



Title of Proposal - Blocks 3 and 15, Section 22, Barton, ACT Divestment

Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

1.1 Project Industry Type

Commonwealth

1.2 Provide a detailed description of the proposed action, including all proposed activities.

This referral, made under Part 9 of the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), is seeking approval to clear Blocks 3 and 15, Section 22, Barton, Australian Capital Territory (ACT) 2600 (the Project Area). The proposed action includes divestment of the Project Area in a single, open market sale to a private purchaser for the purpose of development.

To prepare the land for sale, the Proponent will clear all of the vegetation present and subsequently maintain the Project Area. Clearing will occur between exchange and completion of contracts for sale, prior to transfer.

The overall Project Area is 1.25 hectares. A section of the Project Area contains 0.32 hectares of natural temperate grassland of the South Eastern Highlands (NTG) and golden sun moth (*Synemon plana*) (GSM) habitat. The median strips adjacent to the Project Area contain 0.4 hectares of low quality GSM habitat. The Proposed Action will directly impact the NTG and GSM habitat on the Project Area and indirectly impact the GSM population on the median strips.

An offset strategy, consistent with the EPBC Act Environmental Offsets Policy has been developed to compensate for the impact at the Project Area. Block 48, Wallaroo Road, Hall, ACT (Block 48) exceeds offset value requirements and adequately compensates for the loss of NTG and GSM habitat. Block 48 is in a rural location, and is more suitable to ensure the conservation and long-term viability of GSM and NTG habitats. A conservation agreement will be developed to ensure the protection and continued growth of NTG and GSM habitat at Block 48.

Block 3 is National Land, managed by the Proponent. Block 15 is Territory Land, managed by the ACT Government. Accordingly, the proposed action will be undertaken by the Proponent with agreement from the ACT Government to include Block 15. If the transfer of Block 15 is not agreed to by the ACT Government, the Proponent will proceed to divest only Block 3 in a single, open market sale.

1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.



Area	Point	Latitude	Longitude
Block 3, Section 22, Barton ACT	1	-35.312318605332	149.13192622325
Block 3, Section 22, Barton ACT	2	-35.311675119588	149.13082115314
Block 3, Section 22, Barton ACT	3	-35.311014118698	149.13145951888
Block 3, Section 22, Barton ACT	4	-35.311675119588	149.13251094482
Block 3, Section 22, Barton ACT	5	-35.312314227895	149.13192085884
Block 3, Section 22, Barton ACT	6	-35.312318605332	149.13192622325
Block 15, Section 22, Barton ACT	1	-35.311416479052	149.13210206462
Block 15, Section 22, Barton ACT	2	-35.311317985569	149.13223349286
Block 15, Section 22, Barton ACT	3	-35.311547803509	149.13261973096
Block 15, Section 22, Barton ACT	4	-35.311674750281	149.1325124426
Block 15, Section 22, Barton ACT	5	-35.311420856537	149.13210474683
Block 15, Section 22, Barton ACT	6	-35.311416479052	149.13210206462

1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).

The Project Area is currently vacant land, located on the corner of Sydney Avenue and National Circuit within the highly developed suburb of Barton in Canberra, ACT. Surrounding land uses include accommodation (hotels), office space, residential (apartments), and major roads. The proposed action will be located across the entire Project Area.

The south-east portion of the Project Area currently contains two Matters of National Environmental Significance (MNES) protected under the EPBC Act. They are the critically endangered ecological community natural temperate grassland of the South Eastern Highlands (NTG) and the critically endangered golden sun moth (*Synemon plana*) (GSM).



The remaining portion of the Project Area contains exotic vegetation, predominantly in the form of grassland, with four planted exotic trees (Umwelt, 2016a and Rowell, 2007). The north-west of Block 3 is also reported to contain fill from other, historic, off-site developments (Parsons Brinckerhoff, 2008). This area is considered highly disturbed and does not support any other environmental values.

1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?

1.25 hectares.

1.7 Is the proposed action a street address or lot?

Lot

1.7.2 Describe the lot number and title. Blocks 3 and 15, Section 22, Barton, ACT 2600

1.8 Primary Jurisdiction.

Other Australian Land/Water

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

No

1.10 Is the proposed action subject to local government planning approval?

Yes

1.10.1 Is there a local government area and council contact for the proposal?

No

1.11 Provide an estimated start and estimated end date for the proposed action.

Start date 09/2017

End date 06/2018

1.12 Provide details of the context, planning framework and State and/or Local government requirements.

Both Blocks 3 and 15 are 'designated land' under the *National Capital Plan 1990* (as amended), being land having 'special characteristics of the National Capital' (s. 1.2, *National Capital Plan 1990*).



