

# Section 63 City, Canberra

## EPBC Preliminary Documentation Submissions Report

Ref 2019/8449

June 2021



Version Control				
Version	Issue Date	Prepared By	Reviewed By	Cleared By
0	28 June 2021	C. Cantamessa	C. Peters	C. Gillman

## Executive Summary

The City Renewal Authority ('the Authority') is seeking environmental approval under the Environment Protection and Biodiversity Conservation Act for the future release and redevelopment of the site at Section 63, Canberra, City. This central site stands at the gateway to the city and is bounded by Vernon Circle, Commonwealth Avenue, London Circuit and Edinburgh Avenue.

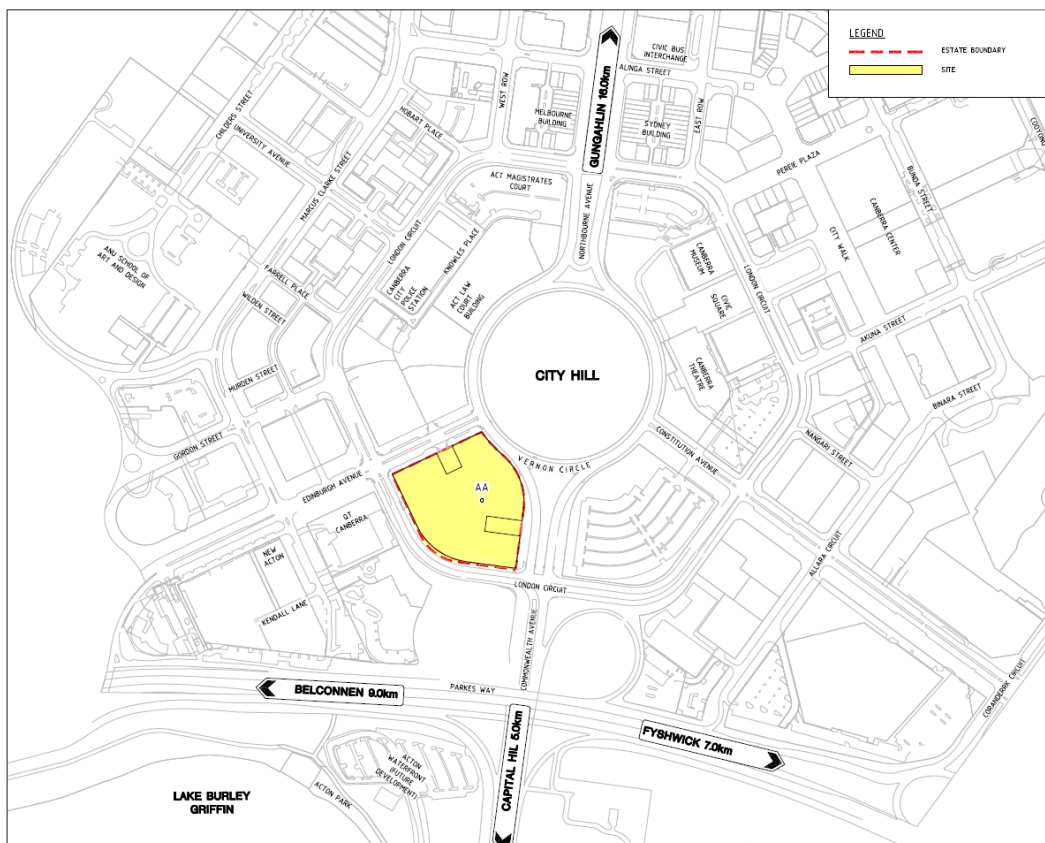
The site is identified for release in the ACT Government's Indicative Land Release Program for 2022-23 and is flagged for a future mix-use development to support a lively, active and connected city centre. The eventual built form is subject to the planning provisions in the National Capital Plan and City Hill Precinct Code and is likely to be of a similar scale and in keeping with the existing developments in this part of the city.

## Project Overview

### Project Location

Section 63 City, Canberra and the adjacent land has been identified on the ACT Indicative Land Release Program for release in financial year 2022-23. An outline of the project site boundary is in the map below.

Figure 1 - Section 63 site boundary



Currently the site is part of a decommissioned surface carpark and includes road and verge areas within the northwest cloverleaf which forms the offramp from Commonwealth Avenue to London Circuit.

## **Project Description**

The project refers to the proposed action for the release and redevelopment of land within Block 20, Section 63 City and the adjoining land which is currently a road and verge area.

The key aspects of the project are described below:

- Earthworks and site establishment to enable future construction. This is expected to include excavation to allow for basement car parking, together with retaining walls to the south of the site.
- Utility adjustments and relocations.
- Temporary construction compounds.

These elements form part of the preliminary design and will be further developed during detailed design phases of the site's development. The eventual form of the future development is expected to include residential and commercial development and will be subject to the future sale of the site and development application processes.

Design of the site is controlled by the planning provisions outlined in the National Capital Plan and City Hill Precinct Code and the future form will be reflective of these provisions.

The ACT Government vision for the Canberra city centre is a diverse and lively city with a distinctive urban identity. To achieve this the Authority is creating a revitalised precinct that is sustainable, liveable and attractive with a diverse and active residential population that has a strong sense of community. Release and redevelopment of the site will contribute to the revitalisation and activation of the city centre.

## **EPBC Documentation**

### **Description of the documentation**

In May 2019, the Authority submitted an EPBC referral to the Department of Environment and Energy (now the Department of Agriculture, Water and the Environment (DAWE)) for a project related to the release and redevelopment of land within Block 20 Section 63, City and the adjoining site.

The Referral identified potentially significant impacts on the critically endangered Golden Sun Moth (GSM) as well as works on Commonwealth land with a potential impact on Commonwealth land values.

On 2 August 2019, DAWE determined that the referral of proposed works (referral 2019/8449) at Block 20, Section 63 City and surrounding areas of road surfaces and verges by the Authority was a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and subject to the following controlling provisions:

- Listed threatened species and communities (Sections 18 and 18A)
- Commonwealth land (Sections 26 and Section 27).

DAWE determined that the project be assessed by preliminary documentation. DAWE provided information requirements that specified the expected information that the CRA would need to provide within preliminary documentation.

Since the project was originally referred to the DAWE, the project area has been revised and no longer includes any works on Commonwealth land, such as within the Commonwealth Avenue road corridor, as previously indicated. Figure 2 below illustrates the difference between the two boundaries. The footprint in the previous referral is outlined in orange in comparison to the current referral and site boundary.

