

**Chris Steel MLA**

Treasurer

Minister for Planning and Sustainable Development

Minister for Heritage

Minister for Transport

Member for Murrumbidgee

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**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 3****7 March 2025****Question No. 187****MR CAIN MLA** - To ask the Minister for Planning and Sustainable Development:

1. Was approval granted to remove over 500 trees, including mature and remnant native species, along Drake Brockman Drive despite their critical role as wildlife habitat; if so, why.
2. Was the updated 2018 conservation advice for Superb Parrots and Little Eagles ignored in the design and approval of the Drake Brockman Drive duplication; if so, why.
3. Was action taken to protect the wildlife corridor between Higgins, Holt, and the surrounding reserves during project planning; if not, why not.
4. Why was an Environmental Impact Statement (EIS) Exemption granted in 2018 without public consultation, and where is the required consultation notice under section 211c of the *Planning and Development Act 2007*.
5. What justification is there for the failure to publish the EIS Exemption consultation notice on the Notifiable Instruments Register.
6. Why was the declaration of mature tree loss as a key threatening process under the *Nature Conservation Act 2014* not considered in the approval of this project.
7. Why has no design change been made to reduce the scale of the Drake Brockman Drive duplication to minimise environmental damage and tree loss.
8. What steps have been taken to stop the destruction of critical habitat and prevent the collapse of the wildlife corridor caused by this over-engineered road duplication.



9. Why has Drake Brockman Drive been prioritised for a multi-lane dual carriageway while other arterial roads like Bindubi Drive and Coulter Drive remain single carriageway.
10. Why has the Ginninderry development been allowed to proceed without ensuring the protection of key species, habitat corridors, and community amenity.

**MINISTER STEEL MLA** - The answer to the Member's question is as follows:

- 1. Was approval granted to remove over 500 trees, including mature and remnant native species, along Drake Brockman Drive despite their critical role as wildlife habitat; if so, why.**

On 28 November 2024, the planning and land authority (the authority) conditionally approved development application (DA) 202342246 for construction and alteration works to Drake Brockman Drive (DBD) including increasing the road width from the Ginninderry estate entrance to the intersection of Cussen Street and south of existing road reserve, upgrades to six intersections, landscaping and associated site works.

The development proposal is located within an area that has been subject to previous environmental impact assessments (EIA), with prior approvals or authorisations under both Commonwealth and ACT Government legislation, including:

- [the West Belconnen Strategic Assessment, approved under the Environment Protection and Biodiversity Conservation Act 1999 \(EPBC Act\) in September 2017](#); and
- [the Ginninderry Stage 2 Urban Development EIS Exemption \(EIS201800010\), granted by the Minister for Planning and Land Management in October 2018](#).

Supporting information prepared by Capital Ecology, dated 13 September 2023 and submitted with the DA, confirms that the subject site contains areas of Box Gum Woodland (BGW), which are listed as critically endangered under the *Nature Conservation Act 2014* (NC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The BGW within the study area was assessed as being of poor quality due to the general absence of non-grass native species diversity, important species, and grass diversity overall. The BGW area within the site is comprised of approximately 0.7 hectares of woodland vegetation (of a broader 3.1 hectares area of derived native grasslands).

The DA has been approved to clear 2.08ha of BGW within the Ginninderry Stage 2 Urban Development area. Impacts to BGW were considered in the West Belconnen Strategic Assessment Approval with offset requirements to be met within the Ginninderry Conservation Corridor.

510 trees have been approved for removal to make way for the road duplication, most of which are in the area proposed for new road pavement. The DA includes 605 new plantings to replace them. None of the 510 trees to be removed are registered trees and a number of them are in poor to fair condition and would not survive relocation. Some trees in good condition were also found to be unsuitable for relocation as the structure of their root system cannot be transplanted.

No trees rated as exceptional quality are to be removed, however, approximately 32 of the 76 trees assessed as high quality are identified for removal.

The authority's decision includes a range of conditions to reduce potential environmental impacts arising from construction and operational activities that is consistent with the mitigation measures and recommendations in the West Belconnen Strategic Assessment Approval and the Ginninderry Stage 2 Urban Development EIS Exemption consideration report.

Consistent with the advice from the Conservator of Flora and Fauna on the DA, and the mitigation measures within the EIS exemption documentation, a condition has been included in the decision that a Construction Environmental Management Plan (CEMP) must be prepared and endorsed by the authority prior to any works commencing. The CEMP needs to clearly articulate clearing procedures and boundaries, how significant trees are to be protected, and to confirm that clearing will occur outside of threatened bird breeding seasons. The CEMP will be referred to the Conservator of Flora and Fauna for assessment and endorsement and will be closely scrutinized to ensure all conditions have been met.

The detailed design phase and CEMP will provide further opportunities to refine the construction footprint and further mitigate the impact on existing trees. This will include additional discussions with the proponent regarding replanting ratios to offset the loss of mature native trees. This may include additional plantings in nearby nature reserves due to space and bushfire constraints along the road corridor.

**2. Was the updated 2018 conservation advice for Superb Parrots and Little Eagles ignored in the design and approval of the Drake Brockman Drive duplication; if so, why.**

As noted in response to Question 1, the development proposal is located within an area that has been subject to previous EIA with prior approvals or authorisations under both Commonwealth and ACT Government legislation, including:

- [the West Belconnen Strategic Assessment, approved under the Environment Protection and Biodiversity Conservation Act 1999 \(EPBC Act\) in September 2017;](#) and
- [the Ginninderry Stage 2 Urban Development EIS Exemption \(EIS201800010\), granted by the Minister for Planning and Land Management in October 2018.](#)

Both EIA approvals are due to expire on 30 June 2067.

