

EPBC Act Referral to the Department of Environment and Energy by CANBERRA BRICKWORKS DEVELOPMENTS PTY LTD on Residential Development/Blocks 1, 7, and 20; Section 102 Yarralumla, ACT/Australian Capital Territory/The Canberra Brickworks Precinct, Blocks 1, 7, and 20 Section 102, Yarralumla, ACT- Reference number 2017/8074

Public Comment by the Yarralumla Residents Association - 9 November 2017

Precinct Objective in ACT Government RFP & RFT for Canberra Brickworks Precinct (16 ha)
"2 (f). Plan development to minimise disturbance to the Precinct's current terrain, soil structure and hydrology, and to ensure protection of critically endangered Golden Sun Moth and temperate grasslands nearby."

- Canberra Brickworks Precinct (CBP) Development 16.09 ha (Referral 20178074) will result in the loss of ALL of the 0.9 ha of Golden Sun Moth habitat.
- Canberra Brickworks Precinct Access Road/Dudley Street Upgrade 5.58 ha (Referral 20178072) for the primary access road to the CBP will result in the loss of 3.15 ha - 43% of Golden Sun Moth habitat of the total area of 7.39 ha.
- These two adjoining project areas are connected Golden Sun Moth habitat (Umwelt 2017)
- These two joined projects will result in the loss of 4.05 ha of Golden Sun Moth habitat that is 49% of the total Golden Sun Moth habitat.



Executive Summary

- The Master Plan referred to has not been subject to public consultation nor has it been released to the public either in draft or final form. The environmental impact cannot be assessed without reviewing the Master Plan.
- The proposed Canberra Brickworks Precinct (CBP) Development (Referral 2017/8072) when combined with the CBP Dudley Street Upgrade/Access Road do NOT meet the ACT Government's own stated Precinct Objective (2f) for the CBP development “
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- Canberra Brickworks Precinct Access Road/Dudley Street Upgrade 5.58 ha (Referral 20178072) for the primary access road to the CBP will result in the loss of 3.15 ha - 43% of Golden Sun Moth habitat of the total area of 7.39 ha.
- These two adjoining project areas are connected Golden Sun Moth habitat (Umwelt 2017) and together will result in the loss of 4.05 ha of Golden Sun Moth habitat that is 49% of the total Golden Sun Moth habitat.
- The loss of Golden Sun Moth habitat is identified as “significant” and a “controlled action” in both the CBP and Dudley Street Upgrade/Access Road referrals.
- Offsets for the significant loss of Golden Sun Moth and Natural Temperate Grasslands are NOT appropriate as
 - Assessments undertaken for the ACT Government of the Golden Sun Moth (Umwelt 2014, 2017) and Natural Temperate Grassland (Hodkinson 2014) demonstrate that these habitats and communities have declined across the ACT since their critically endangered listing.
 - Hodgkinson (2014) advised the ACT Government that there should be no offsets for development as the ACT Natural Temperate Grasslands (encompasses Dudley Street) are now at sub-marginal levels.
 - The loss of these habitats and communities is in conflict with the ACT Government's Estate Development Code Criterion C1 (retention of significant vegetation and habitat areas including consideration of ecological connectivity) and Rule R41 (Development is not inconsistent with the relevant NES plan) (ACT Government 2013); and the National Capital Plan (Commonwealth) Policies and Standards for Environment.
- The impacts on Commonwealth land and Commonwealth Heritage have not been considered. Section 127 is EPA registered Contaminated Land and Blocks 1, 7, and 20, Section 102 have significant contamination (Robson 2006 & 2007). This contaminated land is in close proximity and will be disturbed, moved, and/or removed as part of construction of the CBP. This could have a negative impact on the environment of Block 2 Section 103 which is Commonwealth land, and the Commonwealth heritage listed Elm avenue and Oak grove of Dunrossil Drive (Place ID 105381, Place File 8/01/000/0329, Legal Status listed Place 22/06/2004).
- There may be other impacts on Dunrossil Drive and Government House associated with CBP commercial and residential noise, traffic, congestion, access and overflow parking. These cannot be adequately assessed prior to the release of a draft Master Plan.

