Red Hill
REGENERATORS

Dear Sir or Madam

Development Application: 201833473
Address: 117 KENT STREET
Block: 7 **Section:** 66
Proposal: LEASE VARIATION - to amend the definition of Store and increase the maximum gross floor area to 20,500 square metres.

ACT Red Hill Bush Regenerators (Inc.) objects to any approval of the above Development Application on the basis that;

- The land to which the lease applies is unsuitable for the scale of the lease variation sought (a building footprint forty-one times larger than the current lease permits). It is unsuitable because the land contains critically endangered woodland, important habitat of threatened species , and is in a visually prominent and important landscape position;

- The plans attached to the DA indicate that the scale of works that the lease variation is seeking to authorise, can't be contained within the lease area, but impinges on the neighbouring Red Hill Nature Reserve (Designated land under the National Capital Plan), the Hughes Open Space and unleased crown land on block 13;

- Much of the information, provided by the applicant, supporting the lease variation is wrong and misleading, while crucial information is missing. For example it states that the lots support degraded exotic vegetation, when in fact they are mainly covered by critically endangered native woodland.

- The proposal can't be considered under the merit track as proposed by the applicant as the development footprint allowed by the variation -
    - is likely to have a significant impact on a threatened ecological community;
    - is likely to have a significant impact on a regionally threatened species;
    - is likely to have a significant impact on a protected native species;
    - can only be achieved by the clearing of more than 0.5ha of native vegetation; and
    - requires development within the Red Hill Nature Reserve of at least a cut-off drain and management track.

Yours sincerely
Ross Kingsland
President

Red Hill Regenerators interest in concerned lands

ACT Red Hill Bush Regenerators (Inc.), better known as Red Hill Regenerators, are a landcare/parkcare group of over 120 local residents who for more than thirty years have spent tens of thousands of hours restoring, promoting and protecting Red Hill's woodland and wildlife. At least on average every month over the thirty years group activities of 3 – 4 hours have been held, members also work individually at times that suit them, while around twice a year Red Hill Regenerators will facilitate landcare or guided walk activities of other community groups such as scouts, cubs, boys brigade, schools, and conservation and church groups.

The group has removed many hundreds of thousands of woody weeds and countless exotic grasses and herbs from the Red Hill woodland remnant, undertaken track rationalisation and erosion control, monitored rare and threatened plant and animal populations, assisted in the import of coarse woody debris and planted and then cared for thousands of endangered daisies and native trees and shrubs.

There have been at least four group half-day events that largely involved controlling weeds on the land subject to this variation, while individual members have spent more than 40 days controlling Chilean Needle Grass, African Love Grass, thistles, and other weeds on or within 200m of Lots 7 and 8.

The Friends of the Hughes Buffer Area Open Space were active from about 1990 – 2010. This group had a close affiliation with and eventually informally merged with the Red Hill Regenerators. The Hughes group aimed to eliminate weeds and restore the native under storey on the open space land adjoining Hughes. They had a licence to collect seed of forbs and grasses from Red Hill nature reserve to help revegetate the area. This group spent around 600 days working within the open space and on parts of Section 66. The activities involved 290 local residents and the pupils and teachers of Hughes Primary School, Alfred Deakin High School and Malkara Special School.

Misleading, missing and false information

<u>Existing Crown Lease is misinterpreted in the application</u>

The applicant has interpreted the lease as allowing the lease-holder to build as many buildings on the site as they can fit on the land, provided that each building does not exceed 500m^2. This is at odds with the definition of building in the lease that states that the word building encaptures the plural, buildings. Thus the lease should be interpreted as only allowing a total Gross Floor Area of 500m^2.

Prior to the Commonwealth divesting themselves of Lots 7 and 8, the Red Hill Regenerators had much phone and written correspondence over the Commonwealth's lack of weed management on the lands and the significance of the woodland that covered much of the lots. The Red Hill Regenerators expressed particular concern that sale of the lots would result in clearance of the woodland they contained. Around 2004, the then president of the Red Hill Regenerators, Dr Michael Mulvaney, discussed these concerns with Patrick Keane, the then Acting Branch Manager, Property Management Branch, Department of Finance and Administration. Mr Keane advised, over the phone, that potential impact on the woodland would be minimised as he was placing a condition in the lease that restricted the total building footprint to 500m^2.

