

Ellerton Drive Extension

Submissions Report for EPBC Preliminary Documentation



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Executive Summary

The Ellerton Drive Extension has been planned since the 1970s, and has been on the Queanbeyan Structure Plans since 1974 and the Local Environmental Plan mapping since 1991.

On 26 August 2009 Council (then Queanbeyan City Council) adopted the *Googong and Tralee Traffic Study (2031)*. The Ellerton Drive Extension was part of a program of recommended road network improvements identified in that study.

In June 2014 grant funding for the construction of the Ellerton Drive Extension from both the Australian Commonwealth and NSW State Governments was announced.

Queanbeyan-Palerang Regional Council (Council) is proposing to construct a 700m upgrade and 3.9km extension of Ellerton Drive (terminating at the intersection of Edwin Land Parkway/Old Cooma Road), Queanbeyan, on the NSW Southern Tablelands. The proposed action would provide an alternative route around the Queanbeyan Central Business District and would form an important part of the regional transport corridor. The subject site is located at the southern-eastern extremity of the current Queanbeyan residential area adjacent to the suburbs of Karabar, Greenleigh and East Queanbeyan.

An EPBC Referral was submitted to the Commonwealth Department of the Environment (DOE)¹ on 11 August 2014. At the time of the Referral the proposed action was for the construction and operation of a new four lane dual carriageway of sealed road built in two stages. The proposed action was determined to be a “controlled action” under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The controlling provision under the EPBC Act is “listed threatened species and communities” (Sections 18 and 18A). The proposed action is deemed to have a significant impact on Matters of National Environmental Significance (MNES), specifically:

- White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community, and
- Hoary Sunray plants

The Referral decision only relates to the potential for significant impacts on matters protected by the Australian Government under chapter 2 of the EPBC Act.

The design for the proposed action has progressed significantly since it was deemed to be a “controlled action” in September 2014. The proposed action is now for the construction and operation of a new two lane single carriageway of sealed road with one bridge crossing over the Queanbeyan River, climbing lanes and provision for cyclists. Analysis of future population areas as well as vehicular movements identified that Ellerton Drive Extension is not required to be a four lane road. The works would be constructed in one stage (2017-2019). The development footprint is defined as the final formed extent of the earthworks required for the proposal, including all cuts and fill batters, stormwater drainage, noise walls and boundary fences. The development footprint now includes the area of the existing road to be upgraded, the Edwin Land Parkway/Old Cooma Road intersection, new noise wall locations, stockpile and compound sites, erosion and sediment control elements and shared path connections to various neighbourhoods. The Addendum to the Species Impact Statement addresses the impacts of the revised footprint.

¹ Now the Department of the Environment and Energy

The Commonwealth Department of the Environment (DoE) had advised that the project would be assessed through Preliminary Documentation (PD). This documentation was prepared by NGH Environmental and placed on public exhibition between 9 May 2016 and 3 June 2016. The following documentation was included in five (5) bound volumes and were exhibited online (www.qcc.nsw.gov.au) and at two locations Queanbeyan-Palerang Regional Council's Customer Service Centre, Queanbeyan office and the foyer of NSW Office of Environment and Heritage, Queanbeyan office:

1. EPBC Referral 2014/73041 documentation received by the Department on 11 August 2014, including maps of EPBC Act matters of national environmental significance known from the study area and locality (identified in the referral as Attachments 2 and 3. Attachment 1 – GIS mapping data – was provided to the Department electronically).
2. EPBC Referral 2014/73041 Attachment 4 – Species Impact Statement: Ellerton Drive Extension Final v1.2 (June 2014) and Addendum to the Species Impact Statement v3.1 (February 2016).
3. EPBC Referral 2014/7304 Attachment 5 – Archaeological Assessment of the Proposed Ellerton Drive Extension (2012) and Ellerton Drive Extension, Queanbeyan Aboriginal Cultural Heritage Archaeological Report (2015).
4. The Googong and Tralee Traffic study 2031 (2010).
5. The South Jerrabomberra and Queanbeyan Traffic Analysis 2014.

This Submissions Report has been prepared to provide details on the submissions received during the PD exhibition period.

A total of 10 formal submissions were received in response to the public exhibition of the PD. Many of these submissions included comments not related to Matters of National Environmental Significance.