FIGURE 2 - CURRENT AND PREVIOUS REFERRAL BOUNDARY FOR SECTION 63



### Arrangements for offsets

A separate EPBC referral and assessment process has been undertaken for the City to Commonwealth Park Light Rail project (referral no. 2019/8582), being managed by Major Projects Canberra. (Refer the Light Rail Construction footprint in Figure 3.)

The proximity of this project to Section 63 City means that the two projects will have significant overlap in terms of impact on Matters of National Environmental Significance (MNES), both in relation to:

- Listed threatened species and communities (Sections 18 and 18A)
- Commonwealth land (Sections 26 and Section 27).

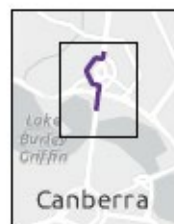
FIGURE 3 - LIGHT RAIL CONSTRUCTION FOOTPRINT IN RELATION TO S63 SITE





### Legend

— Updated EPBC Construction Footprint 06-2021



Scale: 1:10,000  
Coordinate System: WGS 1984 Web  
Mercator Auxiliary Sphere



Construction of Light Rail and associated works is expected to involve preparatory civil works in areas within the Section 63 City development site boundary. The potential impacts from the City to Commonwealth Park Light Rail project and associated mitigations and offsets would have the effect of extinguishing GSM habitat values within the Section 63 development site. Early works to facilitate light rail are expected to begin in late 2021.

It is expected that the north west cloverleaf area within the Section 63 site boundary would be entirely cleared during the early enabling works associated with the raising of London Circuit intersection to provide an at-grade signalised intersection to support Light Rail.

This area would be subject to direct permanent impacts from the new intersection, in addition to temporary impacts associated with the use of the area as a construction compound and construction materials storage area for the duration of the project.

Clearing of this cloverleaf area is scheduled for February 2022 after the GSM flying season.

Restoration activities are to be implemented in co-operation with the Canberra Rail Light Rail Project, to address permanent impacts which will include rehabilitating 1.43 ha of Golden Sun Moth habitat within the south east cloverleaf and the Parkes Way median, east of Commonwealth Avenue post-construction.

In addition to restoration activities, offset arrangements developed for City to Commonwealth Park Light Rail will also be used for Section 63 City, Canberra, with the offset for Section 63 included as part of the approved offset policy developed for the light rail project to mitigate the impacts of construction. This agreement will allow for the protection and ongoing management of Golden Sun Moth habitat at the site in perpetuity. Support from the DAWE for the proposed approach and calculation methods was obtained on the 8<sup>th</sup> April 2020.

Prior to the commencement of construction, 82 species credit biodiversity credits will be purchased by the ACT Government and retired in accordance with the NSW Biodiversity Offsets Scheme (BOS).

These credits have now been transferred to Major Projects Canberra and are in the process of being retired.

## Public Comment Process

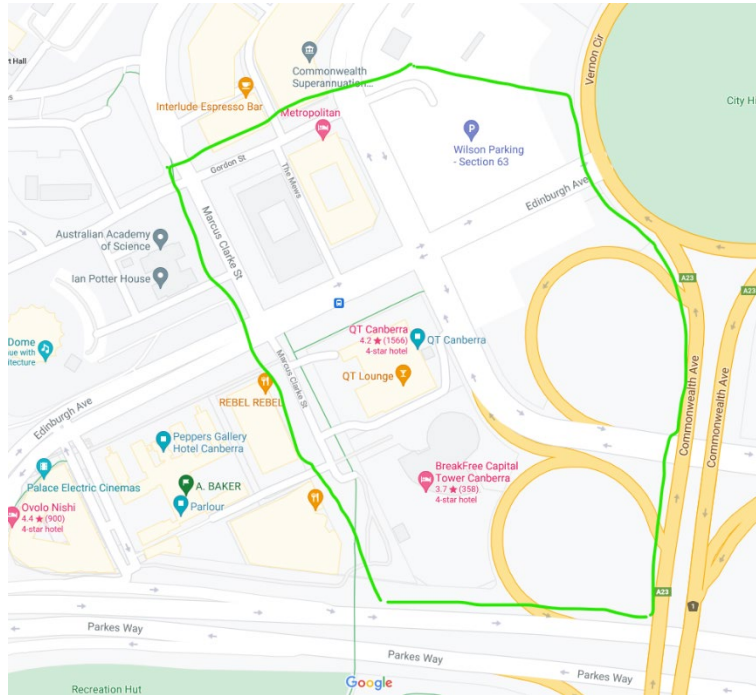
Whilst the legislated exhibition period is for a minimum of 10 business days, the Authority chose to exhibit the documentation for 20 business days. From Monday 24 May 2021 to Monday 21 June 2021, documentation was made available on at [yoursay.act.gov.au](https://yoursay.act.gov.au). This exhibition period was extended to Tuesday 22 June 2021 to allow for public holidays during the consultation period.

An offer to supply a copy of the documentation by email or in hard copy at a reasonable cost was also made to members of the public not able to access the documents on the website. The documentation was also made available on public exhibition during this period at Civic Library in Canberra City.

Public notices were placed in the Canberra Times and The Australian to promote the exhibition as well as social media posts on Authority channels. Letters were posted to local property owners and approximately 700 postcards were delivered to local businesses and residents within the immediate area of the site as indicated in Figure 4.

Figure 4 – Distribution radius for letter/flyer drop





Electronic copies were sent to the ACT Environmental Protection Authority and the Environment, Planning and Sustainable Directorate and hard copies were made available. A notice was also distributed to community stakeholders identified as having an interest, such as local conversation groups.

## Purpose and structure of this report

This Submissions Report provides an overview of the public comments made in response to the Section 63 City, Canberra Preliminary Documentation and EPBC Referral 2019/8449.

Referral 2019/8448 and the Section 63 City Canberra Preliminary Documentation were placed on exhibition from 24 May – 22 June 2021. This report will become an attachment to the Final Preliminary Documentation.

The Authority has considered all responses raised by the exhibition, analysed the comments, and prepared responses to the issues raised.

No amendments to the Preliminary Documentation are proposed as a consequence of commentary raised during the public exhibition.

## Analysis of Submissions received

All submissions have been given equal weight and consideration. A copy of the submissions received is at Annex A. In the interests of privacy, personal contact details and names of submitters have not been identified in this report. A summary of the submissions and responses is at Annex B.



