



Referral of proposed action

Project title:	Development of Part Block 20 Section 86 Yarralumla for the purpose of diplomatic mission, Yarralumla, Australian Capital Territory (ACT)
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1 Summary of proposed action

1.1 **Short description**

The Republic of India is proposing to develop their site for the purpose of a diplomatic mission within the diplomatic precinct located in the suburb of Yarralumla, Canberra, ACT.

The proposed action is on Commonwealth land which is leased to the High Commission of India.

1.2 **Latitude and longitude**

Latitude: -35.308290
Longitude : 149.116323

1.3 **Locality and property description**

The site is located within the Yarralumla diplomatic precinct. Yarralumla is located within the inner south suburbs of Canberra, approximately 3 kilometres southwest of Canberra's city centre. The site is located approximately 500 metres from the Australian Parliament House.

Part Block 20 Section 86 Yarralumla is currently vacant and has frontage to Turrana Street to the north and Moonah Place to the West. Access to the block is from Moonah Place.

Block 20 Section 86 Yarralumla was created as a result of realignment of the boundary between Blocks 9 & 10 Section 86 Yarralumla. The site may be referenced in reports using these previous block descriptions.

1.4 **Size of the development footprint or work area (hectares)**

There is 0.0820 ha of habitat currently within Part Block 20 Section 86 Yarralumla. In order to install security fencing to the perimeter of Part Block 20 Section 86 Yarralumla, further removal of further 0.0755 ha of habitat in the Turrana Street Road Reserve is assumed to occur. This equates to a total of 0.1575 ha habitat to be removed as a direct result of this proposal.

1.5 **Street address of the site**

3 Moonah Place, Yarralumla

1.6 **Lot description**

Part Block 20 Section 86 Yarralumla

1.7	Local Government Area and Council contact (if known) Andrew Smith, Chief Planner National Capital Authority		
1.8	Time frame The diplomatic mission would like to commence construction within the next 12 months.		
1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?	X	No
			Yes, you must also complete section 2.2
1.10	Alternative time frames etc Does the proposed action include alternative time frames, locations or activities?	X	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).
1.11	State assessment Is the action subject to a state or territory environmental impact assessment?	X	No
			Yes, you must also complete Section 2.5
1.12	Component of larger action Is the proposed action a component of a larger action?	X	No
			Yes, you must also complete Section 2.7
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)?		No
		X	Yes, provide details: The NCA will make a separate referral for the development of the Bangladesh High Commission, which will utilise a vacant section of land adjacent to this action area.
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project?	X	No
			Yes, provide details:
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	X	No
			Yes, you must also complete Section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

2.1 Description of proposed action

The subject site comprises of Part Block 20 Section 86 Yarralumla. The subject site is currently leased National Land with a Land Use policy of Diplomatic Mission as defined by the National Capital Plan. Part Block 20 Section 86 Yarralumla is a vacant site.

The development of the site for the purposes of a diplomatic mission may include:

- Road and other services access to the block through the road reserve.
- Construction of buildings and associated infrastructure
- Realignment of services within the block
- Construction of new services within the block
- Construction of a security fence around the perimeter of the site
- Protection of existing trees identified for protection.

The proposed development will result in complete modification of the current site with the retention of significant trees. Further, the road reserve may be completely modified and cleared of existing vegetation.

2.2 Alternatives to taking the proposed action

There are no feasible alternatives to taking the proposed action. The National Capital Plan states that '*diplomatic activities should be established in places which are prestigious, have good access to Parliament House and other designated diplomatic precincts, and meet security requirements.*' The block is located within the Yarralumla diplomatic area where there are a substantial number of established diplomatic missions. The current supply of National Land available for diplomatic sites in Canberra is close to exhausted.

2.3 Alternative locations, time frames or activities that form part of the referred action

Not applicable.

2.4 Context, planning framework and state/local government requirements

Block 20 Section 86 Yarralumla is National Land as described by the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwth) (PALM Act). The site is within a Designated Area of the National Capital Plan (the Plan). The National Capital Plan is established under the PALM Act and is administered by the National Capital Authority (NCA). The object of the Plan is to ensure that Canberra and the Territory are planning and developed in accordance with their national significance. Designated Areas are areas of the land that have the 'special characteristics of the national capital'. The blocks are currently zoned as Diplomatic Mission in the Plan.

Diplomatic Mission is defined by the Plan as '*Any building, parts of buildings and the land ancillary thereto leased specifically for use for the purpose of an embassy, a high commission, a legation, or a consulate. This includes chanceries or diplomatic mission, and combined chanceries and residences.*'

The subject site is leased under the *Leases (Special Purposes) Ordinance 1925*. The Crown Lease for the site is administered by the NCA.

In accordance with the PALM Act, no 'works' on the site may be carried out without the prior written approval of the NCA (Works Approval).

The following legislation applies to the proposal:

Australian Capital Territory (Planning and Land Management) Act 1988
Leases (Special Purposes) Ordinance 1925
Environment Protection and Biodiversity Conservation Act 1999

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

The proposed action will not or has not been subject to a state or territory environmental impact statement. However the following environmental assessments have been carried out regarding the site to determine whether a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was required.

