



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Mbark RGC Retirement Pty Ltd  
Attn: David Consalvi  
David.consalvi@mbark.com.au

Dear David,

**Further information request – DA-202442901 – Block 76 Section 10 Garran & Block 1 Section 56 Red Hill**

It has come to the attention of the Territory Planning Authority that there were further details within the Conservator of Flora and Faunas comments which were not addressed in the further information request dated 6 June 2024. Please address the below additional supporting entity comments in conjunction with the comments provided on 6 June 2024. In accordance with section 167 of the *Planning Act 2023* (the Act), the Territory Planning Authority requires further information to progress the assessment of your DA.

To avoid confusion, please see outlined below the original comments provided by the Conservator of Flora and Fauna in conjunction with the additional supporting entity comments:

- The Conservator of Flora and Fauna & Tree Protection Units advice and Tree removal

**Office of the Conservator**

- 1) The proponent is required to submit a revised BSUD response to account for the following feedback:
  - a) The proponent needs to provide a more in-depth assessment of biodiversity values on site and demonstrate how the direct and in-direct impacts of the proposed works can be minimised to maintain connectivity across the landscape as per BSUD outcomes.
  - b) Assessment Outcome 1 – Loss of native habitat and biodiversity is avoided or minimised:
    - i) Site values and the extent of intended impacts have not been sufficiently described or quantified (e.g. summary of general flora and fauna species recorded in vicinity, listed matters and protected species not considered)
    - ii) The design response did not identify the receiving catchment of any run-off from the site, or the potential impacts which might arise on aquatic and riparian ecosystems during and subsequent to development. It does not sufficiently investigate the potential aquatic and riparian habitats provided by the existing on-site dams, or the opportunities for these habitats to be protected or enhanced through proposed works. There are no descriptions of surveys undertaken to evaluate the use of these habitats by aquatic or riparian species.

- c) Assessment Outcome 2 – biodiversity connectivity is maintained across the landscape:
    - i) The design response did not identify the matters for which the site currently provides a key movement corridor for, nor the values of the surrounding landscape which seek to be impacted by landscape fragmentation due to development in the area.
    - ii) The proposed design of the woodland corridor does not consider the minimum recommended design thresholds to maintain or enhance ecological connectivity values through this site, as provided in the BSUD Guide.
  
  - d) Assessment Outcome 3 – threats to biodiversity such as noise, light pollution, invasive species incursions or establishment, chemical pollution or site disturbance are avoided or minimised through good design / planning:
    - i) The proposed development will introduce additional light, noise and chemical pollution into the environment due to its proposed use as a residential area. It will also reduce in greater pedestrian and vehicle use of the natural areas and surrounding roads, which will increase disturbance and fragmentation effects already present via Kitchener Street and by the introduction of new roads and other physical barriers. The introduction of roads and waste into this landscape will also increase the use of the site by invasive species such as stray cats, foxes and rats. Buffers and management strategies to reduce these impacts have not been considered in this development application. Impacts of this form of development and the adjusted land use from golf course to residential area will likely have the most profound effect on urban-sensitive small woodland birds, and also ground dwelling species such as turtles and frogs.
    - ii) The proposed bushfire asset protection areas for the site, and their impacts on the protection and restoration of complex native species habitats in the surrounding landscape, are also not considered in the design response or Proposed Biodiversity Values Plan, and hence it is unclear how these often-conflicting requirements would be achieved.
    - iii) The proponent has not indicated any areas where habitat restoration is proposed and be incorporated into design.
2. The proponent is requested to provide spatial data related to the Current and Proposed Biodiversity Values Plans to demonstrate BSUD buffers and footprints of proposed impacted areas have been considered. The spatial data should be provided in a GIS filetype (e.g. geodatabase, geopackage, shapefile, geojson etc.) in GDA 2020 MGA Zone 55 projection, with metadata to interpret the data. For locations of flora and fauna detected on the site, please supply either spatial or tabular coordinate data for inclusion in the ACT Wildlife Atlas database using the [ACT Wildlife Atlas Data Entry Template](#).

3. The proponent is requested to provide raw tree data or tree summary report allowing quantitative before-and-after assessment, particularly mature natives and hollow bearing trees.
4. The proponent is requested to confirm whether the Gang-gang nest tree known as “Clares” (located within the red circle in **Attachment 1**) will be retained.