## Number of submissions

A total of nine submissions, one of which was a late submission, were received. Each submission was categorised into one of three stakeholder groups:

- Government: Submissions made by government agencies, departments or persons representing same. One submission was received which acknowledged receipt of the documentation and noted that comment would be made as part of standard DAWE process.
- Heritage/Environment Community: Submissions made by community interest groups with an interest in environmental or architectural outcomes. Four submissions were received from this category.
- General Public: Submissions made by individual persons of the general public who did not identify with a community interest group. Four submissions were received from this stakeholder group.

## Key themes and comment

Several submissions raised more than one matter of concern. The topics raised included:

- Comments related to the Golden Sun Moth and offset management.
- Comments related to Heritage and the impact upon views and vistas from future redevelopment of the site.
- Comments related to the planning system.
- Comments related to the environmental impact from future redevelopment of the site.

## Responses to submissions

### Golden Sun Moth

A total of five submissions raised comments associated with the Golden Sun Moth. These comments:

- noted the coordinated approach the Territory was adopting to manage offsets, and
- requested greater visibility of offset management.

The proximity of the Light Rail Project to Section 63 City means that the two projects have significant overlap in terms of impact on MNES (Golden Sun Moth). Noting a separate EPBC Referral had previously been progressed for light rail, a whole of government approach was proposed to DAWE for the managing offsets. Support from DAWE for this coordinated approach was obtained 8 April 2020.

In relation to offset management, Major Projects Canberra is leading the development of this plan. No suitable offset site within the ACT could be identified. Noting suitable sites could be identified in NSW and utilised, offsets have been obtained in line with the NSW Biodiversity Scheme. This approach was endorsed by DAWE and the Conservation and Environment Offset Management Plan was subsequently approved by DAWE on 22 June 2021. Details on the process, as well as the Golden Sun Moth Construction Environmental Management and Rehabilitation Plan (GSM Plan) will be publicly notified by Major Projects Canberra on the ACT Government 'YourSay' webpage.

Where a proposal is likely to have a significant residual impact on a Matter of National Environmental Significance (MNES) the EPBC Act allows for the provision of environmental offsets to compensate for such losses. The EPBC Act Environmental Offsets Policy (EPBC Offsets Policy) outlines the Australian Government's approach to the use of environmental offsets under the EPBC Act. It is intended to give proponents, the community and stakeholders with greater certainty and guidance on how offsets are determined and when they may be considered under the EPBC Act.

For the project, offsets are proposed under the NSW Biodiversity Offsets Scheme (BOS) to address the significant residual impacts to Golden Sun Moth. The NSW BOS and superseded BioBanking Scheme include provisions that allow for the proposed offset approach to meet the principles of the EPBC Act Environmental Offset Policy.

MPC has aimed to minimise the impact on GSM habitat and is implementing restoration measures where there will be no permanent impacts for this or other whole of government projects in the foreseeable future. MPC will work in co-operation with the Offset Management section within Parks and Conservation Group within EPSDD to trial innovative measures to enhance GSM habitat. These measures aim to improve restoration activities and will develop methods that can be implemented in future projects. The restoration activities are being staged so that three years of restoration activities will be complete before there is to be disturbance to the eastern side of Parkes Way. This will enable monitoring and evaluation of the effectiveness of the trial before implementing preferred restoration measures within the eastern side of Parkes Way. The Golden Sun Moth Construction Environmental Management and Rehabilitation Plan (GSM Plan) has been prepared and approved for the Early Enabling Works for the City to Commonwealth Park Light Rail and details measures to be implemented in the NW cloverleaf to translocate GSM larvae. This report is available on the ACT Government Light Rail: City to Woden 'YourSay' webpage.

In areas where restoration activities are not possible due to permanent impacts, offsets will be obtained in line with ACT and NSW Biodiversity Schemes. Under the NSW Biodiversity Offset scheme, landowners who establish a biodiversity stewardship site (which offer offsets for sale) must instigate a management plan approved by the Biodiversity Conservation Trust that requires management initially for a 20-year period. The landholder is required to report annually to the trust against performance criteria developed in the management plan. Landholders are subject to auditing and other compliance activities by the Trust or NSW Department of Planning, Industry and Environment.

#### Heritage/Environment

Four submissions raised comments related to heritage and concerns related to views and vistas and the impact upon the heritage value of City Hill. One submission noted the impact upon the environment and stormwater runoff.

The National Capital Plan and the City Hill Precinct Code provide planning controls for the future redevelopment of the site. Over the coming decades, Canberra will need to intensify its new development within existing areas as identified in the planning regulations. Development of the site will contribute to sustainable urban renewal and contribute to the revitalisation and activation of the city centre. Future redevelopment of the site will be in character to the surrounding buildings. With the exception of RL617 marker buildings, a height limit of 25m will apply.

Built form will respect the height, scale and proportion of adjoining civic buildings. Future redevelopment of the site will be expected to address public space, movement and place and provide connections that align to views and vistas to City Hill as noted in the planning controls. Planning for the site will also require the completion of site investigation studies which will address environmental issues such as stormwater as well as development issues related to traffic movements.

#### Development

Three submissions raised comments related to planning and development of the site. One of these submissions welcomed redevelopment of the site but requested consideration of building heights and

traffic network. The other two submissions did not support development. It was commented that increased density and removal of the current road system would contribute to traffic congestion. The effectiveness of planning controls and regulations to deliver design quality was also commented upon.

The site is designated land and the planning regulator is the National Capital Authority. The ACT Government is currently revising the City Plan which outlines the aspirations for the city centre. The site is also located within the City Renewal Precinct which is managed by the City Renewal Authority. The Authority's vision for the city is an adaptable and resilient centre that stimulates business, education, living, entertainment and recreation through responsive design. The Authority is commissioning the development of a design guide which will provide guidance on design-led, people-focused outcomes for all new developments within the City Centre.

### **Changes to the Preliminary Documentation**

No amendments to the Preliminary Documentation are proposed as a consequence of commentary raised during the public exhibition.

## **Conclusion**

This consultation forms part of the statutory environmental approvals process. Further consultation with key stakeholders and the public will be required as planning progresses for the site.

## **Annexes**

### **Annex A – Public Submissions**

### **Annex B - Key Theme Matrix by Individual Submissions**





**ANNEX A TO  
EPBC Referral 2019/8449  
Public Exhibition Submissions  
Report dated Jun 21**

**From:** [ConservatorFloraFauna](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: EPBC referral re. Section 63 City (London Circuit)  
**Date:** Monday, 24 May 2021 3:54:49 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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H [REDACTED],

Thank you for your email to [REDACTED], ACT Conservator of Flora and Fauna about the Section 63 City EPBC Referral. Ian has asked me to respond to you on his behalf.