Heritage & Environmental Assessment – Part Block 9, Section 86, Yarralumla by Duncan Marshall, Geoff Butler & Associates, Navin Officer Heritage Consultants and Robson Environmental (2011) - Attachment A

Ecological Values and Constraints Assessment - Block 18 Section 86, Yarralumla by Biosis Pty Ltd (2015) – Attachment B

2.6 Public consultation (including with Indigenous stakeholders)

No public consultation has been carried out in relation to the proposed action. Diplomatic missions are exempt from the public consultation process associated with a Works Approval application due to the confidential nature of the proposals.

Indigenous Consultation

A Cultural Heritage Assessment (October 2011) was prepared by Navin Officer Heritage Consultants. (Attachment A)

The assessment notes that:

Contact was made by phone and email with the RAOs to inform them of the assessment and to organise representation during the field survey.

The following personnel participated in the fieldwork program and represented the interests of their group in the project:

- Wally Bell (Buru Ngunawal Aboriginal Corporation);
- Carl Brown (King Brown's Tribal Group Pty Ltd); and
- James Mundy (Ngarigu Currawong Clan).

Records of Aboriginal Field Participation are provided in Appendix 1 of the Cultural Heritage Assessment.

The cultural heritage assessment found no cultural heritage sites, and that there are no cultural heritage constraints to the future development of the now retired Block 9 Section 86 Yarralumla.

2.7 A staged development or component of a larger project

Not applicable.

2.8 Related actions

Development of Block 18 Section 86 Yarralumla and the affected road reserve for the purposes of diplomatic mission, Yarralumla, ACT.

The studies and surveys undertaken in support of this referral were completed for both Block 18 Section 86 Yarralumla and Part Block 20 Section 86 Yarralumla (Therefore reference to Study area in this document refers to both sites and is described at Attachment C).

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

There are no World Heritage Properties in or near the affected area.

Nature and extent of likely impact

Not applicable.

3.1 (b) National Heritage Places

Description

There are no National Heritage Places in or near the study area.

Nature and extent of likely impact

Not applicable.

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

There are no Wetlands of International Importance (declared Ramsar wetlands) in or near the project area.

Nature and extent of likely impact

Not applicable.

3.1 (d) Listed threatened species and ecological communities

Description

Threatened ecological communities

Two listed communities are predicted to occur in the local area:

- Natural Temperate Grassland of the South Eastern Highlands - listed as critically endangered
- White Box-Yellow Box Blakely's Red Gum Grass Woodland and Derived Native Grassland – listed as critically endangered.

The site does not support the Natural Temperate Grassland of the South Eastern Highlands community (Biosis 2015 - [Attachment B](#)).

The presence of remnant Yellow Box and Blakely's Red Gum trees, on the adjacent property, indicates that the study area would have once (prior to clearing) supported the White Box-Yellow Box Blakely's Red Gum Grass Woodland and Derived Native Grassland ecological community. This is supported by the ACT government mapping of Box-Gum Woodland for the area.

However, the vegetation on the site is now highly modified and no longer supports an intact or a predominantly native ground layer. The community is therefore not present (Biosis 2015 – [Attachment B](#)).

Threatened species

Based upon the availability, quality and type of habitat within the study area, as well as an EPBC Act

Protected Matters Search Tool database search, a likelihood of occurrence and habitat assessment was undertaken. The full likelihood of occurrence and habitat assessment is provided in Table 1 and includes descriptions and assessment for all species considered, including those determined to have a negligible likelihood of occurrence. This includes any species listed solely under the *Nature Conservation Act 2014* (NC Act) and which are known to occur in the locality.

No flora species listed under the EPBC Act have been recorded from the affected land and none are predicted to occur there due to the modified nature of the vegetation and ongoing disturbance (Biosis 2015 - [Attachment B](#)).

Similarly there is no suitable habitat and/or a low likelihood of occurrence for the majority of threatened fauna known or predicted to occur in the local area (Biosis 2015 - [Attachment B](#)).

Targeted surveys were undertaken for the critically endangered Golden Sun Moth *Synemon plana* in November and December 2015 (two surveys). Male Moths were observed flying on both days. Observations were restricted to the northern part of the affected land where Chilean Needle Grass - a known larval host plant and introduced weed species - was dominant. Moths were also observed in similar habitat in the adjoining road reserve and the vacant land on the other side of Turrana Street (Biosis 2015 – [Attachment B](#)).

Table 1 Likelihood of occurrence of threatened flora and fauna in the affected area.