The EIAs have considered potential impacts to the Superb Parrot and Little Eagle and provide recommended mitigation measures for any identified impacts. The EIS Exemption found that there would be no impacts to the Little Eagle as part of the Project as a 200m clearance zone around the Strathnairn nest and foraging area will be implemented, and impacts to Superb Parrot habitat can be managed through the CEMP process by introducing measures such as undertaking tree clearing outside of breeding seasons and recovery and reuse of felled trees.

With the inclusion of conditions in the authority's decision, DA202342246 was assessed as being consistent with the mitigation measures and recommendations in the West Belconnen Strategic Assessment Approval and the EIS Exemption consideration report.

**3. Was action taken to protect the wildlife corridor between Higgins, Holt, and the surrounding reserves during project planning; if not, why not.**

As a result of the EIAs completed prior to DA202342246, the Ginninderry Conservation Corridor and [Ginninderry Conservation Corridor Management Plan](#) have been established. Implementation of the Management Plan will protect forest and woodland habitat, including that along the Murrumbidgee River. The Corridor is an important habitat link for facilitating the movement and long-term conservation of species and ecological communities across the regional landscape. The Corridor protects and is intended to restore an area of the critically endangered BGW threatened ecological community and also contains a significant population and habitat of the nationally vulnerable Pink-tailed Worm Lizard.

The DA has been approved to clear 2.08ha of BGW within the Ginninderry Stage 2 Urban Development area. Impacts to BGW were considered in the West Belconnen Strategic Assessment Approval with offset requirements to be met within the Ginninderry Conservation Corridor.

**4. Why was an Environmental Impact Statement (EIS) Exemption granted in 2018 without public consultation, and where is the required consultation notice under section 211c of the *Planning and Development Act 2007*; and**

**5. What justification is there for the failure to publish the EIS Exemption consultation notice on the Notifiable Instruments Register.**

In accordance with section 211(C) of the *Planning and Development Act 2007* (P&D Act) the Minister was required to consult with the public on EIS201800010 for not less than 15 working days. Public consultation for EIS201800010 was extended to 20 working days under section 211D (2) of the P&D Act. The EIS exemption application was publicly notified on the ACT Legislation Register from 30 March to 1 May 2018.

The Consultation Notice for EIS201800010 is publicly available on the ACT Legislation Register, and can be viewed via the following link: [Planning and Development \(EIS Exemption Application—Ginninderry Stage 2\) Consultation Notice 2018](#)

**6. Why was the declaration of mature tree loss as a key threatening process under the *Nature Conservation Act 2014* not considered in the approval of this project.**

EIS201800010 and DA202342246 were both considered under the P&D Act, which did not include specific consideration of key threatening process (KTP). The consideration of a KTP has since been introduced through the new *Planning Act 2023* as a trigger for EIA. Applications made under the *Planning Act 2023* will need to address any KTP if this item is triggered.

**7. Why has no design change been made to reduce the scale of the Drake Brockman Drive duplication to minimise environmental damage and tree loss.**

The proposed alignment will generally follow the curvature of the existing carriageway, and most of the trees to be removed are in the area proposed for new road pavement. The authority's decision for DA202342246 includes conditions of approval requiring revised plans showing redesign of the intersections at Spofforth Street, Trickett Street and Macnaughton Street to Drake Brockman Drive, for improved user safety and functionality, to the satisfaction of the Transport Canberra and City Services (TCCS).

The detailed design phase and CEMP process for DA 202342246 will also provide further opportunities to refine the construction footprint and further mitigate the impact on existing trees. This will include additional discussions with the proponent regarding replanting ratios to offset the loss of mature native trees. This may include additional plantings in nearby nature reserves due to space and bushfire constraints along the road corridor.

**8. What steps have been taken to stop the destruction of critical habitat and prevent the collapse of the wildlife corridor caused by this over-engineered road duplication.**

Please refer to response to question 3.

**9. Why has Drake Brockman Drive been prioritised for a multi-lane dual carriageway while other arterial roads like Bindubi Drive and Coulter Drive remain single carriageway.**

The upgrade to Drake Brockman Drive is being proposed under DA202342246 which is in response to upgrades identified through the planning of Ginninderry estate. The Authority assessed the proposal to ensure that it complied with the P&D Act and that the proposed upgrades provided a safe and efficient network for the estate.

The ACT Government will undertake other upgrades as required.

**10. Why has the Ginninderry development been allowed to proceed without ensuring the protection of key species, habitat corridors, and community amenity.**

In deciding the development application, the authority has considered the zone objectives in conjunction with other requirements of the Territory Plan, including the relevant codes and the Strategic Directions, to achieve a balanced approach in assessing economic, social and environmental impacts. Upon considering the issues and impacts raised during the assessment process, the authority is satisfied that the social, environmental and other impacts that may arise from the development are adequately addressed by the conditions imposed and by the previous assessments and offset requirements.

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 129 of the P&D Act. Conditions have been imposed in regard to the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice, issues raised in the representations and generally follows standard process and practices.

**Approved for circulation to the Member and incorporation into Hansard.**



**Chris Steel MLA**

**Minister for Planning and Sustainable Development**

Date: 7/4/25

This response required 5hrs 25mins to complete, at an approximate cost of \$507.33.