As designated land within the ACT, the Project Area is not subject to Territory planning legislation.

Any development of the Project Area following divestment will be subject to the *National Capital Plan 1990* and approval from the National Capital Authority (NCA). In order to facilitate development of the Project Area, the Proponent has submitted a proposed amendment to the *National Capital Plan 1990*. The NCA is currently considering the proposed amendment; and NCA approval will be subject to an approved EPBC referral.

1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.

The Proponent has undertaken significant communication between relevant government agencies and personnel, and approving authorities. This includes the Minister for Finance, the Department of Finance, the Department of the Environment and Energy, the NCA, and the ACT Government. This consultation includes meetings, written and telephone liaison, and feedback on documents proposed for submission with this referral.

Communication with nearby land owners and key stakeholders has occurred as part of the NCA public consultation process for the proposed amendment to the *National Capital Plan 1990* for the Project Area. Further consultation will occur as part of the NCA approvals process for any future development following divestment of the Project Area.

Indigenous stakeholders identified as ACT Representative Aboriginal Organisations (RAOs), have been consulted as part of a heritage assessment completed for Block 3 (ERM, 2016). Block 15 was not included as part of this survey. Representatives of two RAOs attended a site visit with ERM and all RAOs were provided with the draft heritage assessment report (ERM, 2016) for comment on 1 March 2015 - no comments were received. The heritage assessment concluded that no known Indigenous heritage objects, or places, occur and there is a low potential for unknown Indigenous heritage sites to occur.

1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project.

A large number of ecological surveys have been conducted across the Project Area. The monitoring provides assessment of the extent and condition of NTG, and GSM population trends.

The most recent monitoring occurred in 2015 (Umwelt, 2016a). These surveys identified 0.32 hectares of NTG and GSM habitat, which occur concurrently within the south-east of the Project Area. No other MNES have been recorded within the Project Area. In addition, a further 0.4 hectares of low quality GSM habitat has been identified along the median strips of Sydney Avenue to the south and south-east of the Project Area (ACT Government, 2015).



The attached impact assessment (Umwelt, 2017) to this referral confirms the proposed action will result in the loss of 0.32 hectares of NTG and 0.72 hectares of GSM habitat.

Other indirect impacts that would occur if no mitigation measures are undertaken include erosion, sedimentation, changes to water surface run off, water flow and quality, and air pollution from dust. Dust, erosion, and sedimentation controls will be appropriately implemented following clearing of the vegetation on the Project Area.

Given the current provisions of the *National Capital Plan 1990*, it is unlikely that future development approved under these provisions, would cause significant impact to the community, as it would be consistent with surrounding land uses. If the *National Capital Plan 1990* is amended as part of the NCA approvals process to allow alternate types of development, impacts to the community and surrounding land users would be assessed. Given the importance of the Barton Precinct to the National Capital, it is unlikely that the NCA would approve development that is inconsistent with current surrounding land uses.

1.15 Is this action part of a staged development (or a component of a larger project)?

No

1.16 Is the proposed action related to other actions or proposals in the region?

No



Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The [interactive map tool](#) can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

- [Profiles of relevant species/communities](#) (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- [Significant Impact Guidelines 1.1 – Matters of National Environmental Significance](#);
- [Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies](#).

2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?

No

2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?

No

2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?

No

2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

Yes

2.4.1 Impact table

Species	Impact
Synemon plana (golden sun moth)	The GSM habitat at the Project Area is



Species	Impact
	considered to be small (less than ten hectares) and fragmented, and any impact that results in the loss or degradation of this habitat is considered significant (DEWHA, 2009). The proposed action will remove the entire 0.32 hectares of GSM habitat that occurs within the Project Area and indirectly impact 0.4 hectares of habitat occurring on two median strips of Sydney Avenue (a total maximum of 0.72 hectares). The Sydney Avenue median strips are located directly across from the Project Area, east and west of National Circuit (ACT Government, 2015). Subsequent to the 2009 survey identifying the median strips as low quality GSM habitat, significant disturbance has occurred as a result of construction activities and weed incursion. It is considered likely that all three areas of habitat (i.e. the Project Area and the two median strips) are occupied by a single population of GSM. The loss of primary habitat within the Project Area will subsequently impact the population on the median strips.
natural temperate grassland of the south eastern highlands	The Approved Conservation Advice (TSSC, 2016) identifies all remaining patches of NTG as critical to the survival of the ecological community. The proposed action is therefore considered to be a significant impact, as it will remove the entire 0.32 hectares of NTG that occurs within the Project Area. The NTG community at the Project Area has reduced over time due to weed incursion and surrounding development. The Offset site (Block 48) identified by the Proponent will adequately offset the impacts to the Project Area and is in an ideal location for the ongoing conservation of NTG community. There is no other NTG in the surrounding landscape.