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
Flora					
<i>Lepidium hyssopifolium</i> Basalt Peppercress	E		This species is known from a few populations in NSW, Victoria and Tasmania. The Basalt Pepper-cress is known to establish on open, bare ground with limited competition from other plants. It was previously recorded from Eucalypt woodland with a grassy ground cover, low open Casuarina woodland with a grassy ground cover and tussock grassland, however recently recorded localities have predominantly been in weed-infested areas of heavy modification, high degradation and high soil disturbance such as road and rail verges, on the fringes of developed agricultural land or within small reserves in agricultural land. Many populations are now generally found amongst exotic pasture grasses and beneath exotic trees.	Negligible The species is not known from the ACT and the study area is too highly disturbed to constitute potential habitat.	-
<i>Leucochrysum albicans</i> var. <i>tricolor</i> Hoary Sunray	E	-	The Hoary Sunray occurs from Queensland to Victoria and in Tasmania. In the ACT the species can be seen in spring in abundance on the roadside along Fairbairn Avenue and into Mt Ainslie Nature Reserve, on the western slopes of Mt Majura and adjacent to the Federal Highway road easement. In NSW it is distributed on the inland slopes and plains including grasslands and woodlands on the Monaro. The species is usually found in ungrazed and lightly grazed areas, along roadsides in particular. It appears to be very sensitive to grazing, but responds to disturbance as a coloniser and appears to tolerate mowing. Flowers spring to summer.	Low Although the study area contains potential habitat, this species (which is readily identifiable in spring/summer) was not recorded within the study area during the field survey.	-
<i>Pelargonium</i> sp. <i>Striatellum</i> Omeo Stork's-bill	E	-	An undescribed species of <i>Pelargonium</i> , Omeo Stork's Bill is a tufted perennial herb threatened by grazing, recreational activities, and exotic species. It is known to occur just above the high water level of ephemeral lakes in NSW and Victoria.	Negligible There is no potential habitat for this species in the study area.	
<i>Prasophyllum petilum</i> Tarengo Leek Orchid	E (CE – P. sp Wybong)	E	Known from Hall Cemetery in the ACT as well as four sites in New South Wales: Captains Flat Cemetery, Ilford Cemetery, Steves Travelling Stock Route (TSR) at Delegate and the Tarengo TSR near Boorowa. Occurs on relatively fertile soils in grassy woodland or natural grassland.	Negligible Not known from the study area or locality. Unlikely to persist in a heavily disturbed and weedy site such as the study area.	-
<i>Rutidosia leptorrhynchoidea</i> Button Wrinklewort	E	E	In the ACT and NSW, Button Wrinklewort occurs in box-gum woodland, secondary grassland derived from box-gum woodland or in natural temperate grassland. It prefers open spaces where it does not have to compete for light. It is known from several sites in the ACT, NSW and Victoria, where it is threatened by habitat loss, grazing and weed encroachment.	Low The study area is too disturbed and no plants were recorded during the field survey.	-

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
<i>Swainsona recta</i> Small Purple-pea	E	E	The Small Purple-pea occurs in the grassy understorey of woodlands and open-forests dominated by Blakely's Red Gum, Yellow Box, Candlebark and Bundy. The species grows in association with understorey dominants that include Kangaroo Grass, poa tussocks and spear-grasses. Plants die back in summer, surviving as rootstocks until they shoot again in autumn. The species is intolerant of grazing but generally tolerant of fire, which also enhances germination by breaking the seed coat and reducing competition from other species.	Low The study area is too weedy and no plants were recorded during the field survey.	-
<i>Thesium australe</i> Austral Toadflax	V	-	Found in very small to large populations scattered across eastern NSW, along the coast, and from the Northern to Southern Tablelands. Austral Toadflax is a root parasite that takes water and some nutrients from other plants, especially Kangaroo Grass. It is often found in damp sites in association with Kangaroo Grass but it is also found on other grass species at inland sites. Occurs on clay soils in grassy woodlands or coastal headlands.	Low The study area possessed poor quality potential habitat and is not dominated by Kangaroo Grass.	
Fauna					
Birds					
<i>Anthochaera phrygia</i> Regent Honeyeater	CE	E	A semi-nomadic species occurring in temperate eucalypt woodlands and open forests. Most records are from box-ironbark eucalypt forest associations and wet lowland coastal forests. Key eucalypt species include Mugga Ironbark, Yellow Box, Blakely's Red Gum, White Box and Swamp Mahogany. Also utilises a number of other eucalypt species. Nectar and fruit from the mistletoes <i>Amyema miquelii</i> , <i>A. pendula</i> , and <i>A. cambagei</i> are also eaten during the breeding season. Regent Honeyeaters usually nest in horizontal branches or forks in tall mature eucalypts and sheoaks as well as within mistletoe haustoria (section of the root which connects with the host tree). An open cup-shaped nest is constructed by the female of bark, grass, twigs and wool.	Low	Low Low-quality foraging habitat only. The species rarely breeds in the ACT region as in highly unlikely to breed within the study area.
<i>Calyptorhynchus lathamii</i> Glossy Black-cockatoo	-	V	The Glossy Black-cockatoo has a patchy distribution, having once been widespread across most of the south-east of Australia. The species is now distributed throughout an area which extends from the coast near Eungella in eastern Queensland to Mallacoota in Victoria. Glossy black-cockatoos feed on casuarina seeds, however they occasionally consume seeds from eucalypts, angophoras, acacias and hakeas, as well as insect larvae. In the ACT region the species feeds almost exclusively on Drooping Sheoak (<i>Allocasuarina verticillata</i>). Pairs mate for life and nest in the hollows of large, old living or dead eucalypt trees. Breeding takes place between March and August.	Negligible No Drooping Sheoak present.	Negligible

