Ginninderra Falls
ASSOCIATION

Promoting the Murrumbidgee–
Ginninderra Gorges National Park

www.ginninderra.org.au

Dr Chris Watson
President Ginninderra Falls Association
79 Denny Street
LATHAM ACT 2615

E-mail president@ginninderra.org.au

Roz Chivers roz@elton.com.au
Elton Consulting
PO Box 41
Dickson ACT 2602

Mike Smith. mike.smith@environment.gov.au
ACT/NSW Assessments.
Federal Department of the Environment.
GPO Box 787
Canberra ACT 2600

EPBC SAO24 West Belconnen/Parkwood Development .
SUBMISSION from the Ginninderra Falls Association.

Executive summary.

The Ginninderra Falls Association (GFA) has a number of concerns in relation to the West Belconnen /Parkwood proposed urban development. We are concerned about :

1) Protection of Pink Tailed Worm Lizard (PTWL) habitat /River Corridor In NSW.
In the NSW section of the development we consider the width of the proposed West Belconnen Conservation Corridor (WBCC) is much too narrow. It will have negative impacts on (PTWL) habitat and will also mean that urban development will come within 100m of the Ginninderra Falls. . The assessment reports emphase the wide corridor in ACT but supports a narrow corridor in NSW with statements like ""*is based on site specific ecological and scientific studies*". Further assessment is required to establish an appropriate delineation of the proposed WBCC/river corridor in NSW. This will ensure 1) protection of the EPBC listed species and ecological communities 2) the scenic values around the Ginninderra Falls 3) generally enhance environmental outcomes by protecting non EPBC but threatened species such as Rosenburg's Goanna 4) protect aboriginal heritage in the area.

2) Infrastructure Works in the WBCC.
In the both the ACT and NSW sections of the WBCC, extensive infrastructure works are proposed in relation to sewage and recreational/tourist facilities. Some of these will have significant impact on EPBC listed species and ecosystems, for example a possible 18m wide sewage trench easement through PTWL habitat. This is still listed as an

option (UMWELT 2016 (page 36/51), Brown 2014) although microtunnelling options are mentioned as “most preferable”. However specifics on which “option” will be adopted are not provided. Approval under the EPBC Act should be withheld until a firm commitment to the microtunnelling option (M2) is given.

3) Potential for Unaccounted EPBC species. Staged EPBC approval.
It is highly likely this area hosts as yet unaccounted EPBC threatened species. For example, the Spotted Tailed Quoll. This particularly applies to the NSW section which is not scheduled for development until the period 2035-2054. Given this long time scale, a staged EPBC approval process is more appropriate so that targeted surveys can be conducted on the outstanding species. , such as the Quoll. In the interim a quite modest environmental management program (eg removal grazing and ongoing weed management) will result in habitat regeneration and increase the likelihood of other EPBC species occupying the area.

DETAIL OF EACH POINT

NSW Section. PTWL Habitat.

The amount of PTWL habitat in the NSW section is certainly less than that in the ACT section. However this should be seen as indicating that this habitat needs to enhanced rather than as the proponent seems to assume it can be fragmented into isolated pockets (See Fig 3 this report and Adams 2016 Fig 9 page 22) The proposed urban boundary in this area is according to the developer “

> *“is based on site specific ecological and scientific studies intended to provide an evidence based approach to establishing the extent of the E3 zone. (Knight-Frank (2014). Section 3.1)”*

This results in a very convoluted WBCC/urban boundary enclosing exactly the known PTWL habitat plus a 20m buffer. The WBCC effectively fragments the known PTWL habitat into isolated islands with no possibility for future extension and connectivity of the habitat or for gene flow within the habitat. To describe this boundary as *“based on site specific ecological and scientific studies”* is to be deliberately misleading. The proposed boundary ignores basic reserve design principles (see refs below) , considers only PTWL habitat and ignores all other species. The boundary should be revised (see Appendix 1 below for our indicative boundary) so that it does not fragment PTWL and other habitat in the NSW section. It should follow well known reserve design principles in that edge effects are reduced as far as possible by having a smooth boundary.