### **Tree Protection Unit**

**Please refer to the following referenced plans or reports:**

**Demolition Plan, Dwg 12576143-C506, Rev D, dated 25.03.24**

**Canopy Tree Experts -Arboriculture Impact Assessment and Tree Management Plan, Federal Golf Club: Basin Construction, Report ref No 11130, dated 28 March 2024.**

**Appendix 4, Preliminary Arboriculture Reports (Tree Survey Table)**

#### **Comments:**

The proposed development cannot be supported as there are a significant number of regulated trees on the site which do not meet criteria for removal under the **Urban Forest (Approval Criteria) Determination 2023**

**Disallowable instrument DI2023—270**

- The Canopy Tree Experts, Arboricultural impact and Assessment and Tree Management Plan indicates the proponent requires the removal of 124 regulated trees for the construction of the water storage dam.
- 90 trees have been assessed as regulated.
- **Please note:** Generally, the trees on site and their ratings are indicative of what is located on the site and the report for all intents and purposes is correct in terms of the tree's rating, however page 8/18 of the Canopy Tree Experts, Arboricultural impact and Assessment and Tree Management Plan concludes that 121 trees will require removal mostly native or endemic species (97 trees being regulated) the maths does not quite add up.

**The following is a breakdown of the table noted on page 4/18 of the report:**

There are:

- 56 high quality trees (2 x trees noted at hollow bearing trees). **Please refer to the tree numbers in the table on page 4/18 of the canopy tree Experts report**
- 2 x medium to high quality trees (Trees 729,731).
- 24 medium quality trees. **(Please refer to the tree numbers in the table on page 4/8 of the canopy Tree experts report)**
- 1 x medium to poor quality tree. (Tree 928).
- 5 x Poor quality trees (Trees 764, 765, 776, 795, and 903).
- 1 x tree noted as high which is a notified pest species (tree 770 *Sorbus domestica*)
- 1 x Tree missing from the table (tree 815)
- 34 Trees noted as NCBL not covered by the Urban Forest Act 2023.
- Total number of trees 124.

**Advice:**

- The Conservator of Flora and Fauna would not support the removal of medium, medium -high-, and high-quality regulated trees on the site.
- The Conservator of Flora and Fauna would not object to the removal of the following trees:
  - poor-quality trees, (5 x trees).
  - trees which are not covered by the Urban Forest Act 2024 (34 x trees).
  - or pest plants. This would constitute (1 x trees).
- It is unlikely tree removal will be supported when there is a significant number of medium to high quality trees being requested for removal.
- Considering this DA lodgement is part of a broader proposal, the Tree Protection Unit will require the total number of removals across the site as a piece meal approach does not provide a clear impact of tree loss or the impact it will have of the surrounding suburb or neighbouring properties.

Please refer to the following:

- The [Urban Forest Tree Management Plans- Guidelines](#), which provides the measures required when providing a Tree Management Plan in relation to developments.
- The [Urban Forest \(Approval Criteria\) determination 2023 \(no 1\)](#), which provides the criteria for approval for tree removals, major pruning, groundwork activities and other aspects of work which may be required around registered trees.

**Please Note:** It is a requirement Under the Provisions of the *Urban Forest Act 2023* that the proponents of a development provide a tree management plan and their proposal to either replace trees being removed or provide the calculation of the dollar amount they are prepared to pay as part of the canopy contribution fund.

It must be emphasised that providing the CCA proposal will not significantly influence a decision regarding the removal of regulated trees, as they must meet a criterion for removal under the Urban Forest (Approval Criteria) determination 2023 (no 1). Additionally, if the proponent requests a decision on tree removal through the planning process that trees of a medium, high, exceptional, or registerable quality trees may not be supported for removal if a request is made for an endorsement.

A Canopy Contribution Agreement (CCA) is required to remove a protected tree.

<https://www.cityservices.act.gov.au/trees-and-nature/trees/canopy-cover/canopy-contribution-framework/tree-calculator>

- Once the tree is approved for removal, the applicant is required to enter an agreement with the ACT decision-maker.
- If a decision is made to approve the removal of a tree/s on design grounds, please notify the Tree Protection Unit as soon as practical, so that we can generate a Canopy Contribution Agreement to attach to the notice of decision.

- Finally, the tree protection Unit would like to have the entire project including all the current development Proposals provided in one document so it can be gaged what impact the development will have on the affected suburbs surrounding the proposed development site.

### **Fire Management Unit**

The construction access track and contractors site office and Facilities lay on Bushfire Prone Land and thus during the construction period there is a requirement that:

- No work is permitted on site when a Total Fire Ban is declared.
- On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease and defer the activities to be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four-day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.
- Hot works includes welding, cutting, grinding, or other works involving open flames, or which emit a spark such as excavating hard rock, slashing and brush cutting.

In response to this further information request please provide amended plans and documentation addressing the concerns raised by TCCS in the letter provided on 6 June 2024 and the above comments provided by The Conservator of Flora and Fauna and Tree Protection Unit.

Pursuant to section 192 of the Act, as a result of this request, the time to decide the DA has been paused.

On receipt of all of the information requested, the time to decide to DA will recommence.