The relevant comments raised by the respondents in their submissions included:

- Proposed offsets are not suitable
- Inadequate information provided on offsets
- Box-Gum Woodland is too critical to destroy
- Box-Gum Woodland incorrectly mapped
- Assessment of Significance did not change for any listed species in spite of the project size being doubled
- Dismissal of resident sighting of listed species
- Damaging and cutting of wildlife corridors

The community feedback has been considered and responses to the comments have been provided by Council as part of this report. This Submissions Report will be publicly exhibited for 20 days as part of the EPBC Act approval process.

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1. Introduction, Background & Proposed Action

1.1 Introduction

The Ellerton Drive Extension has been planned since the 1970s, and has been on the Queanbeyan Structure Plan since 1974 and the Local Environmental Plan since 1991.

On 26 August 2009 Council (then Queanbeyan City Council) adopted the *Googong and Tralee Traffic Study (2031)* formerly known as the *Draft Queanbeyan Strategic Traffic Plan (2031)*. The Ellerton Drive Extension was part of the program of recommended road network improvements identified in that study.

In June 2014 grant funding for the construction of the Ellerton Drive Extension from both the Australian Commonwealth and NSW State Government was announced.

Queanbeyan-Palerang Regional Council (Council) is proposing to construct a 700m upgrade and 3.9km extension of Ellerton Drive (terminating at the intersection of Edwin Land Parkway/Old Cooma Road), Queanbeyan, on the NSW Southern Tablelands. The proposed action would provide an alternative route around the Queanbeyan Central Business District and would form an important part of the regional transport corridor.

The proposed action was deemed to be a “controlled action” under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The controlling provision under the EPBC Act is “listed threatened species and communities” (Sections 18 and 18A).

The Commonwealth Department of the Environment (DoE) had advised that the project would be assessed through Preliminary Documentation (PD) and the PD has been the subject of a recent public exhibition process.

This Submissions Report summarises the submissions received and provides responses to the relevant questions and comments arising from the public exhibition of the PD.

1.2 Background

Substantial residential growth is planned for Queanbeyan. In 2006 Queanbeyan City Council developed the *Queanbeyan Residential and Economic Strategy 2031* which identifies both Googong (5,500 lots) and Tralee (2,300 lots) as future growth areas. These developments would see the Queanbeyan population rise from 38,000 to 70,000 by 2031.

A review of the *Queanbeyan Residential and Economic Strategy 2031* (addendum December 2008) by the NSW Department of Planning required Council’s Transport Strategy to specifically address the need, timing and funding (including the preparation of contribution plans) for required transport infrastructure works to address forecasted growth for the region.

As a result of this review Gabites Porter (now Traffic Design Group) were engaged by Council on the recommendation of Roads and Maritime Services to conduct a fully functioning integrated land use/transport model to analyse Queanbeyan’s traffic network. This work was reported in the *Draft Queanbeyan Strategic Traffic Plan (2031)* and was completed in 2009.

The Traffic Study looked at over 34 combinations of road and intersection improvements to address the network deficiencies that are likely to be experienced as a result of the expected development growth in the Canberra-Queanbeyan region. The Traffic Study did not focus on

reducing flows in any particular areas of the network but rather looked at the Canberra-Queanbeyan network as a whole. Proposed road and intersection improvements were identified on the basis of their ability to improve the level of service (LOS) at each location and for the overall road network to LOS “D” or better. Several new routes were proposed as a means of creating additional capacity thereby relieving various areas of congestion, and analysed in detail in the modelling.

Results from modelling for the *Draft Queanbeyan Strategic Traffic Plan (2031)* showed that Option 05B provided the best combination of traffic movements to the long term strategic transport plan for all Queanbeyan. Option 05B includes the Ellerton Drive Extension, the future four-laning of Old Cooma Road and various intersection improvements.

In its resolution 274/09 of 26 August 2009 Council adopted the *Draft Queanbeyan Strategic Traffic Plan (2031)* and resolved to rename it the *Googong and Tralee Traffic Study (2031)*.

Council updated the Traffic Study in 2014 (*South Jerrabomberra and Queanbeyan Traffic Analysis 2014*), using the most recent census data, infrastructure programs and growth forecasts for both Queanbeyan and Canberra. This update study supports the findings of the previous study in 2009.

The Proposed Action has been on the Queanbeyan Structure Plans since 1974, and has been included on the Queanbeyan Local Environmental Plan map since 1991. Council has progressively acquired land for this purpose over a significant number of years and currently owns the majority of the required road corridor.

The alignment of the Proposed Action runs between north-east Queanbeyan and southern Queanbeyan along the eastern urban fringe and in a road corridor predominantly set aside and zoned for the action.