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
<i>Climacteris picumnus victoriae</i> Brown Treecreeper (eastern subspecies)	-	V	In the ACT region, Brown Treecreepers occur in dry woodlands and open forest below 1,000 metres. The species is relatively common along the Clear Range and along the Lower Naas River. Other populations occur at Mulligans Flat Reserve, Campbell Park, Burbong and former quarries south of the airport in the northern part of the ACT, and at Castle Hill, north of Tharwa. Brown Treecreepers also frequent paddocks and grasslands where there are sufficient logs, stumps and dead trees nearby. The species prefers relatively undisturbed woodland and dry open forest where the native understorey, especially grasses, has been preserved. The species usually prefers predominantly rough-barked trees such as stringybarks and rough barked boxes.	Negligible Insufficient habitat within the study area. Species unlikely to occur in urban areas.	-
<i>Daphoenositta chrysoptera</i> Varied Sittella	-	V	In the ACT region, the Varied Sittella occurs in a wide variety of woodland and forest habitats, particularly in lowland areas. The species prefers areas with a dominance of rough barked trees, notably Red Stringybark at relatively high density. The species is rarely recorded in sparsely treed areas.	Negligible Limited suitable habitat within the study area. Species unlikely to occur in urban areas.	-
<i>Grantiella picta</i> Painted Honeyeater	V	V	The Painted Honeyeater is found in Queensland and New South Wales west of the Great Dividing Range, through to northern Victoria. The species displays some migrational movement and is occasionally found in the Northern Territory and is a vagrant to South Australia and the ACT. The species frequents eucalypt forests and woodlands, particularly those that are infested heavily with mistletoes. In the ACT, the species' primary habitat is River Oak (<i>Casuarina cunninghamiana</i>) along river systems, especially the Murrumbidgee River.	Low This species is only an occasional visitor to the ACT and based on the location of previous recordings, is unlikely to visit, and highly unlikely to breed within the study area.	Low
<i>Hieraaetus morphnoides</i> Little Eagle	-	V	The Little Eagle is distributed throughout the Australian mainland excepting the most densely forested parts of the Dividing Range escarpment, and occupies habitats rich in prey within open eucalypt forest, woodland or open woodland. The species is sensitive to human disturbance.	Low Species unlikely to hunt in urban areas.	Low
<i>Lathamus discolor</i> Swift Parrot	CE	V	The Swift Parrot occurs in woodlands and forests of NSW from May to August, where it feeds on eucalypt nectar, pollen and associated insects. The Swift Parrot is dependent on flowering resources across a wide range of habitats in its wintering grounds in NSW. This species is migratory, breeding in Tasmania and also nomadic, moving about in response to changing food availability.	Low The species may move through the study area during winter, feeding in eucalypts.	Low
<i>Polytelis swainsonii</i> Superb Parrot	V	V	Found mainly in open, tall riparian River Red Gum forest or woodland. Often found in farmland including grazing land with patches of remnant vegetation. Breeds in hollow branches of tall Eucalypt trees within 9 km of feeding areas.	Low Not known to breed within or frequent the vicinity of the study area.	Low

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
<i>Rostratula australis</i> Australian Painted Snipe	V	-	Usually found in shallow inland wetlands including farm dams, lakes, rice crops, swamps and waterlogged grassland. The species prefers freshwater wetlands, ephemeral or permanent, although it has been recorded in brackish waters.	Negligible The study area does not provide potential habitat for the species and the species is only rarely recorded at one location in the ACT region, Jerrabomberra Wetlands.	-
Fish and crustacea					
<i>Maccullochella peelii</i> Murray Cod	V	-	The Murray Cod's natural distribution extends throughout the Murray-Darling basin ranging west of the divide from south east Queensland, through NSW into Victoria and South Australia. The species is found in the waterways of the Murray–Darling Basin in a wide range of warm water habitats that range from clear, rocky streams to slow flowing turbid rivers, billabongs and large deep holes. Murray Cod is entirely a freshwater species and will not tolerate high salinity levels.	Negligible There is no potential habitat for this species within the study area.	-
<i>Macquaria australasica</i> Macquarie Perch	E	E	Macquarie Perch are found in the Murray-Darling Basin (particularly upstream reaches) of the Lachlan, Murrumbidgee and Murray rivers, and parts of south-eastern coastal NSW, including the Hawkesbury and Shoalhaven catchments. Macquarie Perch are found in both river and lake habitats, especially the upper reaches of rivers and their substantial tributaries	Negligible There is no potential habitat for this species within the study area.	-
Frogs					
<i>Litoria castanea</i> Yellow-spotted Tree Frog	E	-	The Yellow-spotted Tree Frog previously had a disjunct distribution, being recorded on the New England Tablelands and on the Southern Tablelands from Lake George to Bombala. The species has only recently (2010) been rediscovered on the Southern Tablelands. Prior to this the species had not been recorded on the Southern Tablelands since the 1970s. Found in large permanent ponds, lakes and dams with an abundance of bulrushes and other emergent vegetation, it shelters during autumn and winter under fallen timber, rocks, other debris or thick vegetation.	Negligible There is no potential habitat for this species within the study area.	-
Insects					

