

Canberra Ornithologists Group
PO Box 301
CIVIC SQUARE ACT 2608
ABN 72 534 628 789



08 February 2022

Email: ACEPDCustomerServices@act.gov.au

EIS Exemption Application (202100040) – Denman Prospect (Denman Prospect Deferred Area and Bushfire Management Zone)

The Canberra Ornithologists Group (COG) opposes an EIS exemption being granted on Application 202100040, relevant to Block 12, Section 1, Denman Prospect.

COG is a volunteer-based community group with around 400 members, with a mission that includes the conservation of native birds and their habitats. COG undertakes long-term surveys and monitoring of birds in ACT woodlands, analyses data for trends, and publishes reports of findings. COG plays an active role in advocating for protection of native vegetation and bird habitats, and for the mitigation of threats to and impacts on native birds.

Overview

Block 12 is a 'Deferred Area' of land in the Molonglo Valley on the western edge of the current urban footprint of Denman Prospect. On its west, Block 12 is contiguous with the larger Stromlo Blocks 402 and 403, which contain areas of grassland, high-value remnant dry forest, and native grassy Box-Gum woodland. The area has significant biodiversity and connectivity values, and is known to the community as Bluetts Block or Piney Ridge. For this submission, we use the name 'Bluetts Block' for Stromlo Blocks 402 and 403, and 'the Deferred Area' for Denman Prospect Block 12, but strongly recommend joint future management and naming of areas. We also note that existing land tenure and management boundaries often do not align with ecological values.

There are significant information gaps available on environmental matters regarding Block 12. These include insufficient detail on the possible occurrence of rare and threatened species, and uncertainties as to whether some of Block 12 could meet the criteria for a threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). There are also deficiencies in public consultation processes.

Community groups strongly support Bluetts Block being given long-term protection under formalised nature reserve status. It is therefore important that any proposed development on the border of Stromlo Blocks 402 and 403 take account of indirect impacts on these areas, and that a suitable buffer is applied using the precautionary principle.

In summary:

- COG does not support granting an EIS exemption to enable development of most of Block 12.
- COG does not support any urban development in Block 12.
- COG supports rehabilitation and restoration work on Block 12 to restore Box-Gum woodland, and retention of the entire area proposed for development as a reasonable buffer to mitigate indirect urban edge impacts on Bluetts Block and for strategic bushfire mitigation.

COG also calls for Bluetts Block to be formally declared a nature reserve as a matter of priority, with all (or the majority of) Block 12 included to protect and create a larger conservation area, including at minimum the Block 12 areas of high-value remnant dry woodland, Box-Gum woodland suitable for restoration, and remnant mature Blakely's Red Gum trees.

Ecological data and information gaps

The Capital Ecology Ecological Impact Assessment report (December 2021) for the Deferred Area of Denman Prospect, the study area for the EIS exemption application, contains gaps in data and lack of detail. This means that the potential environmental impacts of the development proposal have not been sufficiently addressed, and significant uncertainties remain. The seven key matters are detailed below.

1. Box-Gum and other woodland values need further independent assessment

The proposed urban development in Block 12 will impact 16.1 hectares of land. This comprises:

- 4.95 hectares (PCT-ACT25 Zone 1) described as relatively intact dry sclerophyll forest which is proposed to be cleared. This area clearly should be retained as functional habitat for woodland birds and other species.
- 4.78 hectares (PCT-ACT16 Zone 2) containing twenty-four (24) mature remnant Blakely's Red Gums along a central drainage line. These trees should not be removed.
- 6.41 hectares (PCT-ACT25 Zone2) which is highly disturbed but showing signs of significant regeneration, and capable of restoration to Box-Gum woodland habitat.

Very limited field surveys concerning the content and quality of the native vegetation were undertaken for the 2021 Ecological Assessment Impact report, namely two days in autumn 2020 and three days in spring 2021; this is not the detailed assessment required for the consultant's conclusions.