ACT Section. PTWL Habitat.

We consider that relatively minor changes to the WBCC boundary in the ACT would allow much better conformity to the EPBC first line “avoid and mitigate” strategy. The suggested modified boundary is shown in Appendix 1 (based on Adams 2016 fig 9)

ACT section issues.(Sewage infrastructure)

Five options for proposed sewage infrastructure work within the ACT section of the WBCC are mentioned in the two main supporting documents (Adams 2016 , UMWELT 2016 (page 36/51 , Brown 2014). Some of these

could have a very significant impact on EPBC listed species and ecosystems, for example option M1 requires an 18m wide sewage trench easement mainly through PTWL habitat (see fig 1 below) . We admit that both associated reports (Adams 2016, UMWELT 2016) mention the microtunnelling option (M2) as “most preferable”. However a firm commitment on which “option” will be adopted is not provided. Approval under the EPBC Act should be withheld until a firm commitment to the microtunnelling option (M2) is given. Given that option M1 (trenching through PTWL habitat) is still an option (see fig 1 below) and that it is significantly cheaper than the other options (eg M1 capital costs $10.6 million M2 capital costs $34.9 million). (Brown 2014 table page1) the proponent may be tempted to take this option once EPBC approval is granted.

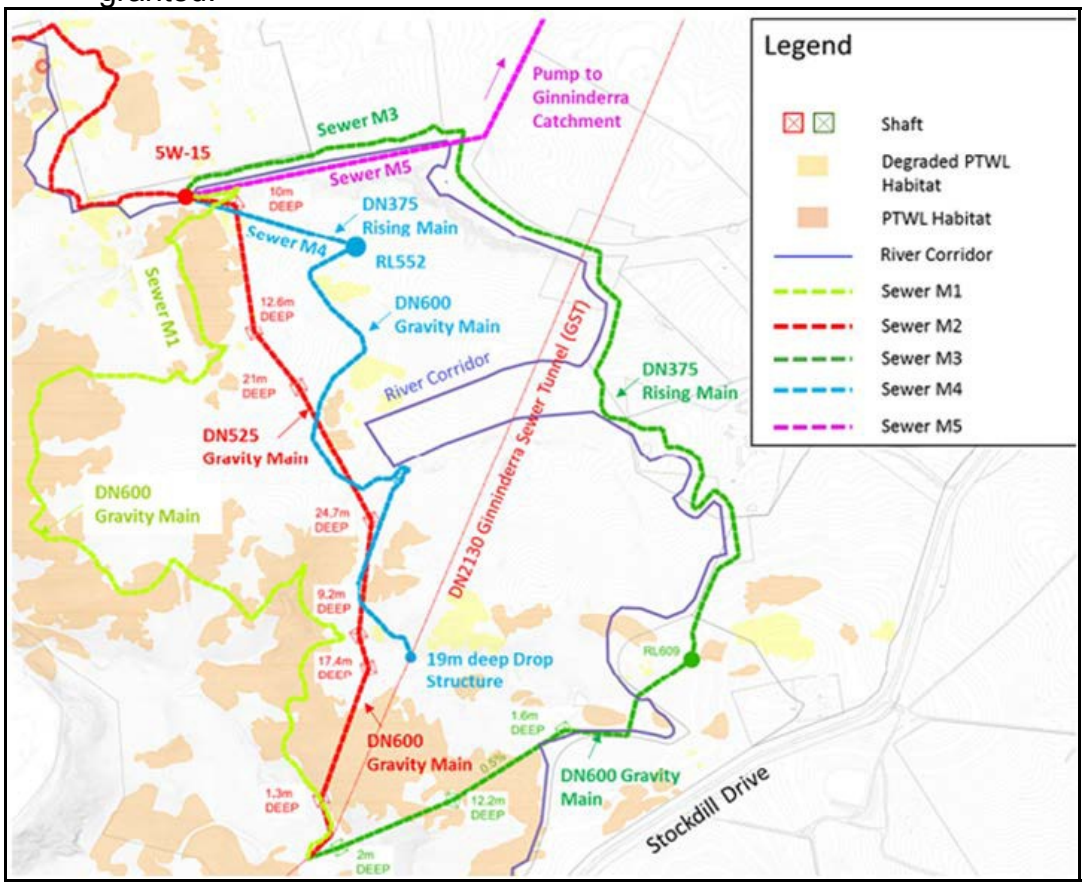


Fig 1 Five sewage options for the southern (Murrumbidgee) sewage catchment.

ACT Section (Recreational area and associated road access).

The proposed works for this facility are not covered in any detail in the tabled documentation for the project (Adams 2016 , UMWELT 2016). They are included in Adams 2016 (Fig 11 3 river recreation area) and are briefly mentioned (Section 3.1 Summary of actions page 11 exerts below) in the reports.

- The creation of a conservation corridor along the Murrumbidgee River and Ginninderra Creek totaling 577 ha encompassing PTWL habitat and an area of Box Gum Woodland. Works will occur within this corridor in locations that will be specified progressively as development applications for works are lodged and approved over the course of the project development phase, including
  - Recreation and tourist facilities including buildings picnic areas, carparking and access roads and walking and cycling tracks

3.6.2 Conservation Corridor access and activity nodes

Potential use and development options for the conservation corridor (refer to Section 3.6) are discussed in a report by Macgregor Coxall that sets out proposals for the open space within the urban area and for the conservation corridor, including a draft plan for the corridor (McGC, 2014). The draft plan is at Figure 11; it provides for recreation and picnic areas, vehicular access to the River at two points and a number of unsealed tracks and trails for pedestrian and cycle access and bushfire management. This is a draft plan and will be reviewed and revised by the EMT prior to adoption as part of the RMP. Implementation of all infrastructure within the corridor, including access roads and tracks, picnic areas and visitor facilities, interpretative and other signage, fencing, and service infrastructure will adhere to the following principles:

However in discussions with the developer this facility is scheduled for the very near future (2017) and will almost certainly be the first piece of infrastructure constructed. In that scenario the proposed Environmental Management Trust (EMT) and associated Reserve Management Plan (RMP) is unlikely to be in place to provide the suggested management control. Given that the proposed recreational reserve is some 10Ha in size and borders both on PTWL habitat and directly to the Murrumbidgee River then a proper EPBC assessment of its impact needs to be undertaken. <u>This has not been provided in the publically available documents and needs to be provided before any realistic EPBC assessment can be made.</u>

The associated access road will also traverse PTWL habitat and BGW habitat and needs to be included in this assessment. See our Appendix 2 (based on Adams 2016 Fig 11) which indicates where the proposed reserve and access road are located.

<u>NSW Section. General Corridor Width.</u>

GFA considers that the WBCC is much too narrow in the NSW section. The developer makes much of the fact that as they put it

> *The proposed modified E3 zone boundary forming part of this Planning Proposal is based on site specific ecological and scientific studies intended to provide an evidence based approach to establishing the extent of the E3 zone. (Knight-Frank. Section 3.1 page 20)*

They repeatedly seek to downgrade the significance of the existing E3 zone in NSW , for example :

> *That is, the E3 zone is not based on any strategic studies or empirical research that might have justified the applying of the zone. Rather, the zone is in effect a 'conversion' from the prior zone to the 'best fit' new zone under the Standard Instrument. (Knight Frank 2014 Section 3.1 page 20)*

The primary planning document for NSW (Knight Frank 2014) consistently tries to represent a much reduced E3 zone from around 1km wide to less that 300m in places as "*based on site specific ecological and scientific studies*" implying an improvement in environmental values. The proponent contends that:

> *The ecological values and in particular, the habitat of the Pink-tailed Worm Lizard will be conserved by the retention of the E3 Environmental*

Management zone noting that the boundary of the zone is proposed to be refined to reflect the habitat identified. (Knight Frank 2014 Section 2 page 30/31)

We totally reject such contentions. Reduction in the width of an environmental zone can never be represented as an improvement. While such reduction in environmental land is not specifically covered under the EPBC Act some of the "objectives" of the EPBC Act seem relevant, (eg *"enhance the protection and management of important natural and cultural places"*). This will not be achieved with the current narrow and convoluted WBCC boundary.