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
<i>Perunga ochracea</i> Perunga Grasshopper	-	V	Records of the species are from Wagga Wagga, Boorowa, Galong, the ACT and adjacent areas of NSW. Key habitat for the Perunga Grasshopper appears to be Natural Temperate Grassland or native pasture dominated by Wallaby Grasses, Kangaroo Grass and Speargrasses with forb food plants located in the inter-tussock spaces. The species has also been recorded in open woodland areas with a grassy understorey, including Box-Gum Grassy Woodland, and rarely, in exotic pasture.	Low The species is unlikely to occur due to the weedy and modified nature of the study area.	
<i>Synemon plana</i> Golden Sun Moth	CE	E	The Golden Sun Moth's NSW populations are found in the area between Queanbeyan, Gunning, Young and Tumut. The species occurs in Natural Temperate Grasslands and Box-Gum Grassy Woodland in which the ground layer is dominated by Wallaby Grasses (<i>Rytidosperma</i> spp.). It is believed that the females lay up to 200 eggs at the base of the Wallaby Grass tussocks. After hatching, the larvae tunnel underground where they remain feeding on the roots of Wallaby Grass tussocks. The species is also known to feed on the introduced species (and WONS), Chilean Needle Grass (<i>Nassella neesiana</i>).	Recorded (Biosis 2015) Chilean Needle Grass (a known larval host plant for Golden Sun Moth is present in high density within the study area. Golden Sun Moth is known to occur nearby to the study area and can persist in small patches. Habitat extends into the road reserve and adjacent vacant land to the east.	High Supports a population (part of a more extensive population extending in to adjacent land parcels).
Mammals					
<i>Dasyurus maculatus maculatus</i> Spot-tailed Quoll (SE mainland population)	E	V	The Spot-tailed Quoll occurs along the east coast of Australia and the Great Dividing Range. The species uses a range of habitats including sclerophyll forests and woodlands, coastal heathlands and rainforests. Occasional sightings have been made in open country, grazing lands, rocky outcrops and other treeless areas.	Negligible Species highly unlikely to occur in urban area, especially in small patch of disturbed vegetation.	-
<i>Phascolarctos cinereus</i> Koala (combined populations of Qld, NSW and the ACT)	V	-	In NSW, the Koala mainly occurs on the central and north coasts with some populations in the western region. Koalas feed almost exclusively on eucalypt foliage, and their preferences vary regionally. They are solitary with varying home ranges. In high quality habitat home ranges may be 1-2 ha and overlap, while in semi-arid country they are usually discrete and around 100 ha.	Negligible The species is not known to occur in the lowland areas of the ACT region and there is insufficient potential habitat within the study area.	-

Species name	EPBC Act status	NC Act status	Description	Likelihood of occurrence	Habitat value (fauna only)
<i>Pteropus poliocephalus</i> Grey-headed Flying-fox	V	-	Occurs in the coastal belt from Rockhampton in central Queensland to Melbourne in Victoria, although only a small proportion of this range is used at any one time as the species selectively forages where food is available. A known maternity (breeding) camp occurs in Commonwealth Park.	Medium Species may visit the study area to forage.	Low Limited foraging habitat only.
Reptiles					
<i>Aprasia parapulchella</i> Pink-tailed Worm-lizard	V	V	The Pink-tailed Worm-lizard is a fossorial species which lives beneath surface rocks and occupies ant burrows. It feed on ants, particularly their eggs and larvae. Thought to lay eggs within the ant nests under rocks that it uses as a source of food and shelter and for thermoregulation. Key habitat features are a cover of native grasses, particularly Kangaroo Grass, sparse or no tree cover, little or no leaf litter, and scattered small rock with shallow embedment in the soil surface.	Low There is no rock scatter within the study area and the ground cover is predominantly exotic.	-
<i>Delma impar</i> Striped Legless Lizard	V	V	The Striped Legless Lizard is patchily distributed in grasslands of south-eastern NSW, the ACT, north-eastern, central and south-western Victoria, and south-eastern South Australia. In the ACT, the species is known to occur at four separate locations - in grassland areas of Gungahlin, Majura and Jerrabomberra Valleys, and Yarramundi. Most areas where the species persists are thought to have had low to moderate levels of agricultural disturbance in the past and it has been suggested that ploughing in particular may be incompatible with the survival of the species.	Low Given the small size, regularly mown and weedy nature of the study area, this species is unlikely to be present.	-

Key:

1) Listed pursuant to the EPBC Act as Critically Endangered (CE), Endangered (E), or Vulnerable (V)

2) Listed pursuant to the NC Act as Endangered (E) or Vulnerable (V)

Note: The brief descriptions of species distribution and habitat are paraphrased from or based on information sourced from the threatened species profiles, recovery plans and listing determinations prepared for each species by the Commonwealth Government and ACT Government. These resources and their references can be found on the relevant government websites.

Nature and extent of likely impact

Potential impacts to the Golden Sun Moth from development include both direct impacts (clearing of habitat for construction, landscaping etc.) as well as indirect impacts (shading from buildings etc.). For the purposes of the proposed action, it is assumed all mapped habitat will be removed through the direct impact of construction works. There is 0.0820 ha of habitat currently within Part Block 20 Section 86 Yarralumla. In order to install security fencing to the perimeter of Part Block 20 Section 86 Yarralumla, further removal of further 0.0755 ha of habitat in the Turrana Street Road Reserve is assumed to occur. This equates to a total of 0.1575 ha habitat to be removed as a direct result of this proposal.

The habitat is contiguous with another adjacent development site (Block 18 Section 86 Yarralumla). The nature and extent of likely impacts for development of Block 18 Section 86 Yarralumla are the same as the subject site (consisting of 0.2185 ha of habitat). That is, this proposal (in conjunction with related proposal) will result in the removal of 0.3760 ha of confirmed Golden Sun Moth habitat.

This habitat is comprised of exotic vegetation dominated by Chilean Needle Grass. The area of confirmed habitat is shown in Figure 4 of Biosis assessment (2015) - Attachment B and at Attachment C. The patch of predominantly Chilean Needle Grass dominated habitat at the study area is separated from other patches of habitat in the locality by roads, landscaping and other areas of unsuitable vegetation. However, moths may still be able to disperse between these patches.

The amount of occupied Golden Sun Moth habitat surrounding the proposal is unclear, but the species is suspected to be relatively widespread in nearby vacant land parcels and road reserves /nature strips supporting larval host plants.