The proposed lease variation seeks to increase the building footprint by forty-one times. The plan attached to the application indicates that this will translate to virtually the whole of the land being covered by bitumen and concrete. This is an unsuitable use for the land.

However you interpret the lease, what is sought is a major variation, and footprint extension. The magnitude of the proposed change is reflected in that the applicant considers that it increases the developable value of the land by $4.5 million (more than double what they estimate the lease to be currently worth). A similar variation was sought in 2007, at that time a developer independent of Hindmarsh valued that change at $7.5m.

Visual impact

There is no landscape of visual assessment accompanying the variation that would allow virtually all the land to be built upon. However the application notes the visual prominence of the site. Currently the lots are on the grassy wooded lower slopes of Red Hill. The lots slope to the north (Hampden Place) and to the east (Kent Street). The natural slope of the land extenuates the prominence of the lots when viewed from Kent Street. The site has a large view-shed particularly from and to the west of Kent Street, it is clearly visible when looking east from Curtin.

Deakin Offices in the adjacent lots to the north and west are visually imposing as a large concrete mass approximately four levels high with a long elevation facing Kent Street. Despite the presence of Deakin offices, the existing treed slopes of Red Hill to the north and south (Lots 7 and 8), provide and make a major contribution towards a distinctive soft natural separation between Deakin and Hughes. The existing Deakin Offices are visually subservient to the wooded hill slope setting landscape, rising behind lots 7 and 8.

Given the slope of the land extensive cut and fill earthworks will be required and there is likely to be the need for retaining walls. The plans show a security fence. The proposed storage facility footprint would destroy an existing extensively natural landscape, that adds an aesthetic quality to the neighbourhood. It is ludicrous and misleading for the Development Application to state that an industrial looking concrete, steel and bitumen storage area is a more sympathetic and attractive visual foreground element to Red Rill Reserve than the current wooded grassy slopes.

The application indicates that continuous lighting will be required across the site. Thus the visual prominence of the large-scale storage site, and the degradation of the bush barrier between Central Canberra and Woden will be exacerbated at night.

Noise impact

The assessment attached to the draft variation does not relate to the current proposal. Even so, this report was inadequate both for its original purpose and the revamped proposal. It doesn't include relevant noise level meter (attended and data logger) data outputs, made poor choices in the location of exiting noise level monitors and did not consider mechanical plant and other noise generation on the proposed development site.

Ecological impact

The ecological assessment accompanying the application is lacking any survey effort, is erroneous in its conclusion, lacks credibility, at best can be described as of a cursory nature and seriously undervalues the highly significant wildlife elements found within and immediately adjacent to lots 7 and 8. The report authors reported just five of the fifty-one

native plant species that occur on Lots 7 and 8 and recorded just six common animals, a number that Deakin High school children have bettered within five minutes of being on site.

Critically endangered woodland

It is grossly misleading for the application to claim that there is no endangered ecological communities or negligible native vegetation on site. In fact the majority of Lot 7 and the southern half of Lot 8 is critically endangered Yellow Box – Blakely's Red Gum Woodland. The ACTmapi website maps about 1.3ha of endangered woodland as occurring across Lots 7 and 8, while ground inspection indicates that the community extends beyond this mapped area. To qualify as part of the nationally endangered woodland, the woodland patch must be greater than 0.1 ha, have an understorey perennial cover made up by at least 50% native species, which contains at least 12 non-grass understorey species and at least one important species. The majority of the understorey on Lots 7 and the southern half of Lot 8, mainly consists of eleven different perennial native grass species. These Lots also support at least 26 non -grass native species in the understorey including five important species. The woodland is part of a patch in the order of 400ha.

In terms of size, plant diversity and habitat for rare and threatened species the Red Hill woodland of which the woodland on Lots 7 and 8 is an integral and important component is of national importance.