2.4.2 Do you consider this impact to be significant?

Yes

2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of



any listed migratory species, or their habitat?

No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

2.7 Is the proposed action to be taken on or near Commonwealth land?

No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No

2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No

2.10 Is the proposed action a nuclear action?

No

2.11 Is the proposed action to be taken by the Commonwealth agency?

Yes

2.11.1 Describe the nature and extent of the likely impact on the whole of the environment.

The proposed action is unlikely to significantly impact on the whole of the environment as required to be considered under Section 28 of the EPBC Act.

The proposed action will result in the removal of a maximum of four trees and a maximum of 1.25 hectares of vegetation. As the proposed action will not involve medium, or large-scale excavation of soil or minerals, the proposed action is unlikely to result in a significant impact to soils and landscapes.

Clearing activities are likely to result in localised erosion, which may pose a sedimentation and pollution risk to local waterways. However, due to the urban setting, small scale of the clearing and highly altered hydrology of the surrounding landscape, it is not expected to measurably alter water table levels, or channelise, divert, or impound rivers or creeks.

The proposed action may generate dust and sediment that may cause local air or water



pollution. As dust, erosion, and sedimentation controls will be implemented in accordance with best practice, the proposed action is considered unlikely to reduce air quality or quantity, or availability of surface or ground water.

It is unlikely the proposed action will have a significant impact on native plants due to the urban context of the surrounding landscape and small-scale of native vegetation impacted. Similarly, the proposed action is not expected to displace or substantially limit movement or dispersal of native animal populations, or substantially reduce or fragment habitat for native animal species.

The meta-population of GSM is not likely to be impacted by the proposed action. Genetic analysis of GSM populations in the ACT, including the Project Area, has identified at least five distinct regional populations comprised of smaller, generally isolated local populations (Clarke and O'Dwyer, 1998). The regional population, which the local Project Area population is a part of, includes larger and more viable populations in Majura Valley East, Mulanggari Grassland Reserve, and Jerrabomberra Reserve. These populations are considered well protected and more important for the viability of the meta-population.

No other native plant or animal species are expected to suffer long-term detrimental effects as a result of the proposed action. Nor is it going to reduce, or fragment, available habitat for listed threatened species resulting in a long-term decline in a population.

The proposed action will be undertaken in accordance with all relevant work health and safety standards, and noise restrictions to protect the welfare of the local community. Any residual impacts as a result of clearing are to be temporary and localised.

The Project Area is not associated with social organisation, or community resources and is not considered likely to substantially change or diminish cultural identity, social organisation, or community resources. The Project Area has played a small role in the promotion of conservation efforts for GSM in the local community, and the scientific knowledge associated with the species.

There are no known heritage items, or places within or adjacent to the Project Area.

2.11.2 Do you consider this impact to be significant?

No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?

No

2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No



Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

3.1 Describe the flora and fauna relevant to the project area.

The Project Area has been subject to a large number of ecological surveys, including ongoing monitoring. The latest of these monitoring events occurred in 2015 (Umwelt, 2016a). These surveys identified 0.32 hectares of NTG and 0.32 GSM habitat within the Project Area. The remainder of the Project Area is exotic vegetation, with some native grass species present. A full flora list, as collected over all surveys since the 1990s, is included as an appendix to the Umwelt (2016a) report.

Given the changes to the description of NTG that came into effect in 2016, Umwelt re-visited the Project Area to confirm that all areas mapped as NTG meet the new description of the community. The mapping previously provided was determined to still be accurate.

In addition to the critically endangered GSM, fauna species noted to utilise the Project Area are consistent with common species in an urban environment in the ACT, such as common starlings (*Sturnus vulgaris*) and Australian magpies (*Cracticus tibicen*).

The area of GSM habitat at the Project Area has reduced over time. The NTG component of the Project Area (in this case, NTG cover is equivalent to the GSM habitat area) was first recorded at 0.4 hectares, then 0.56 hectares in 2008 and 0.5 hectares in 2013. In 2014 a portion of the habitat in Block 15 was removed to make an access road as part of the adjacent private development of Block 14, Section 22 Barton, reducing the area of GSM to 0.34 hectares. By 2015, habitat had further reduced to 0.32 hectares, as a result of weed incursion.