The Commonwealth Department of Agriculture, Water and Environment will seek my comment as part of their standard processes on this matter – however I note that the project will require the establishment of a Golden Sun Moth habitat offset in NSW with a contingency for a payment into the NSW Biodiversity Conservation Trust.

I have no comment to make on the referral at this time.

If you or your team have any questions about protected matters in an ACT context, including the establishment of offsets and impact assessments please do not hesitate to contact me.

Kind regards

[REDACTED]

[REDACTED]

**Conservator Liaison | Conservator of Flora and Fauna**

Email: [REDACTED] Telephone: [REDACTED]  
Environment Division | Environment, Planning and Sustainable Development Directorate | ACT Government  
480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

I acknowledge the Traditional Custodians of this land that we work on and recognise their continuing cultures and connection to Country. I pay my respects to Elders past, present and emerging.

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**From:** [REDACTED] >  
**Sent:** Friday, 21 May 2021 4:36 PM  
**To:** [REDACTED] >  
**Cc:** [REDACTED] >  
**Subject:** EPBC referral re. Section 63 City (London Circuit)

Dear Mr [REDACTED]

Please find attached a letter from the City Renewal Authority's COO regarding exhibition of an EPBC Referral opening on Monday.

Myself or [REDACTED], Project Director (copied on this email) would be happy to assist you or your staff with any enquiries regarding this matter.

Kind regards,

[REDACTED]

[REDACTED] (he/him)  
Engagement Officer

E: [REDACTED] P: 02 6205 [REDACTED]

**City Renewal Authority ACT Government**

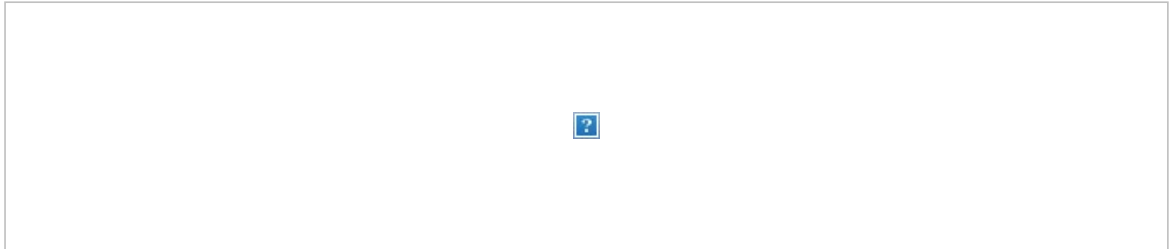
Customs House, 5 Constitution Avenue, Canberra City

GPO Box 158 Canberra City ACT 2601

ABN 40 746 096 162

[cityrenewalCBR.com.au](http://cityrenewalCBR.com.au)

Follow us [@cityrenewalCBR](#)



I acknowledge the Ngunnawal people as the traditional custodians of the land I work on and pay my respects to their elders, past and present.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From:  
To:

Subject:  
Date:

Section 63, City, Canberra, master planning proposal for City Hill south-west, and related topics.  
Tuesday, 1 June 2021 9:05:39 AM

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Recipients,

## **Section 63, City, Canberra, master planning proposal for City Hill south-west, and related topics.**

Land on the southern slopes of the City Hill precinct clearly cannot be entrusted to developers, even under a type of government control plan, a version of which, prepared by consultants to the ACT City Renewal Authority, is currently out for public comment. (The control plan is compelled to reflect an existing, many say, anachronistic, National Capital Authority plan for the area, which clearly needs comprehensive revision.)

As with other developments here these days, money talks, control plans get ripped up, and we end up with excessive, ugly, dross.

In the national interest, the City Hill spaces (and emerging land at West Basin and along Commonwealth Avenue) need to be kept predominantly free of development, to preserve the iconic civil-engineering, landscape, and other heritage characteristics of the place; as well as views in and out of the precincts, especially to and from Capital Hill (notably Parliament House's publicly accessible roof [only views from its forecourt are examined in the above planning exercise]), City Hilltop itself, and the West Basin/Lake areas and beyond.

The Plan sadly acknowledges the proposed light rail from Civic to Commonwealth Park (and on to Woden later), which also expensively involves destruction of the above characteristics, and more. (An alternative route via Edinburgh Avenue, ANU, Acton Peninsular, Griffin's missing third central lake crossing, and Flynn Drive avoids those problems.)

City Hill development needs at least the same care and attention given to the albeit slightly constipated Russell development, at the other northern apex of the National Triangle.

Land to the southeast of City Hill between London Circuit, and lower Allara Street could be developed to reflect the scale and form of the crescent-shaped Capital Tower, the Lakeside Hotel, and parts of New Acton in the corresponding southwest precinct.

An alternative (not an additional) precinct to the City Hill-south one, for development, offering similar attributes, could be a long wide strip of largely vacant land in (somewhat cosseted) Reid, along the full length of tree-lined Amaroo Street on its southern side – with many significant on-site trees preserved, (or even eventually on the north side of Amaroo Street as well). Development there could complement and visually balance the significant buildings currently installed, under construction, or planned along Constitution Avenue.

[REDACTED] FRAIA (retired)

[REDACTED]





**Canberra Chapter**

8 Leake Place  
CURTIN ACT 2605

MOB = 0450 699 102

E: [peter.graves.curtin@gmail.com](mailto:peter.graves.curtin@gmail.com)

10 June 2021

The General Manager  
City Renewal Authority  
[cityrenewal@act.gov.au](mailto:cityrenewal@act.gov.au)

Submission on  
**SECTION 63 CITY HILL**  
**EPBC REFERRAL 2019/8449**  
**Canberra Times, May 24, 2021**

The Walter Burley Griffin Society has a keen interest in City Hill. We have made many submissions over the years with respect to its heritage, management and development proposals. Reference is made in particular to our representations on NCA's Griffin Legacy National Capital Plan Amendment 59; the auction documents and subsequent design of Section 63 Block 19 (the project that was named 'The Barracks'); City to the Lake; and West Basin.

It has been clearly demonstrated that the guidelines provided by NCA's Amendment 59 are too widely drawn and inconsistent. Notwithstanding their commendable City Hill Precinct Objectives and Plan for City Hill Park, that proposed amendment was rejected by the Parliamentary Committee on the National Capital.

