



Lawson North Residential Development – Referral under EPBC Act (2022/09298)

The Canberra Ornithologists Group (COG) is a volunteer-based community group with around 470 members dedicated to the study and conservation of native birds and their habitats in the ACT and surrounding region. COG plays an active role in advocating for the protection of bird habitats and for the mitigation of threats to and impacts on native birds, as well as advocating more broadly for the protection of native vegetation, particularly mature native eucalypts including hollow-bearing trees.

The proposal for residential development on the North Lawson grasslands is unacceptable under the EPBC Act in its current form due to significant impact on Matters of National Environmental Significance. It cannot be justified, and should be rejected. If it is not agreed that the proposal is clearly unacceptable, then it should be determined as a controlled action under the EPBC Act due to the significant impact on Matters of National Environmental Significance. The proposal should then be assessed by an Environmental Impact Statement or public inquiry.

COG considers the following matters are relevant with respect to this Referral.

1. The proposal would result in the destruction of Critically Endangered communities, namely Natural Temperate Grassland (NTG) and Box-Gum woodland.
 - The proposed action would see 23.52 ha of native vegetation cleared, including 15.8 ha of listed NTG and 1.31 ha of Box-Gum Woodland¹. Both of these ecological communities are listed as Critically Endangered under the EPBC Act and thus are Matters of National Environmental Significance.
 - Clearing 15.8 ha of NTG is completely unacceptable considering the state of this ecological community. It has been estimated that there is now less than 0.2% of the pre-settlement range of NTG formally protected. There have been significant cumulative impacts over time on this community, and remaining NTG areas should be protected as a priority.
 - At the very least, the impacts on this Critically Endangered ecological community should be deemed significant as there is a real chance or probability that the proposal will fragment the community, reduce the extent of the community, and adversely affect habitat critical to the survival of species reliant on the community².
2. The proposal would result in the destruction of habitats for a number of threatened species, including birds, reptiles and the golden sun moth. There would also be unacceptable further fragmentation of threatened species habitats at the site level and landscape level, and unacceptable impacts on connectivity for threatened species between habitat patches.

¹ Supplementary Information Report page 32

² Significant Impact Guidelines 1.1 - Matters of National Environmental Significance.

- The Lawson Grasslands are a stronghold for threatened and rare grassland species such as the Golden Sun Moth, Striped Legless Lizard, Perunga Grasshopper, and Key's Matchstick Grasshopper. The proposed action will destroy habitat for all these species, and reduce the size of their habitat patches, pushing them closer to extinction.
 - The proposed development will divide the habitat at the site level into two areas, fragmenting already vulnerable populations. The long-term effects of fragmentation on genetics of species, as well as associated edge effects of the proposed development on small remnant patches are not given sufficient emphasis in the Referral.
 - The proposal acknowledges the impacts of the proposed development, but has not fully addressed, and has not given sufficient weight to, both direct and indirect effects; and has failed to provide sufficient detail about mitigations of impacts. In addition, cumulative impacts (including regional cumulative impacts) have not been well addressed.
3. Inadequate buffers are provided between the proposed development area and the remnant vegetation patches that would result from the development, to protect Matters of National Environmental Significance, and to mitigate against offsite effects and indirect impacts.
- Relevant issues include a high probability of degradation of small and narrow habitat patches over time; increased weed invasion and spread; changes to run-off and infiltration patterns which could affect the whole site and may not be mitigated; impacts on the remaining natural areas due to recreational use by the large number of people living in close proximity.
 - A Biodiversity Management Plan (2021) is referenced in the Referral documentation, amongst various other mitigation plans. However, the relevant authority has failed to control a significant invasion of St John's Wort (a weed species) in recent years, so this management plan is already associated with failure of duty to manage the site.
 - The potential impacts on sensitive habitats from an adjacent large scale-construction site over several years are also not sufficiently addressed by the proposed fencing and other measures. Risks include accidental damage from machinery or works, and smothering of native vegetation by construction dust and debris.
4. The proposal seeks to change an earlier decision by the National Capital Authority in 2013 (DCP 12/09), thereby ignoring environmental matters and building over large areas of Critically Endangered ecological communities that were set aside for nature conservation, as well as areas set aside for historic heritage purposes (Precincts D and E). This is wrong in principle, and the proposed development needs to be rejected as it does not respect the confines previously determined in DCP 12/09.
- DCP 12/09 identified precincts to be protected and conserved under management plans for heritage (natural, historic, cultural and technical) and nature conservation.
 - The importance of maintaining the Kangaroo Grass (*Themeda triandra*) grasslands on the site was also noted in the DCP, as these are considered to be some of the most extensive areas of Kangaroo Grass community remaining in the ACT, and are arguably in the best condition of such grasslands in the ACT.
 - The proposal does not satisfactorily explain or justify why that DCP should now be varied to enable development to be extended into previously determined "conservation" areas. This is particularly relevant as the listing status of NTG has been upgraded to Critically Endangered

since the decision embodied in DCP 12/09. It is unclear whether the National Capital Authority is aware of, or has agreed to, variation to DCP 12/09.