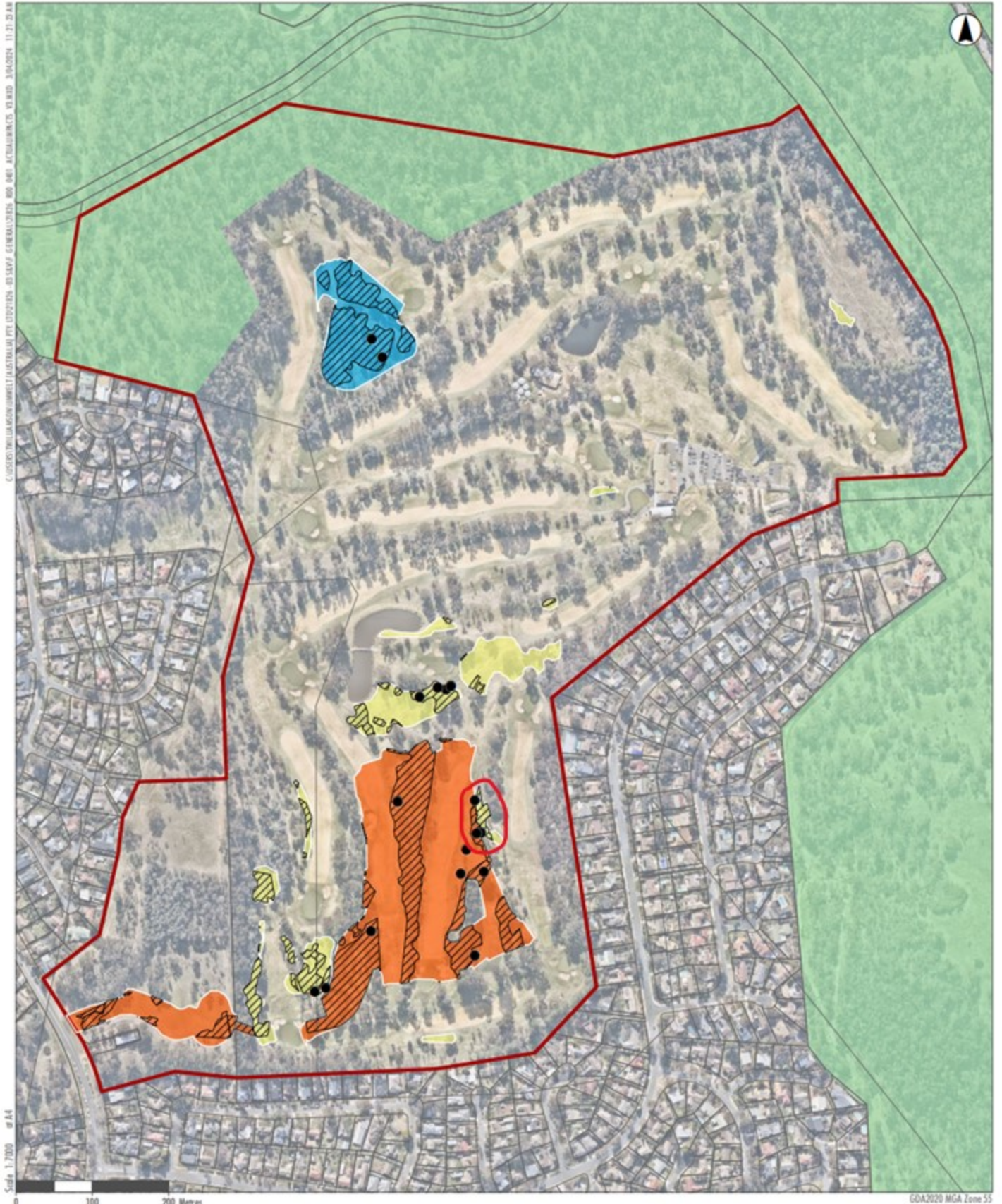
If any amendments are made to the proposal in responding to the further information requested, the amended proposal is required to be submitted under section 168 of the Act. Please note, amending your application will result in the time to decide the DA to restart, pursuant to section 192 of the Act.

If the information requested is not provided within 18-months after the day of this request, your application will be taken to have been withdrawn.

Yours sincerely,



Joshua Dobing  
Delegate of the Territory Planning Authority  
27 June 2024



Scale: 1:7000 #A4  
COASTS AND MARINE MANAGEMENT AUTHORITY (CMAA) - 11/01/2014 11:01:20 AM

GDA2020 MGA Zone 55

**Legend**

- |                                    |                                    |
|------------------------------------|------------------------------------|
| Property Boundary                  | <b>Impact Areas</b>                |
| Federal Golf Club Boundary         | Golf Course Works                  |
| Nature Reserves                    | Retirement Village and Access Road |
| Native Vegetation Impacts          | Water Infrastructure               |
| Hollow Bearing Trees to be Removed |                                    |

**FIGURE 4.1**  
**Actual Impacts**