintained (by not mowing) and their cover expanded, as their height on shallow soils such as found on the site and under shade do not exceed this height. In contrast exotic grasses currently present, including African Love Grass, Fescue and in wetter locations Chilean Needle Grass all grow to heights much greater than 20cm, produce high summer fuel loads and thrive under mowing.

Similarly there would have been a recommendation that exotic shrubs be targeted for removal before that of natives and that some of the sparse and small native shrubs not under trees could be retained. Through woody weed removal and weedy grass and herb spraying the Red Hill Regenerators have already markedly reduced the fuel load within the Rusden Street -Hindmarsh Drive area. It is possible to retain a native understorey and meet APZ requirements but not under a mowing regime, or blanket (rather than targeted) shrub removal.

Summary and Recommendations

Incorrect biodiversity assessment

The Conservation Council deems the biodiversity assessment to be inaccurate.

We recommend that any activity that could have a significant impact on the critically endangered woodland needs to be referred to the Commonwealth under the Environment Protection Biodiversity Conservation Act.

ESO is flawed and unsuitable

The area the ESO was issued on was significantly smaller (50%) than the area that will actually be impacted by the proposed development.

The plant community quality and therefore ecological value of the woodland was incorrectly stated in the ESO. The importance of the ecosystem, which supports a number of native and endangered species has not been taken into account.

The ESO failed to correctly consider the likely impacts of ongoing degradation and eventual loss of the native understorey within APZ.

The degradation of the understorey, an important part of the woodland ecosystem was not adequately addressed.

Management of the APZ is inadequate, since the recommended mowing will lead to the spread of weed and the subsequent degradation of the ecological community in the APZ. We recommend to review the proposed maintenance plan of the APZ.

The placement of boulders will create further degradation within the Reserve and adjacent areas of valuable habitat impacted by heavy machinery and subsequent weed invasion. The rocks themselves will also shade out woodland understorey and are a wrong size, arrangement and location to provide important reptile habitat.

Dryland grass mix consists of exotic herb and grass species and must not be used.

We recommend that the ESO be redone to account for the deficiencies listed above.

Bushfire Management Assessment

The Bushfire Management Assessment was blind to the significant woodland values within the Nature Reserve. Had it been based on adequate information, the recommendations given would have been appropriate. See [section Bushfire Management Assessment](#).

We recommend considering these details as provided by the Redhill Regenerator a new bushfire management assessment.

Design and Planning Measures

Importantly, we recommend appropriate design and planning measures in consultation with the Redhill Regenerators to reduce the impact on the neighbouring reserve and its high conservation values, should the proposal go ahead.