Any loss, degradation or fragmentation of a small or fragmented habitat area (<10 ha) is considered to be a potentially significant impact upon the Golden Sun Moth according to the *Significant Impact Guidelines for the Critically Endangered Golden Sun Moth (Synemon plana)* (DEWHA 2009) (the Guidelines). As the area of known habitat is taken to be 0.3760 ha, the removal of any habitat will exceed the significant impact thresholds for the Golden Sun Moth according to the Guidelines. The Guidelines note that extremely small, isolated and degraded habitat patches are unlikely to contribute to the overall ecological health of the species using patches of less than 0.25 ha as an example. It is important to note that the habitat patch impacted by this proposal is very small, isolated and it is considered unlikely that the population present is of great significance for the conservation and the overall ecological health of the species in the ACT.

The vegetation on the site is not endemic and is dominated by an aggressive agricultural and environmental Weed of National Significance. If the habitat within the affected land is cleared, it is likely that the population will persist in the Chilean Needle Grass-dominated road reserves, the adjacent properties and the habitat within the road reserve on the opposite side of Turrana Street.

Given the small amount of habitat being cleared, its largely exotic flora and the presence of unaffected Golden Sun Moth populations in adjacent lots, we do not consider the proposal to constitute a significant impact to the Golden Sun Moth.

3.1 (e) Listed migratory species

Description

Nine migratory species are predicted to occur within 5 kilometres of the affected land on the PMST. However, the affected land does not support ecologically significant populations of, or significant habitat for listed migratory species and no listed species are considered likely to make significant use of the land.

Nature and extent of likely impact

Given the small size of the site, its isolation and lack of wetland habitat, a significant impact on listed migratory species as a result of the proposed development is considered negligible.

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

There are no Commonwealth marine areas in or near the affected land.

Nature and extent of likely impact

Not applicable

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description
The action is on Commonwealth land (See 3.2(d))

Nature and extent of likely impact

Not applicable

3.1 (h) The Great Barrier Reef Marine Park

Description

The proposed action is not being undertaken in or near the GBRMP.

Nature and extent of likely impact

Not applicable

3.1 (i) A water resource, in relation to coal seam gas development and large coal mining development

Description

The proposed action is not a coal seam gas development or a large coal mining development.

Nature and extent of likely impact

Not applicable

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

3.2 (a)	Is the proposed action a nuclear action?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment

3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))

3.2 (d)	Is the proposed action to be taken on Commonwealth land?		No
		X	Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))

General conditions and land management history

- The study area has been cleared for urban development in the past.
- Further Disturbance of the study area (i.e. through clearing, slashing etc.) has led to subject area being dominated by exotic species, including significant weed species such as Chilean Needle Grass (*Nassella neesiana*) which is present across much of the subject area and the adjacent land.
- One large (15-25 m) planted Blue Gum (probably *Eucalyptus globulus*), a non-local native species, is present on the neighbouring block. Several Blue Gum saplings are regenerating near this tree.
- One mature Yellow Box *Eucalyptus melliodora* and Several Blakely's Red Gum *Eucalyptus blakelyi* are present on the neighbouring block and are likely to be remnant trees. Two Blakely's Red Gum stags (dead trees) are also present in the neighbouring block. Some Black Wattle *Acacia decurrens*, a local native species, are also present as both trees and shrubby regrowth.
- No weed control has been undertaken within the study area. As well as significant ground storey weed infestation, many exotic woody weeds are present, many of which are likely to have originated or dispersed from gardens and plantings in adjacent blocks.
- The road verge and parts of the study area appear likely to be regularly mown to keep biomass down. Further away from the road, biomass control has not been undertaken in a long time. Grazing by native vertebrates is unlikely to be occurring with any regularity due to the location of the study area.

Extent of impact on whole environment

As a consequence of the land management history, the subject site now consists of disturbed groundcover dominated by exotic pasture grasses and containing dense patches of herbaceous weeds. Dominant exotic pasture grasses include Chilean Needle Grass (*Nassella neesiana*), Cocksfoot (*Dactylus glomerata*), and Tall Fescue (*Festuca arundinacea*). Some small patches of native grasses remain, including Corkscrew (*Austrostipa scabra*), Tall Speagrass (*Austrostipa bugeniculata*), and Redleg Grass (*Bothriochloa macra*). Some native forbs are present including Bulbine Lily (*Bulbine bulbosa*), Yellow Buttons (*Chrysocephalum apiculatum*), and Scrambled Eggs (*Goodenia pinnatifida*). Although the study area supports a low diversity of native species, a large population of Bulbine Lily was recorded within the study area.

Several significant weeds are present within the study area. Those listed as Weeds of National Significance and/or listed on the Pest Plants and Animals (Pest Plants) Declaration 2015 under the *ACT Pest Plants and Animals Act 2005* are detailed in Table 2.

Numerous weeds of lower significance were also recorded within the study area, likely having colonised and proliferated as a result of past disturbance, or spreading from nearby urban gardens.

Existing living *Eucalyptus* sp. trees on the subject site are protected through the requirements of the Plan.

Table 2. Weed occurrence within the study area.