➤ The Submission 3.4 states

However, Yarralumla Formation is referred to in the ACT Heritage Council 2004. Entry to the ACT Heritage Register Heritage Act 2004. 20068 Yarralumla Brickworks Section 102 Block 1 Yarralumla, and should be considered to be an “outstanding natural feature”. The environmental impact cannot be assessed without reviewing the plans for the Quarry, where these outstanding natural features are located.

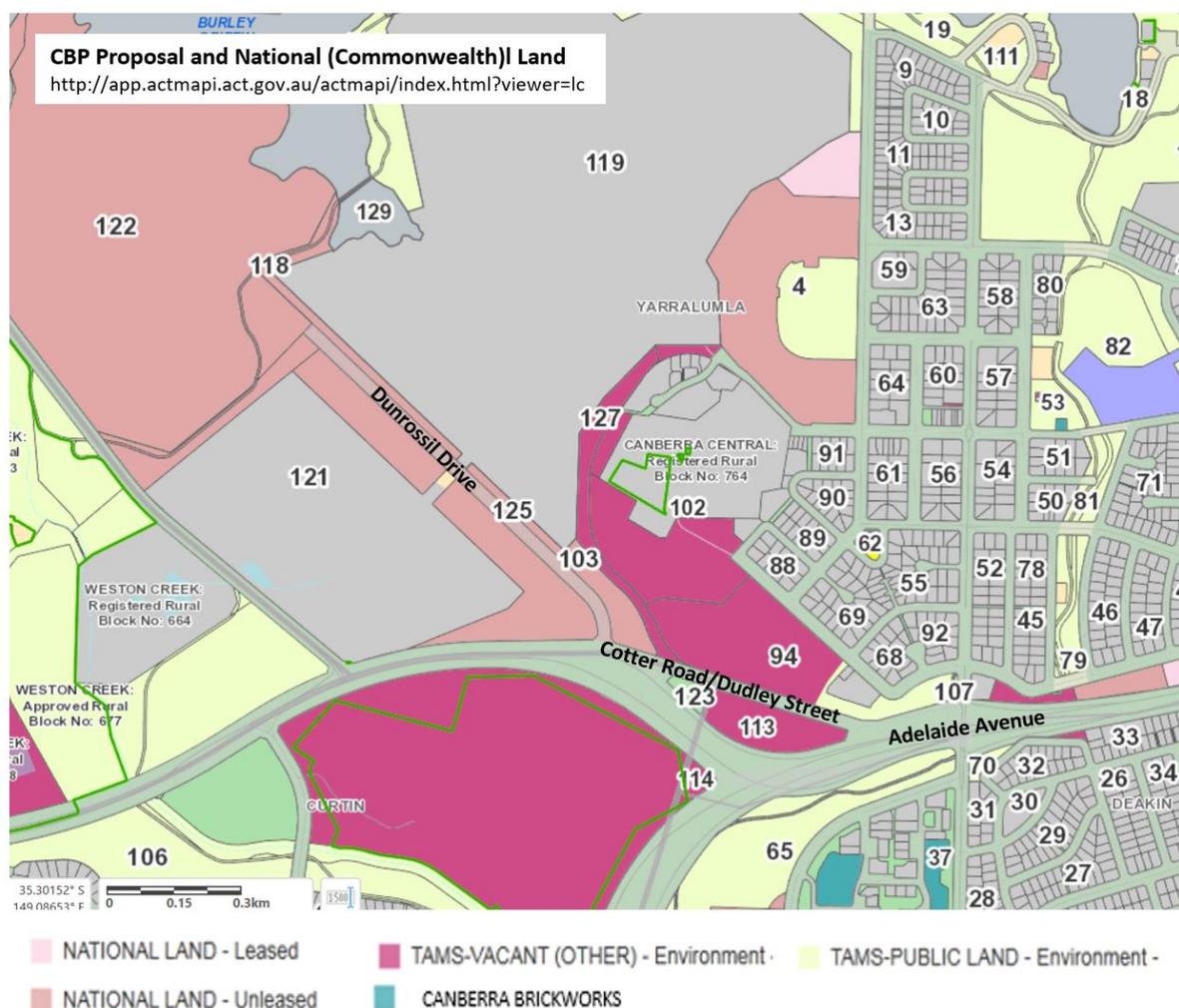
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The referral of the proposal for the Canberra Brickworks Precinct (CBP) Development is an action that requires approval under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) as a “controlled action”. The project footprint is 16.09 ha and requires the assessment of matters of National Environmental Significance relating to critically endangered species and communities as the proposal will result in the loss of ALL the 0.9 ha of Golden Sun Moth habitat. Also, the proposal is likely to impact on Commonwealth land; and Commonwealth heritage under Sections 18, 26, 27 and 27A of the EPBC Act.