A large portion of land to the west of the proposed action is populated with low density rural residential properties surrounded by bush. The northern and southern ends are populated with high density residential properties.

The area occupies disturbed open grassy woodland in the far south with some areas more extensively cleared, including a power line and water main easement. The area within the road reserve just south of the Queanbeyan River (where residential areas occur on both sides) is completely cleared and consists largely of introduced (exotic) grasses. North of the Queanbeyan River, there are more heavily disturbed areas of woodland and dry forest vegetation, with large areas completely cleared and supporting extensive weed infestations. North of these areas is relatively undisturbed dry forest, up to the junction with the termination point of the existing Ellerton Drive.

In 2011, Council received \$4m in grant funding from the NSW Government (administered by the Roads and Maritime Services) for design and environmental works relating to the construction of Ellerton Drive Extension, as well as further stages of Old Cooma Road, upgrade of 13 intersections and seed funding for Dunns Creek Road corridor identification and related studies as requested by Council.

Council has continued to progress the adopted options through concept, preliminary design and final design and relevant specialist studies of the Proposed Action and related intersections.

In June 2014 the Australian Commonwealth and NSW State Governments announced a joint grant funding agreement of \$50 million for the project: \$25 million from the Australian Commonwealth Government, \$12.5 million from ReStart NSW and \$12.5 million from Transport for NSW. Agreement with land developers would provide for the balance of funding.

A Determination Report was prepared to deliberate on the Review of Environmental Factors (REF), Species Impact Statement (including Addendum), Archaeological Reports, Social Impact Assessment and Submissions Report under Part 5 of the NSW *Environment, Planning and Assessment Act 1979* (EP&A Act). This report was reviewed by NSW Office of Environment and Heritage (OEH) who provided their concurrence (with conditions) to the report.

On 30 June 2016 a Queanbeyan-Palerang Regional Council Determination Panel considered the Determination documents and OEH concurrence. The Determination Panel, which comprised of three experienced local government officials, agreed that for the purpose of Part 5 of the NSW EP&A Act that the Ellerton Drive Extension proceed as described in the REF, supporting documentation and the Determination Report subject to conditions of concurrence from OEH and approval under the EPBC Act 1999.

An EPBC Referral was submitted to the Commonwealth Department of the Environment on 11 August 2014. At the time of the Referral the proposed action was for the construction and operation of a new four lane dual carriageway of sealed road built in two stages. The proposed action was determined to be a “controlled action” under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The controlling provision under the EPBC Act is “listed threatened species and communities” (Sections 18 and 18A). The proposal is deemed to have a significant impact on Matters of National Environmental Significance, specifically:

- White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland ecological community, and
- Hoary Sunray plants.

The Referral decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

The design for the proposed action has progressed significantly since it was deemed to be a “controlled action” in September 2014. The proposal is now for the construction and operation of a new two lane single carriageway of sealed road with one bridge crossing over the Queanbeyan River, climbing lanes and provision for cyclists. Analysis of future population areas as well as vehicular movements identified that Ellerton Drive Extension is not required to be a four lane road. The works would be constructed in one stage (2017-2019). The development footprint is defined as the final formed extent of the earthworks required for the proposal, including all cuts and fill batters, stormwater drainage, noise walls and boundary fences. The development footprint now includes the area of existing road to be upgraded, the Edwin Land Parkway/Old Cooma Road intersection, new noise wall locations, stockpile and compound sites, erosion and sediment control elements and shared path connections to various neighbourhoods. The Addendum to the Species Impact Statement addresses the impacts of the revised footprint.

The Commonwealth Department of the Environment had advised that the project would be assessed through Preliminary Documentation (PD). This documentation was prepared by NGH Environmental and placed on exhibition between 9 May 2016 and 3 June 2016.

1.3 The Proposed Action

Council proposes to upgrade 700m of existing road and construct 3.9km of new road extension, terminating at the intersection of Edwin Land Parkway/Old Cooma Road, on the NSW Southern Tablelands (the Proposed Action).

The Proposed Action is a direct consequence of Council’s adoption of the *Googong and Tralee Traffic Study (2031)* on 26 August 2009. Council subsequently continued to progress the

adopted options through concept, preliminary and final designs and the relevant specialist studies of the Proposed Action and related intersections.