NSW Section. (Significant Tourist and recreation facilities)

Very significant tourism and recreational facilities are planned to be constructed in the WBCC in NSW. These are indicated in Adams 2016 Fig 11 and Appendix 2 below with our annotations but little detail is provided. . An indication of the type of facilities envisaged by the developer is given in the Knight –Frank report. Section 5.11 (pages 42/70 exert below)

Specifically the following are indicated :

1) Major visitor centre to near the Ginninderra Falls which will quite likely have restaurant facilities and substantial walkways , lookout platforms overlooking the Ginninderra Falls.
2) Living River Discovery Centre and Conservation Corridor Head Quarters located right on the river.

5.11 Specific Land Uses

In addition to the current uses on the land subject to the Planning Proposal, the *Yass Local Environment Plan (Parkwood)* will also make provisions for the long term ongoing use of the following:

Ginninderra Falls recreation precinct including

- Eco tourism
- Restaurant/cafes
- Tourist accommodation
- Hotel/pub
- Function facilities
- Picnic facilities
- Constructed trails/lookouts

The Planning Proposal aims to provide for the above as permissible uses on the land proposed to be developed for the Ginninderra Falls recreation precinct. These uses may be provided for by either inclusion as specific permissible uses with development consent in the proposed E3 Environmental zone or by way of an additional permitted uses specific to the site of the proposed precinct.

Ginninderra retreat and resort including

- Function centre
- Bed and Breakfast accommodation
- Manager's residence
- Cottage
- Day spa
- Reception centre
- Restaurant (in bed and breakfast)
- Various outbuildings and improvements
- Future stages of expansion of the day spa health facility
- Future stages of additional holiday cabins and second residence

The environmental impact of these developments is not included in the tabled EPBC assessment documents. Obviously they will have a major impact on the area with significant and unaccounted for impacts on the EPBC listed species.

From discussions with the developer these facility is proposed to be constructed in the relatively near future probably within the next 2-5 years.

The Living River Discovery Centre and Conservation Corridor Head Quarters right on the Murrumbidgee River would involve the construction of an extensive access road which , due to the steep terrain in that area would be a quite substantial construction with likely significant environmental impact and loss of connectivity in this vitally important and sensitive area. We oppose such a facility right down on the river.

Preservation of the current E3 enviromental zone.

The current E3 zone has very significant environmental value. It has preserved environmental values in this area up to date with very limited environmental management. By 2035 when development is due to start in NSW it is quite likely that the environmental value of the current E3 zone will have significantly improved. Only minimal environmental management (eg removal of grazing and a modest but consistent weed eradication program) will ensure that the area continues to thrive and it is possible that other species (eg Spotted tailed Quoll) will be found in the area..(Spotted Tailed Quolls are nocturnal, notoriously shy but have been captured in the nearby suburb of McGregor). We think a staged EPBC approval process for the NSW section should be adopted rather than allow the developer to push through EPBC approval now. It is very likely EPBC approval in 2035 will result in much improved environmental outcomes.

One matter of concern is that should EPBC approval be granted for the currently proposed urban boundary in NSW (Adams 2016 fig 9 , Appendix 1 this document) then the proponent will very likely portray this as Dept of Environment approval of conversion of E3 to urban. They are already in the tabled documents at pains to downgrade the significance of the E3 zone with statements such as "*That is, the E3 zone is not based on any strategic studies or empirical research that might have justified the applying of the zone".* We think that this would be a very unfortunate biproduct of any EPBC approval and that should such an approval be granted it should come with a rider which states something like *"EPBC approval of this boundary should in no way be taken as Dept of Environment endorsement of a reduction in the width of the E3 zone. The determination was based solely on likely impact on PTWL habitat.*

RECOMMENDATION: A STAGED EPBC APPROVAL PROCESS.