The two adjacent Sydney Avenue median strips contain occupied GSM habitat (ACT Government, 2015). These areas have not been surveyed in detail since 2009, when they were confirmed as occupied, low quality habitat. Since this time, significant disturbance has occurred in these areas as a result of construction activities (including gravel fill for vehicle parking and material dumping) and weed incursion. Overall, the NTG and GSM habitat of the Project Area is decreasing. The offset strategy is considered to adequately compensate for impacts to the median strip habitat as well as the Project Area.

3.2 Describe the hydrology relevant to the project area (including water flows).

The hydrology of the Project Area is highly modified due to the intensity of surrounding urban development. There are no drainage lines present and any surface water flows run into the urban storm water system.



3.3 Describe the soil and vegetation characteristics relevant to the project area.

The Project Area is located within the Williamsdale Soil Landscape, overlaying Silurian volcanic geology. Soils in this landscape are generally complex and transition from lithosols, red and yellow earths, red and yellow podzolic soils into soldoic and solodized solonetz soils. They are hard setting, erodible, and potentially dispersive (ACT Government, 2015). The north-west of Block 3 is also reported to contain fill from historic, off-site developments, with unknown soil characteristics (Parsons Brinckerhoff, 2008).

The Australian Soil Resource Information System (ASRIS) (CSIRO, 2017) online database indicates there is no known occurrence of acid sulphate soils within the Project Area. Furthermore there is an extremely low probability of them occurring.

Currently a majority of the Project Area has been assessed as exotic vegetation, predominantly in the form of grassland. These areas are dominated by Phalaris (*Phalaris aquatica*), hoary mustard (*Hirschfeldia incana*), and wild oats (*Avena* spp.) with some scattered native wallaby grasses (*Rytidosperma laevis* and *R. bipartitum*) (Rowell, 2007). This exotic grassland extends into the higher quality south-east portion of the Project Area, where it also includes cocksfoot (*Dactylis glomerata*), fescue species (*Festuca* spp.), and paspalum (*Paspalum dilatatum*) (Umwelt, 2016a).

The south-east of the Project Area contains 0.32 hectares of NTG. This area is dominated by spear grass (*Austrostipa bigeniculata*), red-leg grass (*Bothriochloa macra*), various wallaby grasses, and native forbs (including *Chrysocephalum apiculatum*, *Goodenia pinnatifida*, *Calocephalus citreus*, and *Tricoryne elatior*).

A strip of planted kangaroo grass (*Themeda triandra*) occurs along the south-eastern border of the grassland. This native grass was planted following disturbance as a result of footpath upgrades. Despite being a native, it is considered invasive in this context as it is encroaching on the NTG (Umwelt, 2016a).

Exotic grass species, African love-grass (*Eragrostis curvula*) and Chilean needlegrass (*Nassella neesiana*) have previously been mapped between the footpath and road along National Circuit. These values have since been replaced by gravel; as confirmed by an Umwelt site inspection on 6 February 2017.

The NTG values present at the Project Area have been monitored on a semi regular basis since the early 1990s. Since 1992, the NTG within the Project Area has been part of a long-term monitoring program being undertaken by the ACT Government and surveys commissioned by the Proponent.

Overall trends to the Project Area, such as the apparent loss of some native species, the arrival and persistence of undesirable exotic species, and the increase of weed cover overall, indicate the NTG values of the site are decreasing.

Vegetation associations were previously mapped by Parsons Brinckerhoff (2008), Alison Rowell



(2012), and Umwelt (2014 and 2015) and have changed little in type. The extent of NTG has changed over this time. Between 2008 and 2014, the NTG varied between 0.56 and 0.5 hectares. During 2015, Block 15 was split, with an access road being built through the northern half, servicing the private development at Block 14, Section 22, Barton.

In addition to the loss of NTG in this portion of Block 15, the site was affected by a significant weed incursion, recorded in the 2015 surveys (Umwelt, 2016a). This has resulted in the current extent of NTG being recorded at 0.32 hectares.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.

Aside from the presence of NTG and GSM habitat, there are no outstanding natural features, or other important, or unique values present within the Project Area.

3.5 Describe the status of native vegetation relevant to the project area.

The only native vegetation present at the Project Area is the 0.32 hectares of NTG in the south-east.

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The Project Area is relatively flat, varying between 567 and 570 metres above sea level (ACT Government, 2015; as mapped in May 2004).

The proposed action would remove topsoil from the Project Area but would not significantly vary the gradient present at the Project Area.

3.7 Describe the current condition of the environment relevant to the project area.

As stated in **Section 3.3**, a large portion of the Project Area is dominated by exotic grassland flora species, with some planted exotic tree species also occurring. The most recent monitoring report completed by Umwelt (2016a) for the south-east area, assessed a notable increase in some weed species, namely St. John's wort (*Hypericum perforatum*), cocksfoot (*Dactylis glomerata*), and ribbed plantain (*Plantago lanceolata*). In addition, the planted kangaroo grass (*Themeda triandra*) along the south-eastern boundary was noted as having expanded into the NTG area.