The Proposed Action would provide an alternative route around Queanbeyan Central Business District (CBD). It would provide a connection between the Yass Road/Bungendore Road/Ellerton Drive intersection in Queanbeyan East to the Edwin Land Parkway/Old Cooma Road intersection in Karabar. The benefits of the Proposed Action include:

- a) Provision of free flow controlled access road for local residents as well as traffic travelling through Queanbeyan,
- b) Provision of the only connection between the east and west of Queanbeyan during a 1 in 100 year and above flood event (which sees the majority of CBD roads underwater),
- c) Additional connection to Fairlane Estate and Greenleigh Estate (emergency access only) for neighbourhoods which currently have only one access each.

The works would be undertaken in one stage (2017-2019) and would consist of earthworks, the construction of a two lane single carriageway with climbing lanes and the construction of a two lane bridge with provisions for cyclists on and off the road.

The proposed construction works would involve:

- Clearing of native vegetation
- Soil disturbance from excavation, filling and compaction
- Bridgeworks
- Stormwater drainage
- Erosion and sediment control
- Fencing
- Environmental mitigation
- Importation and stockpiling of materials
- Establishment of construction compounds and facilities
- The use of various vehicles, plant and machinery

Stockpiles and construction compounds are proposed in existing cleared, highly disturbed areas.

The development footprint is defined as the final formed extent of the earthworks required for the proposal, including all cuts and fill batters, stormwater drainage, noise walls and boundary fences. The development footprint now includes the area of existing road to be upgraded, the Edwin Land Parkway/Old Cooma Road intersection, new noise wall locations, stockpile and compound sites, erosion and sediment control elements and shared path connections to various neighbourhoods. The Addendum to the Species Impact Statement addresses the impacts of the revised footprint.

1.4 Alternatives to Taking the Proposed Action

In response to the growing population and increased suburbanisation with the Queanbeyan area, Council is conscious of their role in providing traffic and transport infrastructure within the region and have undertaken several traffic studies to determine the effects of growth on the road network. The Traffic Studies found that the locations most congested included Cooma Street and the Queens Bridge as the lack of river crossings in the town forces traffic through the CBD. Alternative routes for the Ellerton Drive Extension have been assessed as part of these Traffic Studies.

The original *Googong and Tralee Traffic Study (2031)* modelled over 34 combinations of a series of both new and upgraded road links and intersections. The scenarios were developed by a technical working group comprising of then Queanbeyan City Council (now Queanbeyan-

Palerang) staff, the Roads and Traffic Authority (now RMS), a traffic consultant and local developers. The traffic study looked at the following options as well as various combinations of them:

- a) *Dunns Creek Road* – the option of connecting Old Cooma Road with the Monaro Highway was seen as a useful inclusion by the working group but could not be justified for the population growth from known developments. This east-west route services a different stream of traffic to the north-south traffic problem that Ellerton Drive Extension addresses. In July 2015 Council completed work on the concept design and corridor study for Dunns Creek Road and found that the P50 cost estimate was \$200 million for a two lane road up to 8.3km long. Ecologically it was found that the regional and local bio-links would be severed, that 16.9 hectares of EPBC Act listed Box-Gum Woodland would be removed, 24.5 hectares of TSC Act listed Box-Gum Woodland would be removed, there would be impacts on the Golden Sun Moth and other threatened species. These ecological impacts would require offsets which would add to the cost of the road.
- b) *The Northern Bypass* – the connection of the Kings Highway from Ridgeway to the ACT with connections to Pialligo Avenue and Canberra Avenue was eliminated by the RTA as the benefits gained were currently insufficient to warrant the substantial cost of the project. This option was originally investigated prior to the major expansion of Queanbeyan’s residential lands to the south at Googong and Tralee. This east-west route provides limited relief to the traffic growth along Monaro Street and Queens Bridge as it is primarily a bypass for non-Queanbeyan traffic that wishes to avoid the CBD. It would not provide relief to traffic travelling on the north-south route along Old Cooma Road and Cooma Street wishing to access Queanbeyan and the northern routes out of Queanbeyan. Cost estimates have always indicated that the Northern Bypass is significantly more expensive than the EDE as it crosses very rugged terrain and includes features such as two bridges for the two crossings over the Molongolo River and complex intersections with Pialligo Avenue and Canberra Avenue.
- c) *Duplication of Southbar Road* – improved the congestion coming into Queanbeyan but did not improve the congestion on both Cooma Street.
- d) *Duplication of Old Cooma Road* - improved congestion coming into Queanbeyan but did not improve the congestion on both Cooma Street and the Queens Bridge.
- e) *Four Laning Cooma Street* – the introduction of clearway to provide four lanes on Cooma Street between Southbar Road and Rutledge Street improved the congestion on Cooma Street but did not improve the Queens Bridge congestion while reducing amenity and safety to Cooma Street residents, local schools and Queanbeyan CBD businesses who have direct access onto Cooma Street and CBD roads.
- f) *Ellerton Drive Extension* – improved the congestion on both Cooma Street and the Queens Bridge.
- g) *Duplication of Ellerton Drive Extension* – was not justified for the possible development in the area
- h) *Duplication of Bungendore Road Approaching the Queens Bridge* – improved the congestion leading up to the Queens Bridge but did not improve the congestion at the bridge itself.