5. The majority of the housing proposed in this development is residential, rather than for Defence employees; residential development is not a justifiable or specific purpose for this proposal (Referral 4.3). Furthermore, alternative arrangements for provision of Defence housing stock elsewhere on other sites with less impact on Matters of National Environmental Significance are not fully or adequately addressed in the Referral.
 - Of the approximately 443 residences proposed to be built at this site, only 150 medium-density dwellings (around a third of the total) will be retained by the Defence Housing Association (DHA) for housing Defence personnel. The remaining residential dwellings are proposed to be built on individual blocks and sold as profit in the open market to offset the cost of the Defence properties.
 - This DHA model of funding housing for its personnel trades off environmental values to minimise its costs. This is effectively profiteering at a significant cost to the environment.
 - The issue is therefore not DHA having a shortage of housing for Defence employees which must be met at Lawson; it is an issue of economics, of DHA not wanting to fund its own housing stock. Other DHA sites in Canberra, such as in Coombs, in the Molonglo Valley would have provided significantly more housing stock for Defence personnel if not sold for development to the private market.
 - The proponent's arguments about the need to develop this particular site to meet a shortfall in Defence housing are therefore not considered reasonable.
6. This Referral has pre-empted the EPBC Assessment Stage and directly considers offsetting. The proponent has not taken the earlier steps required under legislation to avoid significant impacts as a first step, and if that is not possible to mitigate significant impacts.
 - Not including non-Defence residential housing in the proposal would avoid part of the significant impacts.
 - In this instance, offsetting will still result in a net loss of NTG across the site, which is a significant and unacceptable impact. This exemplifies the greater truth that the offsets system is considered greatly flawed by expert environmental scientists.
7. DHA has been deaf to community concerns about this proposed development since they announced their plans several years ago, and has denied access to the Conservation Council ACT and its member groups to inspect the site (COG is a member group of the Conservation Council ACT).
 - In the section on community consultation (1.2.7), the Referral fails to note or acknowledge the considerable community opposition to this proposal since it was first announced by DHA. This opposition notably includes a petition opposing this development managed by the Conservation Council ACT with over 600 signatories, and a letter to DHA opposing this development signed by many community groups (including Landcare, Parkcare, Aboriginal Landcare, citizen science groups and COG).

8. Bird-related issues – Loss of mature native trees

The North Lawson site provides habitats for several bird species listed under the EPBC Act and recorded on or near the site. These include the Gang-Gang Cockatoo, Superb Parrot, Flame Robin, and Latham's Snipe (which occurs in wet grasslands). Any loss of already threatened grassland or woodland habitats impacts on their component bird fauna, not only listed species but also a suite of other birds, mostly woodland-dependent, many of which show significant long-term declines³.

Other bird species listed under the ACTs *Nature Conservation Act 2014*, some woodland-dependent, are potentially impacted by the loss of habitats, eg Scarlet Robin, White-winged Triller and Little Eagle.

- Around 21 hectares of remnant native woodland and exotic amenity plantings containing mature trees is proposed to be cleared; this includes the removal of 10 hollow-bearing trees (Att. Q, Table 5.2).
- Potential habitat trees for Superb Parrot have been identified in the area proposed for development (3) or very close to the proposed new urban boundary (5) (Att. Q, Fig 4.4). There are multiple records of Superb Parrot in the immediate area around the Lawson site, and the use of the site (including grasslands for feeding) by this species needs to be fully surveyed and assessed. ACT Government research on Superb Parrots shows the ACT has become a significant area in the region for the parrots over the last couple of decades, including parrot breeding sites.
- The ACT Government has listed the loss of mature native eucalypts as a threatening process under the *Nature Conservation Act 2014* and is finalising an Action Plan for better protection of such trees. It can therefore be considered a 'significant impact' under this Act if mature native trees are removed.
- COG therefore argues that all the mature native eucalypts on the site should be protected, and does not support any development at this site which would remove these trees because of their value for birds and other biodiversity.

The Referral also does not appear to consider or document potential impacts on the Gang-gang Cockatoo, recently listed as Endangered under the *EPBC Act*.

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³ Refer to report *Long-term Trends in ACT Woodland Birds 1998-2019* on COG website:
<https://canberrabirds.org.au/conservation/woodland-birds/cog-woodland-bird-monitoring-project/>