Monitoring for GSM habitat has demonstrated that wallaby grasses, important feed species in the ACT region, are at levels considered low for population maintenance. GSM population size and trends cannot be identified due to limitations of the survey techniques (i.e. only observing flying males) and understanding of the moth's population traits. This is a limitation inherent in



the Commonwealth approved survey technique for the species. A capture-mark-recapture survey has not been repeated since 2012, in accordance with the maintenance plan for the Project Area.

There is no evidence of erosion at the Project Area. However, the central and north-west portion of Block 3 is highly disturbed and there is evidence of previous ground disturbance.

Overall, the NTG and GSM values of the Project Area are decreasing. The long term viability of the GSM population at the Project Area is considered low.

3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.

There are no known heritage values present within the Project Area (ERM, 2016). The interactive map tool (DoEE, 2015) identified 70 Commonwealth Heritage Places within five kilometres of the Project Area. However, none of these are within the immediate vicinity of the Project Area.

3.9 Describe any Indigenous heritage values relevant to the project area.

The heritage assessment completed for the Project Area (ERM, 2016) did not identify any Indigenous heritage values. Furthermore, it was assessed as having a low potential for unknown Indigenous heritage sites.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.

Block 3 is National Land, managed by The Proponent. Block 15 is Territory Land managed by the ACT Government. Neither block is leased to a third party. It is the intent of the proposed action to prepare Blocks 3 and 15 for sale to a private entity.

3.11 Describe any existing or any proposed uses relevant to the project area.

The Project Area is currently vacant land and this is proposed to continue until the sale.

It is the intent of the proposed action to prepare the Project Area for sale to a private, third party. Any future development would be subject to NCA approval and would be consistent with the surrounding land uses as befits the Barton Precinct Code under the *National Capital Plan 1990*. This referral has considered the potential effects of such future development on the surrounding landscape and land users, including the GSM habitat present on the Sydney Avenue median strips.

As described in **Section 2.4.1**, the full extent of known GSM habitat present within the



surrounding landscape has been included in the impact footprint and will be compensated for appropriately in the offset strategy at Block 48. Potential impacts to surrounding land users and the local community are considered during the NCA assessment and approvals process.



Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

Options to sell the Project Area with constraints on potential future development (e.g. only develop the north-western exotic grassland portion) have been deemed unfeasible and would likely result in further accelerated degradation of the small remaining area of native vegetation (0.32 hectares).

In addition, the small size (0.32 hectares) of native grassland has low resilience to impacts. It would be difficult to mitigate indirect impacts as a result of adjacent development with any confidence. This is also true for the 0.4 hectares of the Sydney Avenue median strips. Therefore, this referral considers the entire local population of NTG and GSM will be impacted. An offset strategy to compensate for the loss at the Project Area has been developed at a more appropriate location for the conservation and enhancement of these habitats.

Potential impacts to the 'whole of the environment' as a result of the proposed action are linked to possible erosion, sedimentation, air pollution from dust, and water quality degradation following vegetation removal. There may also be community impacts if subsequent development is not considerate of the surrounding land uses and users. To mitigate these potential impacts, the following will occur:

- Following the clearing of vegetation and up to the finalisation of the divestment of land, the Proponent will be responsible for maintaining the Project Area to minimise erosion, sedimentation and dust.

- It will be a condition of sale that the purchaser continues to maintain the Project Area to minimise erosion, sedimentation, and dust until the time construction is completed. This will be enforced through the contract for sale, or Crown lease.

- The consequential development will be subject to approval from the NCA. At this stage, consideration of land-use and impacts to the community will occur. Given the current provisions of the *National Capital Plan 1990*, it is unlikely that any future development will have impacts to the local community if approved by the NCA.



4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

An offset site has been identified to mitigate the loss of 0.32 hectares of NTG and 0.72 hectares of GSM at the Project Area. Umwelt (2016b) completed an assessment of two proposed offset sites, both of which are currently owned by the Commonwealth and managed by the Proponent. This report found that Block 48, Wallaroo Road, Hall, ACT (Block 48) is the most suitable for offsetting the impact to NTG and GSM habitat on the Project Area. This conclusion was made with consideration of the Commonwealth's environmental offset policy and guidelines.

Details of the values present at Block 48 are described in Umwelt's (2016b) report. The additional 0.4 hectares of low quality GSM habitat present on the Sydney Avenue median strips was not considered in detail, however it is considered that sufficient habitat occurs on Block 48 to fully offset the impact.