We have carefully examined the draft Preliminary Documentation and discussed the issues among members and other interested and concerned citizens. We are dismayed at the fundamental flaws in the documentation and proposed land release conditions, with potential for degradation of the City Hill Precinct. The following two major concerns have not been resolved in the documentation.

Firstly, the environmental and heritage consultants GML (June 2020) advised that the proposed development of Section 63 'will detract from the landmark heritage value of City Hill.' It has been very well understood that the Griffins intended City Hill to be the heart of Civic, gateway to the Central National Area and metropolitan apex of the great National Triangle in the design of symbolic Canberra as the National Capital. Section 63's sale, planning and development therefore require protection, great care and attention.

As pointed out by the consultants, City Hill is part of the Central National Area which is the subject of National Heritage List Nomination. It is also an integral component of the Parliament House Vista, which is on the Commonwealth Heritage List, yet the documentation claims it is outside the boundary. This vista is inscribed for the Canberra community in the ACT Heritage Register.

Secondly, the significant impacts of this controlled action are indeterminate and very likely to be adverse. The Precinct guidelines by the NCA are very spare and slack. Alternatives and mitigation (or enhancement) are not canvassed in the documentation. The eventual form and design of the buildings and landscape is projected to be determined in time primarily by the successful lessee whose incentives will not match those of the Canberra nor National communities even now – and even less so the interests of future generations.

City Hill has already been degraded by the redeveloped ACT Law Courts: by their size, excessive plot ratio and design. The other Section 63 site, Block 19, has yet to be redesigned. City Hill still is without a Master Plan, criteria and standards for development. The sale of this large section of City Hill should not proceed until they are strictly prescribed in the National interest.

It is unreasonable, in our view, given their lack of influence to date, to trust the National Capital Design Review Panel to properly assess appropriate planning criteria, heritage, landscape and 'iconic' design standards. In addition, the proposed sale of the land has not yet even been referred to the Panel.



Chair, Canberra Chapter  
Walter Burley Griffin Society



# Friends of Grasslands

*supporting native grassy ecosystems*

PO Box 440, Jamison Centre ACT 2614

phone: 02 6288 2413

email: [advocacy@fog.org.au](mailto:advocacy@fog.org.au)

web: <http://www.fog.org.au>

City Renewal Authority  
PO Box 158  
Canberra, ACT, 2601  
email: [cityrenewal@act.gov.au](mailto:cityrenewal@act.gov.au)

Dear Sir/Madam

## EPBC Referral 2019/8449 - Public Comment

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

In responding to the Preliminary Documentation for referral 2019/8449, FOG notes that Golden Sun Moth (GSM) offsets for this project and the light rail project have been combined, and that the City Renewal Authority (CRA) and Major Projects Canberra (MPC) propose to coordinate their approaches to delivery of the offset. FOG has been arguing for a more landscape approach to impacts on and offsets for MNES and, while regretting the loss of 1.46ha of GSM habitat, is in support of this coordinated approach.

FOG notes that the ACT Government is confident that there are sufficient credits available in the NSW BioBanking scheme to offset the impacts on the GSM. As said in our submission concerning referral 2019/8582 (City to Commonwealth Park Light Rail), while not asking for disclosure of sensitive material, FOG strongly urges that information about the GSM offset credits are included on the ACT Government's Offsets Register in such a way that we can understand how the credits are ensuring no net loss of GSM across the landscape.

Yours sincerely

Advocacy coordinator

20 June 2021

**From:** [REDACTED]  
**To:** [Cityrenewal](#)  
**Subject:** section 63 City Hill  
**Date:** Monday, 21 June 2021 10:49:11 PM

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**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

This is part of the ACT Government's policy of making the City Centre of Canberra an island of concrete, where there is green space now.

What is being proposed will make access to the City more difficult.

It does not make environmental sense and we don't know what the congestion costs will be.

The proposal is just bad planning.

[REDACTED]





LAKE BURLEY GRIFFIN  
GUARDIANS INCORPORATED

## Environmental Referral for Future London Circuit Development —Section 63

Mr [REDACTED]  
Director of Development  
City Renewal Authority

[cityrenewal@act.gov.au](mailto:cityrenewal@act.gov.au)

### Process of Assessment and Consultation

This environmental referral is to enable development that will be the first step of a larger development scheme to include Light Rail (Stage 2A – referral number 2019/8582), all of which has considerable impacts that include **heritage, traffic congestion, loss of public recreation opportunities, people movement issues, damage to public health, inadequate management of storm water run-off, lake pollution, increased urban heat bank from compact concrete development and lighting, and enormous financial impact on the public purse.**

Separating this early environmental planning stage from the rest of the later design and development stage and seeking EPBC Act assessment and community consultation on it, is a misleading planning approach now practised by planning agencies to lock in the complete development. To expect concerned individuals to comment sincerely on this fragment of complete development without explaining the ongoing development is dishonest.

As this development is setting up the Light Rail Stage 2A (and the more extensive Stage 2) project desired by the ACT Government. Our submission refers to the ongoing and associated impacts of the proposed development of Section 63 that will follow on from the results of this referral.

The associated Light Rail Works are itemised and are said (in the Project Scope) to be 'not the subject of this referral'. This is problematic given the EPBC referral policy of requiring entire projects to be referred rather than parts. The staged referrals are inappropriate project design given the referral requirement. The suggestion that a coordinated approach between the light rail (incl construction compound and storage) and the construction project here would seem appropriate and required but it should also be in coordinated with the entire 2A light rail stage and the entire construction project (at Section 63) not just the basement/preparation level works (even though the latter is said to be subject to future private developer action). Given the legislative requirements, this presented approach of staging is inappropriate project planning for both light rail and the

preparatory development of the block for subsequent mixed use (after sale). This approach appears to have been chosen to avoid proper EPBC Act scrutiny.

## Heritage

The presence of the Critically Endangered Golden Sun Moth (*Synemon plana*) and as stated in the EPBC referral, notes that their habitat will be obliterated by the development. It is one of five distinct regional populations and cumulative impact of this habitat obliteration will be significant. It is noted that you are following the common practice of developers in using environmental offsets, a practice criticised by some local scientists but also by the IUCN considering that current mitigation attempts using this approach were proving insufficient to reduce biodiversity decline. A strict offset mitigation strategy hierarchy approach must be used to ensure the highest standard assessment of the total biodiversity impacts are going to be positive. (See [https://www.iucn.org/sites/dev/files/import/downloads/iucn\\_biodiversity\\_offsets\\_policy\\_jan\\_29\\_2016.pdf](https://www.iucn.org/sites/dev/files/import/downloads/iucn_biodiversity_offsets_policy_jan_29_2016.pdf)).