Commonwealth Land and Commonwealth Heritage Listing

The proposal is likely to have a direct impact on adjoining Commonwealth land and Commonwealth heritage, namely Block 2 Section 103.

- Block 2 Section 103 is Commonwealth land and includes the entrance to Dunrossil Drive which is the processional route to Government House which with its and the 1918 avenue planting of Elm Trees () and a grove of Oaks is Commonwealth Heritage listed (Place ID 105381, Place File 8/01/000/0329, Legal Status listed Place 22/06/2004).
- Section 127, which sits alongside both Section 102 and Block 2 Section 103, is EPA registered Contaminated Land, and Blocks 1, 7, and 20, Section 102 which are in close proximity also have significant contamination (Robson 2006 & 2007). The cadastral boundary of Section 127 will connect with Section 103 in the changes proposed in the CBP Access Road/Dudley Street Upgrade (Referral 20178072.)
- This contaminated land will be disturbed, moved, and/or removed as part of construction of the CBP and this could have a negative impact on the environment of Section 103 and the Commonwealth heritage listed Elm avenue and Oak grove.
- There may be other impacts on Dunrossil Drive and Government House associated with CBP commercial and residential noise, traffic, congestion, access and overflow parking. These cannot be adequately assessed prior to the release of a draft Master Plan. However publicly available information shows
 - There will be over 2224 vehicle additional movements per day to the CBP along the proposed CBP Access Road (CARDNO 2016) which joins the Cotter Road (via Dudley Street) 100m from Dunrossil Drive.
 - The CBP will have 1500sq m of commercial space and up to 380 dwellings.



Golden Sun Moth Habitat

The CBP is a development over 16 ha on the Canberra Brickworks site includes 0.9 ha habitat for the Golden Sun Moth (*Synemon plana*) which is listed as a critically endangered species and therefore a Matter of National Environmental Significance (MNES) under the EPBC Act.

- The Golden Sun Moth is sensitive to development activities that result in loss of habitat due to its limited dispersal ability; specific floristic and structural habitat requirements; isolated and fragmented distribution; seasonal lifecycle (making it cryptic for many months of the year) and; short adult lifespan and limited mobility of the females.
- Canberra Brickworks Precinct (CBP) Development 16.09 ha will result in the loss of ALL of the 0.9 ha of Golden Sun Moth habitat in the area. Importantly

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(Umwelt 2017).

This “better quality habitat” will also lose 3.15 ha of Golden Sun Moth habitat (i.e. 43% of total area of 7.39 ha) if the Canberra Brickworks Precinct Access Road and Dudley Street Upgrade (Referral 2017/8072) proceeds in its current form.