A Vegetation Management Plan (VMP) has been prepared for Block 48 (Umwelt 2016c) to protect and enhance ecological communities and habitats for conservation significance, particularly GSM and NTG habitat values, through a Priority Vegetation Management Action Plan with monitoring and review. The VMP itemises on site management issues and details management strategies and control measures specified according to priority setting and for each area of habitat. Management strategies/control measures include:

- Ecological condition monitoring, e.g. GSM habitat and vegetation condition monitoring every 3 years.
- Reconfiguration of fencing according to habitat management units; and assessment and monitoring of boundary fencing to ensure security and containment.
- Weed control: certification of weed contractor, site induction and identification of native species; baseline survey and ongoing monitoring of weed density and presence; vehicle hygiene identification, inspection and cleaning to minimise weed transmission, and inclusion of requirements in contracts/work orders; use of herbicides in a controlled manner; and schedule of application.
- Grazing for biomass control for enhancement of NTG and managing potential fuel loads; to be conducted seasonally as restricted conservation grazing, with weekly inspections/regular monitoring.
- Bushfire mitigation to be assessed and conducted prior to the fire danger season with possible measures to be considered to reduce biomass loads, only if required, through slashing and establishment of a 5-10 metre firebreak.
- Erosion control by grazing as well as management of the riparian corridor.
- Rabbit control through fumigating warrens, or poisoning/culling in a controlled manner.
- Adaptive management planning to address any unplanned events and provide contingencies



that are responsive and flexible. This provides a risk based flexible approach to management to ensure any issues are addressed expediently relating to the threats such as new weed presence, additional erosion, or bushfire event.



Section 5 – Conclusion on the likelihood of significant impacts

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

5.1.1 World Heritage Properties

No

5.1.2 National Heritage Places

No

5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)

No

5.1.4 Listed threatened species or any threatened ecological community

Listed threatened species and communities - Yes

5.1.5 Listed migratory species

No

5.1.6 Commonwealth marine environment

No

5.1.7 Protection of the environment from actions involving Commonwealth land

No

5.1.8 Great Barrier Reef Marine Park

No

5.1.9 A water resource, in relation to coal/gas/mining

No



5.1.10 Protection of the environment from nuclear actions

No

5.1.11 Protection of the environment from Commonwealth actions

No

5.1.12 Commonwealth Heritage places overseas

No

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.

Not applicable.



Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

The Proponent is the custodian of the Commonwealth's non-Defence property portfolio. A number of the properties that the Proponent manages have threatened ecological communities, or species that require management and protection. The Proponent operates under all Commonwealth legislation and policy, including the EPBC Act, to ensure it remains compliant and meets its obligations with respect to environmental protection on its properties.

The Proponent has a history of managing properties in accordance with environmental management plans, which ensure the appropriate outcomes are met. This has included undertaking weed and pest management strategies to ensure its properties are maintained to a high standard that is consistent with key environmental objectives.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.

The Proponent does not and has not had proceedings against it under a Commonwealth, State, or Territory law for the protection of the environment, or the conservation and sustainable use of natural resources.

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

Yes

6.3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.

As a Commonwealth Agency, the Proponent operates under all Commonwealth legislation and policy, including the EPBC Act, to ensure it remains compliant and meets its obligations with respect to environmental protection on its properties.



6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

Yes

6.4.1 EPBC Act No and/or Name of Proposal.

In the last five years, the Proponent has submitted the following EPBC referrals.

2016/7766

2015/7587

2015/7499

2013/7017

2013/6903

2012/6586

2012/6504

2012/6437

2008/4158



Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
ACT Government (2015) ACTmapi, accessed online (March, 2017): http://www.actmapi.act.gov.au/home.html .	Moderately reliable.	The data that is used for ACTmapi is collected from numerous sources and is accurate to varying degrees. Where possible, the data source was identified and assessed on an case by case basis.
Clarke, G. M. and O'Dwyer, C. (1998) Genetic Analysis of Populations of the Endangered Golden Sun Moth, (<i>Synemon plana</i>), unpublished report for the Threatened Species Unit (NSW National Parks and Wildlife Service, Southern Zone) and the Wildlife Research and Monitoring Unit (Environment ACT), CSIRO Division of Entomology, Canberra.	High reliability. This survey is widely referenced in the ACT and is still considered accurate.	The research is a little old, and numerous populations of golden sun moth have been identified since this time. The conclusions regarding meta-populations are still considered accurate as all recently identified golden sun moth populations occur within these meta-populations.
Commonwealth Scientific and Industrial Research Organisation (CSIRO) (2017) Australian Soil Resource Information System (ASRIS), accessed online (March, 2017): http://www.asris.csiro.au/ .	Moderately reliable. This data is gathered by a reputable organisation. It is to accurate to a coarse scale only, and therefore is not necessarily reliable to a small-scale as applicable to the Project Area.	The data used in ASRIS is accurate to a coarse scale only, and therefore is not necessarily reliable to a small-scale as applicable to the Project Area.
Department of the Environment and Energy (DoEE) (2015) Protected Matters Search Tool, accessed online (February 2017): http://www.environment.gov.au/webgis-framework/apps/pmst/pmst.jsf .	Moderately reliable. This tool is used as a starting point to identify matters protected under the EPBC Act. All information gathered from this source has been checked against project area scale information for	The scale of the data used by the protected matters search tool is large and can be at a coarse scale. By applying a buffer to the search (10 kilometers) and cross-checking results with other information