Eliminating this Critically Endangered Golden Sun Moth breeding habitat and the dispersal corridors of male moths for extra mixed-use development and the light rail is questionable. The proposed development may fragment an existing population into two or more populations if a breeding population exists on City Hill while dispersal is reliant on the exotic grassland habitat within the footprint. It is troubling to realise that this is one of three clover leaf developments at City Hill, all of which have Golden Sun Moth habitats. The continuation of the Light Rail along Commonwealth Avenue will destroy more of the habitats. Only City Hill will be left of the Golden Sun Moth habitats. The only mitigation offered for offsets in the SGS Preliminary Documentation Report is the weak comment:

There is the opportunity to mitigate the above potential impacts through detailed design development by a future owner/developer which should include consideration of the heritage design principles provided above. The heritage design principles are suggested to a design and mitigation heritage impacts and could be included within the Section 63 EDP Development Principles and Controls document that will accompany the deeds of sale.

As a suite of works, either in-train or proposed, that will progressively destroy and reduce the Golden Sun Moth habitat on s63 and in the vicinity, there needs to be an indication of the likely, cumulative, adverse impact of these intended actions in this and each subsequent documentation of these collective works so that this total impact is appreciated. (Actually revealed (at 6.1) where it is stated that the total, cumulative area of light rail impact is 5.4 ha).

A clear, public declaration of cumulative impact in the documentation is needed to expose the intended, longer term implication of these projects to create a 'death of a thousand cuts' for the Golden Sun Moth in this vicinity.

The EPBC Act requires Commonwealth bodies, such as the NCA, to identify and protect heritage within those areas they own or manage. In addition, as noted in the National

Capital Plan (NCP) heritage places within the Designated Area are also to be afforded the same degree of protection. The ACT Government's proposal for the Light Rail Stage 2 is within the Designated Area. The NCA's mandatory requirements is they they should ensure that the heritage values of places within, the Parliament House Vista, Lake Burley Griffin and Adjacent Lands (including Commonwealth Avenue Bridge), and City Hill have full protection. The EPBC Act also requires protection of heritage values from impacts resulting from works on adjacent or nearby properties.

In regard to the assessment of heritage impacts, whilst the Preliminary Assessment Report's heritage component indicated places nominated to the NHL as well as NHL places, on the reasonable basis of the EPBC Act's precautionary principle (s391), the EPBC referral only focuses on NHL places. This is insufficient. The impacts on the NHL nominated 'Canberra the Planned National Capital', plus the National Roads (critically important in the NCP) and the ACT Government's heritage listed City Hill should all be included in the referral and appropriate avoidance or mitigation measures provided as the *Lake Burley Griffin Heritage Assessment Final Report* (GML 2009) GML report recommends.

The implications for management and reduction of impact on all of these NHL and the other identified heritage places, should also be carried through to the recommended heritage design principles for future owner/developer.

The proposed Section 63 works are part of the larger City to the Lake, Light Rail Stage 2A and ongoing Stage 2 development works. In the GML report (2009) the impact of the proposed Section 63 development is likely to have a significant heritage impact due to the large scale of the proposed building structures and the blocking of the vista to City Hill from many locations. In this present scenario City Hill has been set up to be viewed only from Commonwealth and Northbourne Avenues and while the significant iconic role as one of the three vertices of Griffin's planned Parliament Triangle and a Canberra landmark will disappear so that City Hill becomes a courtyard for its multistorey surrounding buildings.

Storm water runoff polluting the heritage values of the Lake is a critical environmental issue, particularly with reference to what was experienced in the 'wet' autumn this year. There appears to be no storm water settling ponds in the planning to date.

The social benefits noted in the assessment report are based on business-economic values rather than a human liveable environment. This is amazingly short sighted. The Light Rail Stage 2 benefit should be for the workers of Canberra's business hubs and, more recently, residents.

### **Foreshadowed impacts that of this Section 63 development proposal**

Parliamentary approval was granted in 2006 for the City Hill Precinct area despite expert objections. However, twelve years have since passed. During that time there have been major changes in science, environmental knowledge, including heritage, social needs and our climate that now need to be considered in any development that was designed prior to 2006, even if it obtained Parliamentary approval.

The NCA's guiding plan for the area apart from negative impacts on heritage vistas, is now obsolete and takes no account of ameliorating the adverse affects of climate change. The Section 63 area is proposed for high rise development as well as the Light Rail Stage 2. The Light Rail Stage 2 proposal is not reflected in the National Capital Plan.

Apart from climate change considerations there is nothing to indicate recreation spaces needed for a large population, creeping infill development and infrastructure expansion.

Where are the open green spaces with substantial tree groups (apart from the few small green lollipops shown on the street verges)?

Traffic congestion and traffic management is a serious issue that needs to be addressed in its relationship to the Commonwealth Avenue and Commonwealth Avenue Bridge.

Heritage design principles are provided to mitigate and guide the design of future developments in respect of the Parliament House Vista, National Land Roads and City Hill. (See Table 4.)

These mitigation actions are good but do not go far enough.

Design controls - Landmark buildings (14-18 storeys) permitted by NCP City Hill Precinct Code are questionable as they severely limit broad views/vistas, allowing only narrow, corridor sight lines along the roads to the various features such as the Lake and surrounding hills.

Visual impacts - A way of considering this assessment is that the current City Hill Precinct Code permits buildings of 25m or more are seen to be problematic, obscuring important views and vistas.

The recognition of the need to have enforcement of the provisions in perpetuity is acknowledged as necessary and commendable. The addition to the principles set out, the recommendations provided is also appropriate.

## **Summary**

The ACT Government's planning for developing Section 63 is the first step for the Light Rail to the Lake Burley Griffin and south of the Lake. The planning does not seem to have included adequate traffic studies, nor associated environmental and social impact studies.

The Guardians supported a Light Rail Stage 2 across Kings Avenue Bridge that would provide transport to the work hubs of Kingston, Russell, the University of NSW and ultimately be an easy to link to the airport but the ACT Government fixated on the financial gain from lakeside real estate, removed that option. The full range of options that would have less impact on the traffic implications and the aesthetic, social and

heritage values of Commonwealth Avenue and Commonwealth Avenue Bridge appears not to have been adequately explored.