The Capital Ecology report notes (p.15) that a number of regionally rare orchids and uncommon native plants of conservation significance occur on the adjoining land (Block 403), with a couple of records in the under-surveyed 'deferred area' of Block 12. These species could occur in greater number or to a greater extent on Block 12, particularly in PCT-ACT25 Zone1, and may emerge in other areas with appropriate restoration efforts and weed suppression. The current extent of blackberries on the block occurred since most of the former pine forest was removed, and has resulted largely from neglect by the ACT Government. It should not be acceptable that development can occur because ACT Government neglect has led to this land now being written off as degraded and in low condition, rather than available for restoration.

The field surveys by consultants have not been sufficiently detailed, and the value of the Box-Gum woodland and other woodland habitats of Block 12 in their current condition or as rehabilitated has been underestimated. Citizen science is currently populating and updating a species list for Block 12¹ separate to that of Bluetts Block-Piney Ridge.

2. Potential loss of habitat for threatened and declining woodland birds - not properly addressed

COG's long-term studies and data indicate the woodland-dependent group of birds and small woodland birds as a collective are showing significant declining trends². Overall, the deferred area is considered to be good habitat for woodland birds, particularly small woodland birds, even

¹ <https://canberra.naturemapr.org/locations/sightings/11926>

² *Long-term trends in ACT woodland birds 1998-2019* (Bounds et al 2021), available on the COG website at <http://canberrabirds.org.au/conservation-2/woodland-birds/cog-woodland-bird-monitoring-project/>

in its current condition, and is particularly valuable habitat for these birds when taken together with the adjacent Bluetts Block as a larger conservation block.

The impacts of the potential development on ACT threatened and declining birds has not been sufficiently addressed in the Capital Ecology report. There is no detailed assessment for individual species of conservation concern, nor have sufficient surveys for birds across all seasons been undertaken. Further, it appears that relevant information on bird observations and records made for the area by a large number of Canberra birders, such as on eBird³, have not been considered or given due weight. There is a high species richness of birds within Bluetts Block and the immediate area (135 species recorded to date, including rare and threatened species). Bird species richness in the area is likely to be adversely impacted should intense or higher density development proceed in Block 12.

In the case of the Scarlet Robin and White-winged Triller (both ACT-listed species), the lower, more productive part of the landscape is important habitat and may be important wintering habitat for Scarlet Robin. However, the lower areas in the deferred block are proposed to be urbanised. Comments in relation to the Superb Parrot are covered in section 4.

Further, the potential for restoration of Box-Gum woodland habitat for threatened and other woodland birds (and other fauna), including weed reduction and management, has been underestimated or not properly considered in the Capital Ecology report, nor has the potential of the land as a buffer area for Bluetts Block (refer section 6). The impacts on threatened and declining woodland birds through the loss of an area of good bird habitat which has potential for rehabilitation need to be considered more fully in an EIS.

The 2021 Capital Ecology Ecological Impact Assessment report (p.18) has dismissive commentary from the consultants regarding potential loss of habitat for threatened woodland birds:

“The relatively intact PCT-ACT25 Zone 1 is the area which has the greatest potential to be of value to such species. The proposed urban area will encompass 4.95 ha of this potential habitat, and it is noted that this habitat is of no greater quality or potential habitat value to woodland birds than that which occurs throughout the rest of the northern portion of the study area and across expansive areas of the adjoining land to the north. Given this, and the relatively small area to be located in the proposed urban area, it is unlikely that the development of the proposed urban area will result in significant adverse impacts upon any threatened woodland bird species.”

This appears to be saying it is acceptable to take out a useful patch of woodland that is good habitat for woodland birds simply because there is other, better or equivalent, habitat nearby. This is not a valid view and conclusion, and is a flawed argument: it is accepted by ecologists that, should a patch of habitat be destroyed, fauna that is displaced cannot easily move to habitat nearby because that habitat will be already occupied to capacity by other birds and animals. It is also unclear in the Capital Ecology report what data has been collected to support the assertion of good habitat “throughout the rest of the northern portion of the study area and across expansive areas of the adjoining land to the north.” Further, the approach proposed in the Capital Ecology report - that progressive loss of a small areas of habitat is acceptable - is ecologically unsound, ignores well-known cumulative impacts, damages environmental processes across the landscape, and hastens local species extinctions.