The Red Hill woodland is one of the largest remaining remnants of the endangered yellow box – Blakely's red gum grassy woodland in Australia. This woodland type once covered over 25,000 square kilometres, in a belt stretching from Melbourne to South Queensland. Over 95% of this vegetation belt is now cleared. Leaving this woodland highly fragmented and generally existing as isolated patches smaller than 5ha in area.

In terms of size, connectivity, diversity and condition, the ACT remnants are exceptional, especially the presence of larger patches (over 100 ha) in good condition. Remnants greater than 200ha are extremely rare. There are only four remnants left in Australia of 1000ha or more and all are in the ACT. There are no Yellow Box - Red Gum remnants greater than 100ha in Victoria or the Murray catchment of NSW and there are no remnants of 200ha or greater in southern NSW.

Because of its relatively large size and the good condition of the understorey, Red Hill supports one of the highest native plant diversities recorded in a yellow-box – Blakely's red gum woodland remnant anywhere in Australia. More than 220 native woodland plant species have been recorded on Red Hill. The NSW National Parks and Wildlife Service has a database of plant species records from about 1000 grassy ecosystem (grassland + grassy woodland) sites across south-eastern NSW and the ACT. Fewer than 5% of these sites have a recorded plant diversity of over 100 species. Only a handful have a diversity similar to Red Hill. It is relevant that remnants of particularly high quality have been targeted in the surveys.

Given the size and diversity of its endangered woodland, it is not surprising that Red Hill supports important populations of many uncommon, rare or threatened species. Several of these species have been recorded on or on lands adjacent to the proposed development area. The Section 66 area is one of the most important habitats in the ACT of the Gang-gang Cockatoo, listed as a vulnerable species in NSW. The Little Eagle (listed as vulnerable in the ACT and NSW) has been observed foraging over Section 66 and adjacent reserve, hunting rabbits during the breeding season. The Scarlet Robin (listed as vulnerable in the ACT and

NSW) and the Speckled Warbler (listed as vulnerable in NSW) also have been observed foraging in the area.

Lots 7 and 8 are an integral part and contribute to the diversity and value of the larger remnant as they occur over the ecotone (between what was once Natural Temperate grassland and box-gum woodland) a habitat type very rare elsewhere on Red Hill. It is therefore not surprising that Lot 7 is the only area on Red Hill that the regionally uncommon pea *Zornia dyctiocarpa* is known to occur.

A more detailed critic of the ecological assessment is attached, but it is sufficient to say that the nature of the land and its suitability for the lease variation has been wrongly characterised and significantly downplayed in the application.

Gang-Gang Cockatoo

For several years, and including an intensive year long Gang-gang community survey, Chris Davey and members of the Canberra Ornithologist Group have been observing and mapping the location of Gang-gang Cockatoos exhibiting breeding behaviour. Behaviour is ranked into five classes of increasing confidence that Gang-gang actually successfully raised young at a location. The classes are

1= possible, one report only bird/s near hollow
2= one record birds seen entering hollow
3= more than one record of birds at or near hollow
4= very likely, seen on multiple occasions at or near and entering hollow on at least one occasion
5= confirmed, non-flying young seen at entrance

There are only two confirmed breeding locations in the whole of the ACT one is in a large Blakely's Red Gum within Section 66 and the other is nearby within the Red Hill Nature Reserve.

Of the total 250 breeding observations from across the ACT, sixty-three (25%) are from the Red Hill - Hughes area, which contains forty-two of the seventy-five (56%) of those observations with a three or higher likelihood rating. Within and in a radius of 300m from Section 66 have been 30 (12% of records) breeding observations of which eighteen (24% of all records) have a likelihood rating of three or higher. A map of the breeding observations has not been provided for fear of fledgling poaching, but the data has been provided to the Conservation Research Unit within the Environment Planning and Sustainable Development Directorate.

Gang-gangs, like many other parrot species, prefer to nest in the vicinity of each other, with there being perhaps four or five known breeding aggregation areas within the ACT. Of which the Section 66 vicinity has the highest number of breeding observations. Common to all of the breeding aggregation areas is the presence of large hollow bearing trees, woodland habitat and close-by plantings of large seeded eucalyptus, such as the Blue Gums planted in the Hughes Open Space area. During the last breeding season Gang-gangs were frequently seen feeding in the blue gums to the immediate south-east of Section 66, with their presence and frequent feeding in the trees also obvious by the carpet of chewed gum-nuts under the trees.