**It should be noted that not only does the National Capital Plan show no reference to Stage 2 of Light Rail that is supposed to cross Lake Burley Griffin and run through the Parliamentary Zone, there has been no decision from the Commonwealth regarding approval for Light Rail Stage 2 crossing Lake Burley Griffin, so why is this development proceeding?**

**There is no evidence of sufficiently rigorous heritage, traffic and social planning by the ACT or the NCA to allow for approval of the proposed Section 63 development that is the first step of a destructive development.**



Lake Burley Griffin Guardians

21 June 2021





NATIONAL TRUST

Unit 2.03, Level 2, Griffin Centre  
20 Genge Street, Canberra ACT 2600

PO BOX 1144  
CIVIC SQUARE ACT 2608

EMAIL: [info@nationaltrustact.org.au](mailto:info@nationaltrustact.org.au)

WEB: [www.nationaltrustact.org.au](http://www.nationaltrustact.org.au)

T: 02 6230 0533

PATRON: The Hon Margaret Reid AO

22 June 2021

City Renewal Authority

[cityrenewal@act.gov.au](mailto:cityrenewal@act.gov.au)

## SECTION 63 CANBERRA CITY

The National Trust of Australia (ACT) has several concerns with this proposal. The potential sale and development of the land may be subject to future development conditions but the expectation is for development in a form similar to that indicated. This raises concerns as listed below.

### 1 The Golden Sun Moth Habitat

This is a critically endangered species and there is no conclusive evidence provided that an acceptable and suitable offset is available or established.

This proposal should not progress further until this is completely resolved. To proceed on any assumption that it will be resolved is unacceptable and could cause substantial future problems as has been experienced with other projects where heritage issues have not been resolved before planning progresses, EG CSISO site Campbell.

### 2 Heritage Issues

It is noted that only listed heritage sites will be considered and nominated sites will be ignored. This is considered to not be the best practice and the heritage issues included in the nominations should be considered.

It is noted that the *"degree of impact on City Hill and Canberra the Planned National Capital would be significant and on the Parliament House Vista moderate"*.

This is fully detailed and supported by evidence in the heritage report and in itself should be sufficient reason to generate a complete review of the proposal.

The visual impacts fail to consider the views to/from the Lake, Vernon Circle, City Hill and Commonwealth Avenue which have been identified as significant views and detailed in previous studies. This impact on Commonwealth Avenue is considered to be moderate in the heritage assessments.

We consider that the proposal should not proceed at this stage and further work is required and any new proposals be presented again for community input.

Yours faithfully

**From:** [REDACTED]  
**To:** [Cityrenewal](#)  
**Subject:** EPBC Referral 2019/8449 - Public Comment  
**Date:** Tuesday, 22 June 2021 9:40:06 AM

---

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi - thank you for the opportunity to comment on the plans for Section 63.

I am a resident in the Metropolitan tower, on the eastern side of 3 London Cct and currently have views across section 63. I believe the visual aspects of the planning process have already been considered however it will be important for the height to be in-keeping with the existing area and not exceed the roofline set by the law courts. My apartment would lose significant views if the block is redeveloped to the height of the QT/Lakeside or pacific apartments.

Apart from the height I fully support the ongoing redevelopment of London Circuit and hope that the Section 63 development will deliver more amenity to residents of this part of the city. Currently there are no local shops (Coles is not walkable with groceries) - only one over priced convenience store at New Acton. Mixed use residential focussing on cafes, bars and possibly a small 'metro' style supermarket would add significant value and amenity for residents. This should also be considered for the Barracks development.

I am looking forward to this part of the city being developed further - including the west basin area of the Lake and I think it could become a vibrant mixed zone, like the Kingston Foreshore (or Barangaroo in Sydney). However I do have some reservations about how traffic will function with the development of Section 63 and the Tram. Improvements to make London Circuit a pedestrian plaza/tram zone would be welcome, however there will need to be careful traffic planning to ensure The Metropolitan residents can still cross London Circuit and "do the blocky" from the sole carpark exit on Edinburgh Ave (left onto London, left onto Gordon, left onto Marcus Clarke and right onto Edinburgh - travelling west to Parkes Way). Priority left turn arrows will be needed to facilitate this and ensure traffic doesn't bank up along Edinburgh Ave along with priority lights to cross London Cct to Vernon Circle.

For both the Barracks and Section 63 I would fully support arts/entertainment/live music venues being incorporated (or required) as part of the developments. This part of the city has a fantastic opportunity to expand on the existing arts and entertainment venues of the Childers St and Canberra theatres (and Dendy) - all within walking distance of each other. The addition of more, sophisticated entertainment venues in this part of the city would help to create a vibrant arts zone.

Finally, there needs to be public access to green spaces in section 63 and pedestrian access from London circuit to Cth avenue bridge. Currently the green space is significant and the loss of all public green spaces would be detrimental to amenity.

Thanks again for the opportunity to comment.

--

Kind regards

[REDACTED]

[REDACTED]

City ACT

[REDACTED]

**From:** [REDACTED]  
**Subject:** Fw: Development of Block 20, Section 63, City.  
**Date:** Thursday, 24 June 2021 9:23:49 AM  
**Attachments:** [Outlook-ywvypum2.png](#)  
[Outlook-k20rrd0q.png](#)  
[Outlook-rogmxbn.png](#)  
[Outlook-wz05zhuy.png](#)

---

Hi [REDACTED]

See below a brief note from an [REDACTED] who'd like her comment to be accepted as a late submission.

I think we should accept it, and you can note in the submissions table it was received as a late submission.

Would that be alright with [REDACTED]?

[REDACTED]

[REDACTED]  
Engagement Officer

E: [REDACTED]

**City Renewal Authority ACT Government**  
Customs House, 5 Constitution Avenue, Canberra City  
GPO Box 158 Canberra City ACT 2601  
ABN 40 746 096 162

[cityrenewalCBR.com.au](http://cityrenewalCBR.com.au)  
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I acknowledge the Ngunnawal people as the Traditional Custodians of the land I work on and respect their continuing culture and the contribution they make to the life of this city and this region.

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**From:** [REDACTED] >  
**Sent:** Wednesday, 23 June 2021 16:53  
**To:** [REDACTED]  
**Subject:** Development of Block 20, Section 63, City.