Species	WoNS?*	ACT weed category**	Location and severity of infestation
African Lovegrass <i>Eragrostis curvula</i>	No	3	Scattered African Lovegrass occurs within the study area and adjacent land. Control is required for this species.
Chilean Needle Grass* <i>Nassella neesiana</i>	Yes	3	Occurs in high density within the study area. Dominant species in the road reserve and present in high density in the adjacent vacant land.
Cootamundra Wattle <i>Acacia baileyana</i>	No	4	Large shrubs present within the study area
Cotoneaster species (possibly <i>C. glaucophyllus</i>)	No	4	Shrubs present within the study area
Japanese Honeysuckle <i>Lonicera japonica</i>	No	4	Large infestation present along the southern edge of the study area.
Narrow-leaf privet <i>Ligustrum sinense</i>	No	4	Privet shrubs likely present within the study area.
Rowan <i>Sorbus aucuparia</i>	No	4	Several large 10-15 m, plus young regrowth.
Scotch Thistle <i>Onopordum acanthium</i>	No	3	Several recorded near road reserve.
St John's Wort <i>Hypericum perforatum</i>	No	3	Low density within the study area.

*Weed of National Significance (WoNS)

** listed as 'must be contained' (Category 3) or 'prohibited' (Category 4) on the Pest Plants and Animals (Pest Plants) Declaration 2015 under the ACT Pest Plants and Animals Act 2005. Within the two affected lots, it is expected that the works will entail the removal of much of the existing vegetation and habitat to make way for buildings, driveways and hard stand areas. Impacts will be restricted to the two lots.

3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	X	No
			Yes (provide details below)

If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))

3.3 Other important features of the environment

3.3 (a) Flora and fauna

The study area is highly modified landscape, yet still provides habitat for native fauna. Habitat features which are likely to be of the value to native fauna within the study area include the native and exotic groundcover grasses and herbs, the mature eucalypts (nectar, nesting habitat etc.), and the shrubs and woody weeds (nesting and foraging habitat for small common birds). No nests or hollows were recorded during the field survey. Two Blakely's Red Gum stags (dead trees) are present however neither of these appeared to be hollow-bearing.

No threatened flora or fauna species were recorded within the study area during the initial field survey, completed on 27 October 2015. Only common native birds including Yellow-rumped Thornbills (*Acanthiza chrysorrhoa*) and Eastern Rosellas (*Platycercus eximius*) were recorded.

3.3 (b) Hydrology, including water flows

The study area does not support any significant hydrological features.

3.3 (c) Soil and Vegetation characteristics

The vegetation of the study area is characterised by a dominance of introduced plant species as a result of past clearing, weed invasion and the deliberate planting of non-indigenous native trees.

3.3 (d) Outstanding natural features

There are no outstanding natural features on the subject land.

3.3 (e) Remnant native vegetation

Under the NC Act, native vegetation is defined as present if:

- Trees or shrubs indigenous to the area have a canopy cover of 10% or greater in any stratum; or
- native plants indigenous to the area comprise 50% or more of the cover of the groundstorey (grasses, small shrubs, forbs, sedges etc).

Although some small patches of native groundcover were observed during the time of survey, these patches were too small to be accurately mapped and native species comprised less than 50% of the groundstorey of the whole study area. Native vegetation in the study area therefore comprises scattered native species including some indigenous trees.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

The affected area slopes gently from the north to the south.

3.3 (g) Current state of the environment

The affected land is within a highly urbanised area. The land has previously been cleared for urban development and now supports only scattered indigenous plants. Weeds dominate the flora. Apart from the Golden Sun Moth, it is likely that the fauna of the site comprise common and widespread species tolerant of urbanisation and clearing.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

There are no Commonwealth Heritage Places or other places recognised as having heritage values on the subject land.

3.3 (i) Indigenous heritage values

The cultural heritage assessment found:

- 'The site is moderately disturbed, with few remaining original landscape surfaces.
- No previously recorded Aboriginal sites occur within Block 9 Section 86 Yarralumla.
- No previously recorded historical sites occur within Block 9 Section 86 Yarralumla.
- No Aboriginal sites, objects or areas of potential archaeological deposit or sensitivity were identified in the study area in the course of the current investigation.
- No historical sites or features were identified in the study area in the course of the current investigation.

- No areas of Aboriginal or historical archaeological potential or sensitivity were identified within the study area.

It was concluded that:

- There are no cultural heritage constraints to the future development of Block 9 Section 86 Yarralumla.

It was recommended that:

- No further cultural heritage assessment is required for development of Block 9 Section 86 Yarralumla.

Note: Block 9 Section 86 Yarralumla was subdivided into new Blocks 18 and 19 Section 86 Yarralumla.

3.3 (j) Other important or unique values of the environment

There are no important or unique environmental values on the affected land.

3.3 (k) Tenure of the action area (eg freehold, leasehold)

Leasehold. The diplomatic missions have a Crown Lease issued by the National Capital Authority on behalf of the Commonwealth of Australia under the *Leases (Special Purposes) Ordinance 1925*.

3.3 (l) Existing land/marine uses of area

The existing land use is diplomatic mission. Refer definition in Section 2.4

3.3 (m) Any proposed land/marine uses of area

No changes in land use are proposed.

4 Environmental outcomes

The confirmed Golden Sun Moth habitat will be cleared to construct buildings, driveways, security fencing and other infrastructure. The extent of this development is and the extent of habitat to be removed as part of this proposal is shown at Attachment C.

This habitat is dominated by Chilean Needle Grass, which is a Weed of National Significance and is not considered to be valuable Golden Sun Moth habitat in the context of the available Golden Sun Moth habitat within the ACT.

We do not believe the removal of this habitat is likely to have a significant impact on Golden Sun Moth in the ACT. This small patch of habitat is unlikely to contribute to the overall ecological health of the species.