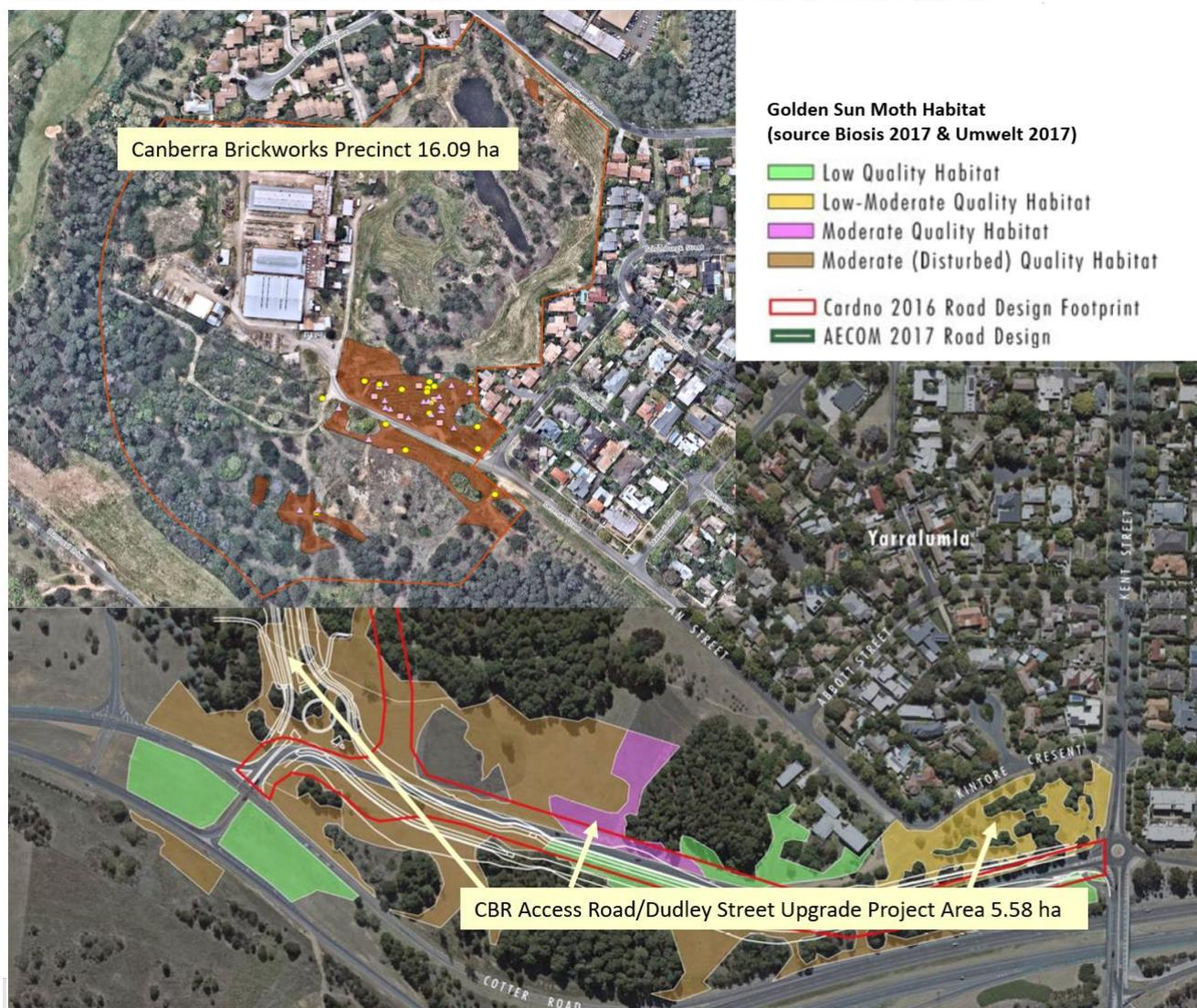
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In total these two projects will result in the loss of 4.05 ha of Golden Sun Moth Habitat that is 49% of the total Golden Sun Moth habitat in the area.