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Following our earlier email communication, we would like to submit a late submission regarding the development of Block 20, Section 63. We would like to suggest that the newly developed area should include planting suitable vegetation that the Golden Sun Moth prefers as breeding ground, i.e. mixture of grasses as indicated by previous research of this endangered species. Consultation with CSIRO's entomology experts would be the way to go.

[https://www.swifft.net.au/cb\\_pages/sp\\_golden\\_sun\\_moth.php](https://www.swifft.net.au/cb_pages/sp_golden_sun_moth.php)

## Golden Sun Moth - SWIFFT

The Golden Sun Moth *Synemon plana* is a small diurnal moth belonging to the family Castniidae in the insect order Lepidoptera. The Castniidae includes 30 genera. The Australian species are represented by a single endemic genus *Synemon* which contains about

[www.swifft.net.au](http://www.swifft.net.au)

Please advise if possible.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED] >  
**Sent:** Wednesday, 23 June 2021 10:37 AM  
**To:** [REDACTED] >  
**Subject:** Re: Please advise

OFFICIAL

Dear [REDACTED]

Thanks for being in touch. I'm sorry that you weren't able to find the project.

Here's all the information:

<https://yoursayconversations.act.gov.au/EPBC-LCCT>



The consultation closed yesterday. However, if you'd still like to make a submission, please let me know asap today or tomorrow morning by email or phone, and I'll see what I can do.

My number is [REDACTED].

[REDACTED]

[REDACTED] [REDACTED]  
Engagement Officer

E: [REDACTED]

**City Renewal Authority ACT Government**

Customs House, 5 Constitution Avenue, Canberra City  
GPO Box 158 Canberra City ACT 2601  
ABN 40 746 096 162

[cityrenewalCBR.com.au](http://cityrenewalCBR.com.au)

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I acknowledge the Ngunnawal people as the Traditional Custodians of the land I work on and respect their continuing culture and the contribution they make to the life of this city and this region.

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---

**From:** [REDACTED]

**Sent:** Wednesday, 23 June 2021 10:14 AM

**To:** Cityrenewal <cityrenewal@act.gov.au>

**Subject:** Please advise

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear staff at ACT Renewal,

I found a card in my mailbox regarding environmental impact management for the release

and future development of the site at Block 20, Section 63, City. I tried to find more details on the YourSay website, without success.

Can you please advise what exactly is involved?

Thank you

[REDACTED]

[REDACTED]

[REDACTED]

EPBC Referral 2019/8449 - Public submissions table						
ID	Stakeholder category	Theme	Subtheme	Description	Response	Changes
1	Government	GSM	Offset	Email from Conservator advising they will provide comment as part of DAWE standard processes.  Conservator notes the requirement for establishment of GSM habitat in NSW and a contingency for a payment into the NSW Biodiversity Conservation Trust.	Nil	Nil
2	General Public	Heritage	Views/Vistas	Email commenting upon master planning for City Hill South West and related topics.  Comment was made on the need to keep predominantly free of development to preserve the iconic engineering, landscape and other heritage characteristics of the place including views in and out of the precinct.	A Heritage Impact Assessment and Visual Analysis identified that the impact upon the views to parliament house were minor.  Redevelopment of the site will contribute to sustainable urban renewal, activation and revitalisation of the city centre.	Nil
3	Heritage/Environment Community	Heritage	Views/Vistas	Letter outlining concerns regarding the proposed development of Section 63 and the impact upon the heritage value of City Hill.  Comment also made on the effectiveness of planning controls and regulations to deliver design quality.	A Heritage Impact Assessment and Visual Analysis identified that the impact upon the views to parliament house were minor.  The City Renewal Authority is also working with the Environment, Planning and Sustainable Development Directorate to update the City Plan. This will when finalised assist in providing guidelines to influence development.	Nil
4	Heritage/Environment Community	GSM	Offset	Letter supporting the coordinated approach to delivery of the offset for Section 63 City and Light Rail.  Letter also encourages information on the offset credits is disclosed in the ACT Government's Offsets Register.	Information on advice re. offsets register will be passed to the Light Rail team.	Nil
5	General Public	Planning	Development	Email commenting that the proposed development will make access to the city more difficult and does not make environmental sense.  Email concludes that the proposal is bad planning.	The development is permitted in the National Capital Plan and contributes to the activation of the city centre.  The extension of Edinburgh Avenue and raising of London Circuit provide access to the city.	Nil
6	Heritage/Environment Community	Planning GSM Heritage Environmental	Light Rail Stage 2 Offset Views/Vista Stormwater	Letter expressing concerns on mangament and coordination of the Territory planning processes particularly related to Light Rail Stage 2A.  The Letter also expressed concerns regarding the environmental and heritage impact of development within the city centre, and the management of these issues.	This current project is independent of Light Rail Stage 2A and does not 'set up' the Light Rail Project.  The site has been identified on the Indicative Land Release Program and the development of the site will contribute to activation of the city centre and contribute to sustainable urban renewal.  Planning and further due diligence studies are being undertaken to support the future sale and development of the site.	Nil
7	Heritage/Environment Community	GSM Heritage	Offsets Views/Vistas	Letter requesting greater visibility on offset managements.  Letter expressed concerns regarding heritage impact assessment and the assessment against listed places rather than both listed and nominated.	The offset management plan is being coordinated by the Light Rail Project as noted in the documentation and details on the proposed offsets were provided.  Advice on the Heritage Impact Assessment was sought from DAWE and the report was developed in accordance with this direction.	Nil
8	General Public	Planning	Development	Letter supporting redevelopment of London Circuit and Section 63 City but requesting consideration of building heights and traffic network.	Height within the city is generally limited to 25m with some buildings on strategic sites building up to 617m.  Future planning for the site includes a traffic impact assessment.	Nil
9	General Public	GSM	Offsets	Email suggesting that the newly developed area should include planing suitable vegetation that the Golden Sun Moth prefers as breeding ground.  Consultation with CSIRO entomology experts was suggested as an appropriate approach.	MPC has aimed to minimise the impact on GSM habitat and is implementing restoration measures where there will be no permanent impacts for this or other whole of government projects in the foreseeable future. MPC will work in co-operation with the Offset Management section within Parks and Conservation Group within EPSDD to trial innovative measures to enhance GSM habitat.  The Golden Sun Moth Construction Environmental Management and Rehabilitation Plan (GSM Plan) has been prepared and approved for the Early Enabling Works for the City to Commonwealth Park Light Rail and details measures to be implemented in the NW cloverleaf to translocate GSM larvae.	Nil