Reference Source	Reliability accuracy.	Uncertainties
		sources, the uncertainty is not considered an issue for this Referral.
Environmental Resources Management (ERM) (2016) Block 3, Section 22, Barton ACT Heritage Assessment, unpublished report prepared for the Department of Finance, Canberra.	High reliability. This report is recent, and specific to the Project Area.	The report only covers Block 3 and does not reference Block 15.
Parsons Brinckerhoff (2008) Natural Temperate Grassland Maintenance Plan Block 3 Section 22 Barton, ACT, unpublished report prepared for the Department of Finance, Canberra.	High reliability. This report is used to provide context to this Referral by providing information on historic use and surveys.	There is uncertainty regarding the source of the fill that is said to have been dumped within the Project Area. This is not considered pertinent to this Referral, beyond providing context.
Rowell, A (2007) Survey and Impact Assessment at Golden Sun Moth Synemon plana site, Blocks 3 and 7, Section 22 Barton (York Park), unpublished report prepared for Parsons Brinckerhoff, Canberra.	High reliability. All surveys were completed according to appropriate guidelines and at the Project Area scale.	The information regarding the natural temperate grassland and golden sun moth populations has been superseded by more recent survey and monitoring efforts.
Threatened Species Scientific Committee (TSSC) (2016) Environment Protection and Biodiversity Conservation Act 1999 (s266B) Approved Conservation Advice (including Listing Advice) for the Natural Temperate Grassland of the South Eastern Highlands (EC152), accessed online (March, 2017): www.environment.gov.au/biodiversity/threatened/communities/pubs/152-conservation-advice.pdf .	High reliability. This document has been prepared very recently by the Department of the Environment and Energy.	This document is a National scale document, therefore must be used to provide context to the EPBC listed natural temperate grassland present within the Project Area.
Umwelt (2016a) Golden Sun Moth and Natural Temperate Grassland Vegetation Management Plan Block 3, Section 22, Barton ACT, unpublished report prepared for the Department of Finance,	High reliability. All surveys were completed according to appropriate guidelines and at the Project Area scale.	Due to inherent limitations in the survey guidelines, conclusions regarding the ongoing trends of the golden sun moth population cannot be determined.



Reference Source	Reliability	Uncertainties
Canberra. Umwelt (2016b) Offset Analysis Report, Block 3 Section 22 and Proposed Offset Sites, unpublished report prepared for the Department of Finance, Canberra.	High reliability. This report used the most recent survey data available for the Project Area and considers the Commonwealth's Offset Policy and Guidelines.	It is noted that the final conclusions regarding the appropriateness of offsets are to be determined by the Department of the Environment and Energy.
Department of the Environment, Water, Heritage and the Arts (DEWHA) (2009) Significant Impact Guidelines for the Critically Endangered Golden Sun Moth (<i>Synemon plana</i>): Nationally threatened species and ecological communities EPBC Act Policy Statement 3.12, accessed online (February 2017): http://www.environment.gov.au/system/files/resources/b945f32e-3f75-4739-a793-9f672893f3bb/files/golden-sun-moth.pdf .	High reliability. These guidelines are the current standard for assessing impacts to golden sun moth under the EPBC Act.	No uncertainties.
Umwelt (2014) Natural Temperate Grassland Maintenance Plan Block 3 Section 22 Barton ACT, unpublished report prepared for Department of Finance, Canberra.	High reliability. This report was completed based on site scale inspection and all surveys were conducted according to appropriate guidelines and methodologies.	This report has been superseded by more recent surveys. Due to inherent limitations in the survey guidelines, conclusions regarding the ongoing trends of the golden sun moth population cannot be determined.
Umwelt (2015) Natural Temperate Grassland Condition Assessment and Golden Sun Moth Monitoring Event Block 3 Section 22 Barton ACT, unpublished report prepared for Department of Finance, Canberra.	High reliability. This report was completed based on site scale inspection and all surveys were conducted according to appropriate guidelines and methodologies.	This report has been superseded by more recent surveys. Due to inherent limitations in the survey guidelines, conclusions regarding the ongoing trends of the golden sun moth population cannot be determined.
Umwelt (2016c) Vegetation Management Plan, Block 48 Wallaroo Road, unpublished report prepared for Department of Finance, Canberra.	High reliability. This report was completed based on site scale inspection and all surveys were conducted according to appropriate guidelines and methodologies.	The management plan includes an adaptive management strategy that will allow any uncertainties to be dealt with as, and if, they arise.
Umwelt (2017) Impact Assessment to support and	High reliability. This report was completed based on site scale	The report uses the precautionary principle to