Lastly, it is important to note that four ACT woodland bird species (Diamond Firetail, Southern Whiteface, Hooded Robin, Brown Treecreeper) are currently proposed for EPBC

³ <https://ebird.org/australia/hotspot/L2542387?yr=all&m=>. The ‘Bluetts Block’ eBird hotspot combines records from Stromlo Blocks 402 and 403 and Denman Prospect Block 12

listing⁴. Additional local surveys of these birds are therefore important; it would reflect the precautionary principle to identify these in the EIS as likely soon-to-be EPBC-listed as threatened species.

3. Impacts of loss of mature trees, particularly mature Blakely's Red Gums - not adequately addressed

The development proposal will result in the loss of a number of trees including mature Blakely's Red Gum trees. Fifteen (15) individual remnant mature trees are identified for removal in the 2021 Environmental Impact Assessment report; twelve (12) of these are significant large Blakely's Red Gum. No justification for the removal of these trees on environmental grounds has been provided.

The 2021 Ecological Impact Assessment report discusses (p.18) the importance of retention of mature trees, and references the ACT listing of loss of mature trees as a threatening ecological process under the ACT's *Nature Conservation Act 2014*, but then fails to consider the specific ecological value of these individual trees or the species they support, and fails to conclude that these trees should be retained. This is a significant logical flaw in the consultant's report, and a full EIS is required to consider these issues, especially as the 2021 Ecological Impact Assessment report (p.11) refers to tree reports by Scenic Landscape Architecture (2011) and Redbox Design Group (2018) that are not publicly available.

The ACT Government has accepted the nomination under the *Nature Conservation Act 2014* of the loss of mature native eucalypts as a threatening ecological process. It is understood an 'Action Plan' is still to be finalised by Government, after more than two years, and there has as yet been no public consultation on a draft. A more open and transparent process is required so that the community is aware of actions the Government is implementing to protect mature native trees, and whether this can be considered effective. Given that the Capital Ecology report has not paid due regard to current thinking on retention of mature native trees, this matter should be addressed through a full Environment Impact Assessment.

4. Impacts on Superb Parrots - not addressed

Superb Parrots are listed as 'Vulnerable' under both the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the ACT *Nature Conservation Act 2014*, and have been observed on the deferred area of Block 12 (as well as being regularly recorded in the adjacent Bluetts Block). Breeding trees for Superb Parrots are known in nearby rural blocks to the west (e.g. Spring Valley, Piney Creek, and possibly Huntly).

The information and data on the Superb Parrot and potential impacts in the Capital Ecology Report are completely inadequate. Potential impacts have not been properly addressed, which would require surveys over a full breeding season to determine the use of habitat and movements of the parrots in the area. The consultants who prepared the 2021 report have only accessed some records of threatened species held by the ACT Government and other sources such as Canberra Nature Map, and Molonglo Stage 2 was assessed more than a decade ago without, as far as COG is aware, any targeted surveys for Superb Parrots. Such surveys need to be in a landscape context, as the parrots are mobile over a large area from nesting sites to foraging/feeding sites. As part of any study, there is also a need to consider the potential of the patch of remnant mature Blakely's Red Gum trees in the deferred block as nesting habitat for Superb Parrots.

Superb Parrots are known from both COG bird surveys² and ACT Government research to be increasing their range in the ACT, potentially to compensate for a loss of range further inland.

⁴ <https://www.awe.gov.au/environment/biodiversity/threatened/nominations/comment>

COG understands that there is interchange and movement of the parrots between the Western Investigation Area (WIA) lands further west and the Central Molonglo Superb Parrot breeding colony, and COG is advised that the WIA land is probably the last remaining land capable of supporting an expansion of Superb Parrot breeding in the ACT. The ability of the deferred area (Block 12) to support the predicted future expansion of the Superb Parrot breeding range has not been considered. If a referral under the EPBC Act for Molonglo Stage 2 were being undertaken now, appropriate targeted surveys for Superb Parrots would be required and a referral considered under that Act.

There is therefore a very strong argument that a contemporary, targeted survey and assessment for Superb Parrots over a breeding season should be undertaken, to evaluate the use of the deferred area (Block 12) and its mature trees by the parrots, and their movements in a landscape context including in Bluetts Block and to and from the WIA land.