The scale of development sought by the variation cannot be accommodated within the lots.

The concept master plan for the proposal indicates that buildings, parking and access roads would see concrete and bitumen up to (and beyond) the boundaries of lots 7and 8. The concept plan indicates that a 20m wide cut-off drain and a 5m maintenance track will need to be built on neighbouring land. Most of these works would be within critically endangered box –gum woodland, around 5500m^2 would be within Red Hill Nature Reserve and 6500m^2 in the Hughes Open Space area. There is nothing in the application that says that such development would be allowable to the land custodians.

The concept plan also indicates that the requested building footprint variation will require parking spaces, parking infrastructure and access road over about half of the unleased lot 13, which would also be fenced off from the public. All of lot 13 is currently covered by critically endangered woodland.

The application for lease variation is fundamentally flawed as the concept master plan indicates that the proposed scale of increased storage building footprint sought can't be contained within the land to which the lease applies. The variation application simply fails to meet any test of suitability.

Unsuitable scale of variation proposed.

As discussed above, prior to divestment the Red Hill Regenerators where informed by the Commonwealth that they would be placing a condition in the lease that restricted the total building footprint to 500m^2 , which would minimise impact on the lots important woodland.

As discussed above the lots still contain significant woodland and limiting the size of the building footprint within the lease remains appropriate and reflects the extent of land on the lots that is suitable for storage development.

Limiting the scale of the building footprint is also important for reducing visual intrusion, and retaining threatened species habitat.

The proposal can't be considered under the merit track

The scale that the lease variation seeks is such that it cannot be considered in the merit track, because it cannot by implemented, as shown in the concept master plan, without loss of at least 2ha of critically endangered woodland. The EPBC Policy Statement on white box - yellow box - Blakely's red gum grassy woodlands and derived native grasslands provides guidance on activities that could have a significant impact and these include "clearing trees or understorey vegetation in patches of the ecological community or vegetation next to the ecological community".

The Gang-gang Cockatoo is listed as a vulnerable species in NSW and as such is legally recognised as a regionally threatened species. The concept master plan has a security fence being constructed through one of just two confirmed breeding trees for the species in the ACT. Within 300m of the proposed storage area are a further eight likely breeding trees, while blue gums to the immediate south-east of Section 66 are a key foraging area during the breeding season. The scale of the proposed variation and sensitivity of the area for the Gang-gang Cockatoo is such that the noise of operating machinery, increased human

presence, continual lighting and close-by vehicle movement is likely to make the general vicinity much less attractive to the Gang-gang and could significantly impact on a highly significant breeding location.

The scale of the variation sought is such that it can only be achieved by the loss of potential golden sun moth and perunga grasshopper habitat. This habitat includes all the native vegetation within lots 7 and 8 and the effected areas, as shown within the draft concept plan, within lot 13 and the adjoining Hughes Open Space and Red Hill nature reserve. The endangered golden sun moth has been recorded about 300m down slope of Section 66, while the vulnerable perunga has been recorded on Mt Davidson (the part of Red Hill behind Garran). It should be assumed that these species occur within Lot 7 and 8, until targeted, adequate and timely surveys are undertaken. Perunga is only known from around 30 locations, while EPBC guidelines for the golden sun moth state that any loss of habitat of the size occurring in and around section 66 should be regarded as a significant impact on the species.

Zornia dyctiocarpa is listed as a protected species under the Nature Conservation Act. Lot 7 is the only known occurrence of the plant within the Red Hill woodland and one of about 25 known locations in the ACT. The concept master plan for the application if implemented would result in the loss of this species on Red Hill.

As detailed previously the master plan, indicates that the variation sought is of a scale that it would involve 5500m^2 of works with Red Hill Nature Reserve and clearance of over 2ha of native vegetation of which around 1.3ha is within Lots 7 and 8.