This is an extensive combined loss of Golden Sun Moth habitat. The CBP Development proposal has not sought to adjust the internal footprint of construction to reduce the impact nor has the CBP Access Road/Dudley Street upgrade (YRA Submission on Referral Reference 2107/8072).

In regard to environmental offsets for the 0.9 ha impact of CBP Development proposal preservation of a large portion of the 3.15 ha Golden Sun Moth habitat that would otherwise be lost in the CBP Access Road/Dudley Street Upgrade (Referral Reference 2107/8072) could be readily achieved by reducing the footprint (YRA Submission on Referral Reference 2107/8072). Indeed Umwelt (2014, 2017) shows this Golden Sun Moth habitat is successful and has increased almost 3-fold in 3 years.

**Golden Sun Moth Habitat (source Biosis 2017 & Umwelt 2017)
Canberra Brickworks Precinct Development & CBP Access Road/Dudley Street Upgrade**



Master Plan and Consultation

The Proponents Submission Section states in Section 1.13

The Master Plan itself has not been subject to public consultation nor has it been released to the public either in draft or final form.

The environmental impacts cannot be assessed without reviewing the Master Plan.

Outstanding Features

The Proponents Submission 3.4 states

However, Yarralumla Formation is referred to in the ACT Heritage Council 2004. Entry to the ACT Heritage Register Heritage Act 2004. 20068 Yarralumla Brickworks Section 102 Block 1 Yarralumla, and should be considered to be an “outstanding natural feature” as follows

The Geological Society of Australia also refers to the Yarralumla Brickpits as a Geological Heritage Site with four specific locations in the quarry as representative of the lithology and structure of the Yarralumla Formation.

The environmental impact cannot be assessed without reviewing the development plans for the quarry, where these outstanding natural features are located.

References

ACT Heritage Council (2004). Entry to the ACT Heritage Register Heritage Act 2004. 20068 Yarralumla Brickworks Section 102 Block 1 Yarralumla

Biosis (2017). Targeted Survey for the Golden Sun Moth at the Yarralumla Brickworks (blocks 1,7 and 20 Section 102 Yarralumla. Letter to David Carey Doma Group 13 May 2017.

[http://www.lda.act.gov.au/uploads/ckfinder/files/pdf/3_Commercial/Canberra_Brickworks/Site_Report2016/Attachment%20E%20Site%20Investigation%20-%20Traffic%2C%20Transport%20%26%20Carparking%20\(AECOM%202016\).pdf](http://www.lda.act.gov.au/uploads/ckfinder/files/pdf/3_Commercial/Canberra_Brickworks/Site_Report2016/Attachment%20E%20Site%20Investigation%20-%20Traffic%2C%20Transport%20%26%20Carparking%20(AECOM%202016).pdf)

Concept Design Report CBP Access Road and Dudley Street Upgrade. Prepared by CARDNO for the Land Development Agency October 2016.

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Robson Laboratories Pty Ltd (October 2006) 'Environmental Investigation –Audit Report Yarralumla Brickworks Block 1 Section 102 Yarralumla Canberra Central ACT. (Robson reference 3144_CL_EI Final_20061018).

Robson Laboratories Pty Ltd (2007) 'Remediation Action Plan – Asbestos Dump Yarralumla Brickworks Block 1 Section 102 Yarralumla Canberra Central ACT'. (Robson reference 3144_CL_RAP_20070612).

Umwelt (2014). Ecological Assessment. Canberra Brickworks and Environs Planning and Development Strategy February 2015.

Umwelt (2017). Impact Assessment Report Canberra Brickworks Access Road and Dudley Street Upgrade, Yarralumla, ACT. Final September 2017.

Yarralumla Residents Association Inc (2017). EPBC Act Referral to the Department of Environment and Energy by ACT Government on the Proposal for Canberra Brickworks Precinct (CBP) Access Road and Dudley Street Upgrade (Submission #2856) - Reference number 2017/8072. Public Comment by the Yarralumla Residents Association 9 November 2017.