In the ACT, Superb Parrots are known to use, indeed preference, mature Blakely's Red Gum for nesting sites. This supports the argument in section 3 that all the mature Blakely's Red Gum trees on Block 12 should be conserved as potential nest trees. The loss of a number (12) of those very special trees under the current proposal is unacceptable. Justification for this loss has not been demonstrated, and the value of the mature Blakely's Red Gums is underestimated in the consultants' report.

5. Landscape-scale environmental assessment is necessary to assess impacts

COG is very concerned about piecemeal, site-by-site 'development creep' in the remaining undeveloped land in the Molonglo Valley, including rural land to the west of the Molonglo Stage 2 boundary as far as Uriarra Crossing. This land, known as the Western Investigation Area (WIA), is under investigation for future urban expansion. The different elements of this lands are ecologically connected, forming an important biodiversity link between the Murrumbidgee and Molonglo Rivers. A holistic approach to environmental considerations is required for this significant area.

This EIS exemption application only considers the limited study area within the deferred block for environmental assessment, illustrating this piecemeal and thus flawed approach, and contributes to the unacceptable cumulative impacts on biodiversity across the broader landscape. Parcel-by-parcel developments and planning decisions have the potential to progressively compromise east-west connectivity, especially through the high-value habitat of Bluetts Block adjacent to the deferred block under consideration. The documentation is silent on landscape-scale environmental matters and particularly on the important issue of landscape connectivity.

COG understands that advice has been provided by the ACT Government to environmental community groups that any decision on Bluetts Block formally being declared a nature reserve (or not) will have to await urban planning processes and decisions in the WIA, which is likely to be several years away. There is enough known now about the environmental values of Bluetts Block to formally declare reserve status. COG is becoming very concerned that, in contrast, urban expansion is not delayed but is progressing, and that piecemeal planning decisions are being made that could compromise the environmental values of Bluetts Block as a future reserve and its role in providing connectivity for fauna between the two river systems.

Rather, the ACT Government should take a landscape approach to further development and infrastructure that has the potential to impact (directly or indirectly) on high-value habitats, flora and fauna regionally. The recommended EIS for Block 12 would be best considered strategically within the WIA. A landscape approach has not been demonstrated in existing documentation for the proposed development, and a full Environmental Impact Assessment is required.

6. Indirect impacts on high-quality adjoining habitat and role as a buffer - not addressed

The potential urban edge impacts of the proposed development on adjoining areas of high conservation merit and value have not been addressed in the EIS exemption application, appropriate buffers have not been considered and documented, and no buffer plan has been provided. This was also the case with other local blocks already approved for development.

Stromlo Blocks 402 and 403 (referred to here as Bluetts Block) adjoins 'deferred area' Block 12 and has areas of threatened grassy woodland, and a variety of threatened, rare or uncommon species of fauna (including birds) and flora. Of particular note is that Bluetts Block has a largely intact native understorey, including areas of very uncommon heathy understorey habitat which is poorly represented in the ACT reserve system. Bluetts Block is also important in the landscape context for Superb Parrots (a Commonwealth-listed and ACT-listed threatened species, see section 4). Bluetts Block is considered by community experts to have values on a par with the best areas of Canberra Nature Park, in terms of its natural native state, habitat and biodiversity.

The documentation provided shows an area of about 16.1 hectares is proposed for urban development within the deferred area (Block 12). However, in the context of provision of a buffer to the core area of Bluetts Block, it is unclear what kind of development will occur where (e.g. where are high-density dwellings proposed?). This needs to be known to properly assess indirect impacts of the development on the adjacent high-value conservation area, determine whether the development is appropriate in the context of the site, and mitigate impacts in Estate Development Planning on the urban edge.

The results from an analysis of COG long-term ACT woodland bird survey data² indicate that large-bodied birds adapted to urban environments are showing significant increases in adjacent woodlands. Some of these large and aggressive species (e.g. Grey Butcherbirds, Pied Currawongs, Noisy Miners) prey on or suppress populations of small woodland birds, which collectively show declining trends in COG's analysis. Appropriate, functional buffers are needed for new urban development in greenfield areas abutting valuable bushland, to mitigate the impact of these urban birds on the rare and declining woodland birds.