A staged approval process appears necessary in relation to the proposal particularly in relation to the NSW section. Unresolved matters, some of which have already been alluded to ,include the following.

1) Given the long time scale of the proposed urban development in NSW (nothing is scheduled until around 2035), (Adams 2016 Fig 4 Project Staging). Then it would seem much more appropriate to delay EPBC approval until that time. In the interim as mentioned above the area will very likely regenerate, given only

minimal environmental management, and the environmental value of the area will be much enhanced.

2) The NSW planning approval process has yet to be completed. We will be making submissions to that process and will be advocating that the current E3 zone should remain as is and not converted to urban. It is an extremely bad precedent for this most valuable environmental area to be converted to urban just because it is conveniently located to ACT services. Other areas further to the east along the ACT border would have equally good access to services and would be much more appropriately converted to urban given they have much reduced environmental value.
In addition it would create a very unfortunate precedent for areas in the E3 zone further north to also be converted to urban. One such proposal was mooted in 1991 at the end of Oakey Creek Road but rejected by the then Yarrowlumla Council after significant community opposition.

3) Aboriginal Heritage. Studies of Aboriginal Heritage issues are still being undertaken by the developer, the results of these need to be available before any EPBC decisions are made. In addition in conversation with the traditional owners of the area (pers comm. Wally Bell , Carl Brown , James Amafio) it is clear that the area , particularly around the Ginninderra Falls has great heritage significance. However aboriginal people are notoriously reticent to discuss many of these matters and it is unlikely that they will make any written submissions to the EPBC assessment. In that situation it behoves the Department to possibly seek direct access by way of verbal submissions from the aboriginal custodians.

4) Proposed major works in the WBCC are not documented in detail. A major tourist complex near the Ginninderra Falls and an "Living River Discovery Centre and Conservation Corridor Head Quarters" directly fronting the Murrumbidgee River are proposed. Details of these need to be provided before any EPBC assessment can be made. We would totally oppose any major facilities on the Murrumbidgee River in this area as it would significantly affect the continuity of the WBCC.

GINNINDERRA FALLS ASSOCIATION Background

The GFA is a small community association formed in 2010 , incorporated in 2011 to lobby for a National Park to be established centred on the Ginninderra Falls. Our vision of a National Park is much more extensive than the proposed WBCC and would extend some 5km north of the Ginninderra Falls and south to the ACT border along both sides of the Murrumbidgee River. Our website ginninderra.org.au provides extensive detail regarding our proposal.

Dr Chris Watson. President, Ginninderra Falls Association.
John Connelly. Secretary , Ginninderra Falls Association.

10th June 2016.

REFERENCES

Assessment documents

Adams 2016. A.T. Adams Consulting. Urban Development at West Belconnen . Program Development Report. PDF version. http://talkwestbelconnen.com.au/epbc-assessment/

UMWELT 2016. West Belconnen Project Strategic Assessment. PDF version http://talkwestbelconnen.com.au/epbc-assessment/

Other Associated Consultant reports.

Brown. (2014). West Belconnen Sewer and Water Concept Plan Report, Brown Consulting, 24 June 2014