No other matters of national environmental significance are likely to be impacted by the proposed action.

Given the nature of the works, which are highly localised, no specific environmental outcomes are proposed for matters of national environmental significance.

5 Measures to avoid or reduce impacts

Not applicable. No alternatives in relation to location, timeframes or activities are proposed for the proposed action.

6 Conclusion on the likelihood of significant impacts

6.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 6.2
<input type="checkbox"/>	Yes, complete section 6.3

6.2 Proposed action IS NOT a controlled action.

The habitat within the affected land is dominated by invasive non-native plants, including Chilean Needle Grass, which is a Weed of National Significance. Golden Sun Moth is now known to be widespread in the ACT and inhabits many vacant land parcels, including blocks adjacent to the affected land.

Given the small amount of habitat being cleared and the limited value of this habitat for the species' conservation and ecological health of the species, we do not consider the action constitutes a significant impact to the Golden Sun Moth population in the ACT.

6.3 Proposed action IS a controlled action

Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

7 Environmental record of the responsible party

	Yes	No
7.1 Does the party taking the action have a satisfactory record of responsible environmental management? Provide details		X* *The NCA is not aware of the Republic of India having a history of environmental management in Australia. Any action taken by the Republic of India on this site will be subject to a detailed works control administered by the NCA
7.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources? If yes, provide details		X
7.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework? If yes, provide details of environmental policy and planning framework		N/A

7.4	<p>Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		X
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8 Information sources and attachments

(For the information provided above)

8.1 References

Attachment A - Duncan Marshall, Geoff Butler & Associates, Navin Officer Heritage Consultants and Robson Environmental, *Heritage & Environmental Assessment – Part Block 9, Section 86, Yarralumla* (2011)

Attachment B - Biosis Pty Ltd, *Ecological Values and Constraints Assessment - Block 18 Section 86, Yarralumla* (2015)

National Capital Plan - www.nationalcapital.gov.au

Note: All these documents are publicly available.

8.2 Reliability and date of information

The primary source of information used in Section 3 is the *Ecological Values and Constraints Assessment* (Biosis 2015 - Attachment A). The information is dated 2015, the reliability of the information has only been tested through a process of review by the NCA, and there are no uncertainties identified.

8.3 Attachments

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the project locality (section 1)	✓	<u>Attachment C</u> – Plan showing locality, study area, confirmed moth habitat and development area <u>Attachment D</u> – Shape File of Location and Study Area
	GIS file delineating the boundary of the referral area (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	<u>Attachment C</u> – Plan showing locality, study area, confirmed moth habitat and development area
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)	N/A	
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	N/A	
	copies of any flora and fauna investigations and surveys (section 3)	✓	<u>Attachment B</u> - Biosis (2015) Ecological values and constraints

		assessment – India Embassy Site, ACT.
technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	<u>Attachment B - Biosis (2015) Ecological values and constraints assessment – India Embassy Site, ACT.</u>
report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		<u>Attachment A - Duncan Marshall, Geoff Butler & Associates, Navin Officer Heritage Consultants and Robson Environmental, <i>Heritage & Environmental Assessment – Part Block 9, Section 86, Yarralumla</i> (2011)</u>

9 Contacts, signatures and declarations

Proposed action title: Development of Part Block 20 Section 86 Yarralumla for the purpose of diplomatic mission, Yarralumla, Australian Capital Territory (ACT)

9.1 Person proposing to take action

Name and Title: **MR. A. AJAY KUMAR, DEPUTY HIGH COMMISSIONER.**
High Commission of India

Organisation (if applicable): Republic of India

Trust deed (if applicable):

ACN / ABN (if applicable):

Postal address: **3-5 MOONAH PLACE, YARRALUMLA ACT 2600**

Telephone:

Email:

I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am: ☐ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity: ☐ not applicable.

I would like to apply for a waiver of full or partial fees under regulation 5.21A of the EPBC Regulations. Under 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: ☐ not applicable.

Declaration: I declare that to the best of my knowledge the information I have given on, or attached to this form 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:

Date: October 2016

28 Oct, 2016

(A. AJAY KUMAR)
Deputy High Commissioner
High Commission of India
Canberra

9.2 Designated Proponent

Name of proposed proponent: **Andrew Smith
Chief Planner and Deputy Chief Executive
National Capital Authority**

ACN / ABN (if applicable): 75 149 374 427

Postal address: Treasury Building,
King Edward Terrace
PARKES ACT 2600
(02) 6271 2888

Telephone: WorksApproval@natcap.gov.au
Email:

Declaration by the proposed proponent:

I ANDREW SMITH, the proposed proponent, consent to the proposed designation of myself as the proponent for the purposes of the action described in this referral.

Signature:



Date: 3 Nov 2016

Declaration by the person proposing to take the action:

I, the person proposing to take the action, consent to the proposed designation of..... as proponent for the purposes of the action described in this referral.

Signature:

Date:

9.3 Person preparing the referral information (if different from section 9.1)

Individual or organisation who has prepared the information contained in this referral form.

Name: Andrew Smith

Title: Chief Planner and Deputy Chief Executive

National Capital Authority

Organisation: Being a Commonwealth agency that is aware of a proposal by a person to take an action, and has administrative responsibilities relating to the action pursuant to section 71 of the EPBC Act.

ACN / ABN (if applicable):

Postal address:

Telephone:

Email: WorksApproval@natcap.gov.au

Declaration: I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

Signature:



Date: 3 November 2016