Reference Source	Reliability	Uncertainties
EPBC Act Referral for the proposed divestment of Blocks 3 and 15, Section 22, Barton ACT 2600, unpublished report prepared for Department of Finance, Canberra.	inspection and concurrently with the preparation of this referral.	assess the likelihood of impacts as a result of the proposed action. Due to this, it is considered unlikely that any residual uncertainty would have effect on the outcomes of the Referral.



Section 8 – Proposed alternatives

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

8.0 Provide a description of the feasible alternative?

There is not considered to be any feasible alternatives to the proposed action. As stated in **Section 4**, the impacts to GSM and NTG are considered unavoidable due to the patch of habitat's size and isolation.

8.1 Select the relevant alternatives related to your proposed action.

8.27 Do you have another alternative?

No



Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

9.2 Organisation

9.2.1 Job Title

A/g Assistant Secretary

9.2.2 First Name

Elizabeth

9.2.3 Last Name

Hickey

9.2.4 E-mail

divestmenttaskforce@finance.gov.au

9.2.5 Postal Address

1 Canberra Avenue

One Canberra
Forrest ACT 2603
Australia

9.2.6 ABN/ACN

ABN

61970632495 - DEPARTMENT OF FINANCE

9.2.7 Organisation Telephone



0262152222

9.2.8 Organisation E-mail

divestmenttaskforce@finance.gov.au

9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

Not applicable

Small Business Declaration

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature:..... Date:

9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations

No

9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

Declaration

I, Elizabeth Hickey, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature: [Signature] Date: 25/8/17

I, _____, the person proposing the action, consent to the designation of _____ as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature:..... Date:



9.3 Is the Proposed Designated Proponent an Organisation or Individual?

Organisation

9.5 Organisation

9.5.1 Job Title

A/g Assistant Secretary

9.5.2 First Name

Elizabeth

9.5.3 Last Name

Hickey

9.5.4 E-mail

divestmenttaskforce@finance.gov.au

9.5.5 Postal Address

1 Canberra Avenue

One Canberra
Forrest ACT 2603
Australia

9.5.6 ABN/ACN

ABN

61970632495 - DEPARTMENT OF FINANCE

9.5.7 Organisation Telephone

0262152222

9.5.8 Organisation E-mail

divestmenttaskforce@finance.gov.au

Proposed designated proponent - Declaration



I, Elizabeth Hickey, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature: [Signature] Date: 25/8/17

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Environmental Scientist

9.8.2 First Name

Amanda

9.8.3 Last Name

Mulherin

9.8.4 E-mail

amulherin@umwelt.com.au

9.8.5 Postal Address

56 Bluebell Street

City Edge
O'Connor ACT 2602
Australia

9.8.6 ABN/ACN

ABN

18059519041 - UMWELT (AUSTRALIA) PTY. LTD.

9.8.7 Organisation Telephone

(02) 6262 9484



9.8.8 Organisation E-mail

reception@umwelt.com.au

Referring Party - Declaration

I, Amanda Mulherin, I declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature: *A Mulherin* Date: 25/08/2017



Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 1.4_landscape_aerial_with_block_dimensions_actmapi_20170824_a4.pdf
2. 1.13.1_heritage_assessment_block_3_section_22_erm_2016.pdf
3. 2.14_epbc_pmst_5km.pdf
4. 2.14_full_impact_assessment_brief_umwelt_2017.pdf
5. 3.1.1_block_3_barton_vmp_and_monitoring_umwelt_2016.pdf
6. 3.1.1_gsm_habitat_pop_survey_impact_assessment_rowell_2007.pdf
7. 4.3_block_48_vmp_umwelt_2016.pdf
8. 4.3_offset_analysis_report_umwelt_2016.pdf
9. epbc_referral_section_22_barton_project_area_shapefiles.zip