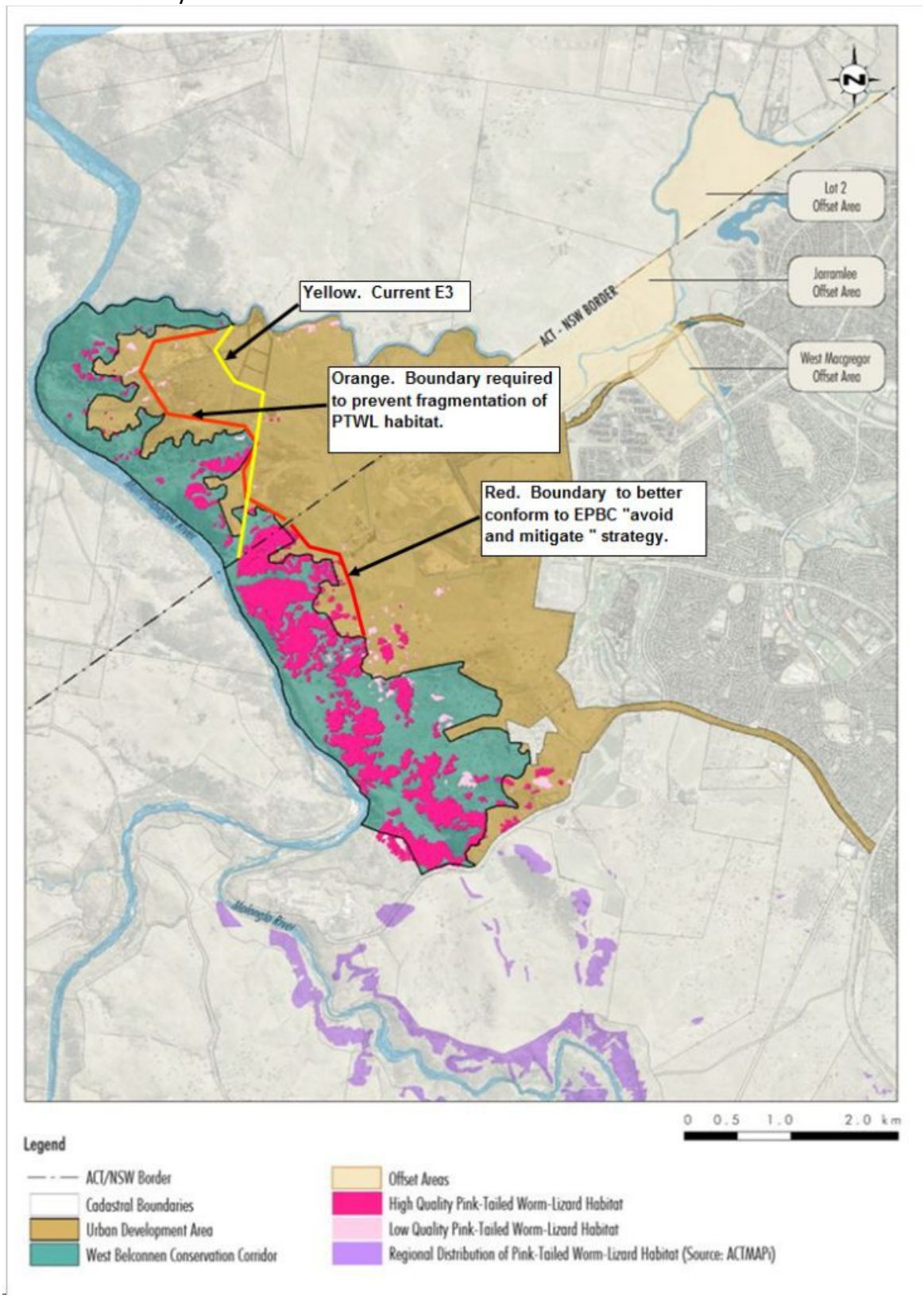
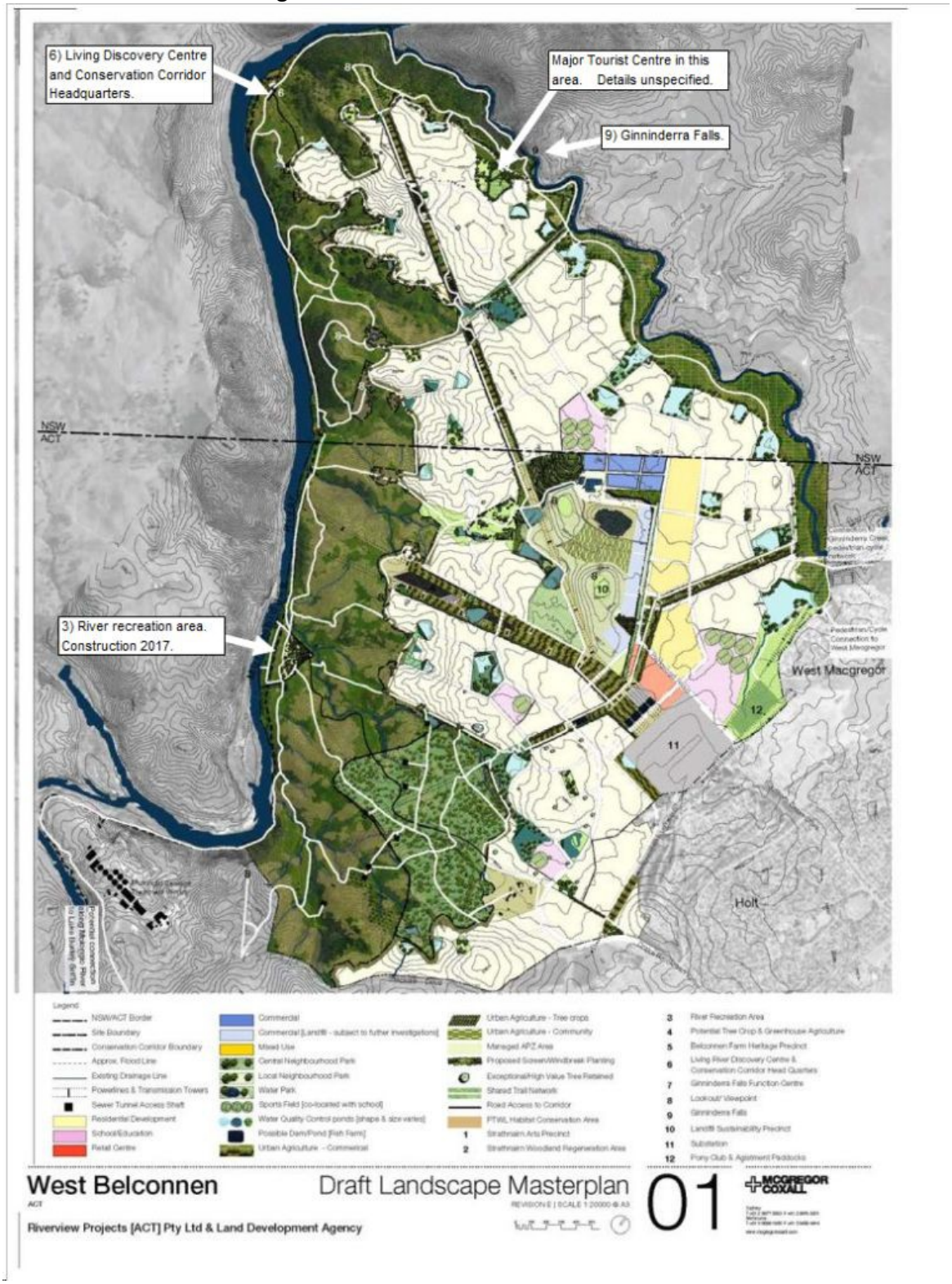
Knight Frank. (2014). Planning Proposal for Parkwood being the NSW part of the West Belconnen Project, Knight Frank, 30 June 2014

Reserve Design Websites.

http://bio.classes.ucsc.edu/bioe107/Papers/SLOSS/Diamond%201975.pdf

http://www.uq.edu.au/marxan/tutorial/module1.html

APPENDIX 1 ADAMS Fig 9. PTWL Habitat. With GFA preferred boundary and existing E3 zone boundary. .



APPENDIX 2. ADAMS Fig 11 with notations