- COG argues that consideration of the deferred area (Block 12) as a buffer for Bluetts Block (Stromlo Blocks 402 and 403) needs to occur, and a buffer interface plan developed.
- The deferred area (Block 12) would provide a buffer from the existing urban edge of Denman Prospect that could reasonably mitigate indirect impacts on high-value habitat as well as bushfire mitigation. Furthermore, the deferred area and Bluetts Block taken together would act as a larger block of conservation habitat, with a core 'refuge' area available for woodland birds and other sensitive fauna unable to cope with close urban presence, and assist in building ongoing resilience for threatened ecosystems.

The Commonwealth guidelines concerning listed Box-Gum woodland community⁵ note that "the management of areas adjacent to a patch of the threatened ecological community can indirectly impact on the ecological community itself". Those guidelines also have some guidance on the rehabilitation potential of areas that may provide important habitat for birds and other animals which should be taken into account in assessing the potential biodiversity values of Block 12.

Other urban edge impacts such as weeds and a potential need for additional bushfire mitigation (Strategic Bushfire Management Zones) beyond the deferred block are also not considered in the Ecological Impact Assessment Report.

⁵ <https://www.awe.gov.au/sites/default/files/documents/box-gum.pdf>

Lastly, the proposed development in the deferred block would severely impact the nature of the walk up the fire trail into Bluetts Block, and would completely spoil the natural aspect of the hillside as viewed from Denman Prospect.

7. Planning Process Information Gaps

COG understands that, when Molonglo Stage 2 planning decisions were finalised, the view was that further environmental assessments were needed on the environmental, biodiversity, and bushfire mitigation values of Block 12 and the land adjoining it (Bluetts Block). However, it is unclear what specific information gaps led to this area being defined as a 'deferred area' in the earlier 2012 and 2013 EIS exemptions. This information needs to be made available and transparent, and the various values (ecological, bushfire protection zones or urban land) considered in a full EIS.

It is also not clear what has changed from the Land Development Agency assessment in 2016-2017 that the land in the deferred area was not considered (suitable) for urban development. Specifically, the 2017 EIS Exemption Notice stated "following further investigations, the Land Development Agency is now proposing for the majority of the deferred area to be used for bushfire asset protection rather than urban development." On what basis and studies was this viewpoint arrived at, and why has it now been changed? The 2017 EIS exemption application documentation is not publicly available. A new and complete EIS is therefore needed.

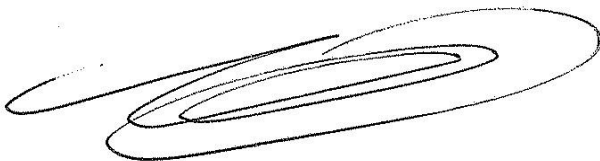
Lack of public consultation and opportunity to comment

In addition to the above seven ecological, habitat, biodiversity, conservation and landscape issues with the Capital Ecology Ecological Impact Assessment report, there was no public consultation in the preparation of that assessment or in developing its recommendations. It therefore follows that, if an EIS Exemption is granted, considerable time and resources will be invested in the Estate Development Plan – and, while the public will have an opportunity for public input via the statutory consultation timeframe, this only occurs at the very end of the process over a very short period by which point most key decisions have been locked in. This would be a quite unsatisfactory sequence of events and works against good environmental outcomes being achieved.

COG also notes that the information made available for the EIS Exemption Application is complicated and technical, especially concerning land planning issues, and is only available in lengthy web-based reports. Therefore, a significant part of the community, citizens and ordinary people, cannot engage effectively. Further, although the period for public submissions was extended to 10 February, many people are on holidays over the late December to end January period, so again many in the community are not able to engage. Overall, there seems to be an unreasonable expectation that the public can make an informed response in tight timeframes.

COG can be contacted on: cogoffice@canberrabirds.org.au.

Yours sincerely



Steve Read (Dr)
Vice-President
Canberra Ornithologists Group
08 February 2022