Regardless of what scenario was analysed, the congestion on both Cooma Street and the Queens Bridge did not improve significantly without the inclusion of the Ellerton Drive Extension.

The 'do nothing' approach (not developing Ellerton Drive Extension) would not provide the necessary transport infrastructure to accommodate the future transport demands of Queanbeyan and the region. Pressures on the existing roads would continue to increase, eventually exceeding the capacity of the current road network. This would cause substantial traffic congestion and delays in the regional transport corridor and ultimately restrict the growth potential of the Queanbeyan area. The do nothing would also take away the only east-west connection in Queanbeyan during a 1 in 100 year and above flood event. Currently the only crossings of the Queanbeyan River is in the CBD and these become impassable during a 1 in 100 year flood event as a good part of the CBD road network would be under water.

2. Previous Public Consultation (including with Indigenous Stakeholders)

Comprehensive consultation has been undertaken in various stages throughout the early concept planning and development of the Proposed Action up to the commencement of the public exhibition of the EPBC Preliminary Documentation.

In particular, the following consultation has been undertaken to date:

- Urban Release Area Process, discussed in Section 2.1
- Traffic Plan Consultation, discussed in Section 2.2
- Public Transport Forum, discussed in Section 2.3
- Pre-REF Consultation, discussed in Section 2.4
- Aboriginal Community Involvement, discussed in Section 2.5
- Questions on Notice, discussed in Section 2.6
- Community Forum, discussed in Section 2.7
- REF Consultation, discussed in Section 2.8
- Addendum to Species Impact Statement, discussed in Section 2.9

2.1 Urban Release Area Process

Council published the *Queanbeyan Residential Economic Strategy (2031)* in November 2006. This strategy identified both Googong and Tralee as future growth areas.

When these identified future growth areas were officially rezoned in 2009, prior to gazettal the rezoning process was publically exhibited for comment. This public exhibition included the *Local Environmental Study* which looked at, amongst many other things, the development of Googong and its impact on the Queanbeyan traffic network.

The Queanbeyan Local Environmental Plan 2012 (LEP) process was publically exhibited for comment in 2011 and Googong was subsequently incorporated into the LEP.

2.2 Traffic Plan Consultation (2009)

Council's meeting on 24 Jun 2009 resolved to place the *Draft Queanbeyan Strategic Traffic Plan (2031)* on public exhibition for 28 days.

The *Draft Queanbeyan Strategic Traffic Plan (2031)* was exhibited for nine weeks in July and August 2009. Public meetings were held in both Queanbeyan and Jerrabomberra. Additional briefing sessions were given to the Queanbeyan Development Board and local members of parliament. The public exhibition of the draft plan closed on 14 August 2009.

While on public exhibition, members of the community were able to assess the direction Council wanted to take to improve the city's transport network as a result of all the development expected to occur prior to 2031.

There were two information sessions to outline the key components of the plan as well as hardcopies available at the Queanbeyan Library and Council's customer services centre. The plan was also made available on Council's website.

Council's meeting of 26 August 2009 resolved to adopt the *Draft Queanbeyan Strategic Traffic Plan (2031)*, which recommended Option 05B consisting of a combination of the 2-lane Edwin Land Parkway Extension (Jerrabomberra to Old Cooma Road) which has since been completed, 2-lane Ellerton Drive Extension, the future four-laning of Old Cooma Road and various intersection improvements as the preferred solution for Queanbeyan's traffic needs. At this meeting Council also resolved to rename the *Draft Queanbeyan Strategic Traffic Plan (2031)* as the *Googong and Tralee Traffic Study (2031)*.

All issues raised in submissions during this public exhibition period were considered and addressed in the responses provided by Council. The issues raised and comments received during this consultation informed the adoption of the plan which was included in Council's integrated planning process.

2.3 Public Transport Forum (2011)

Council held two public transport forums, on 27 October 2011 and 8 December 2011. These forums were held to help determine strategies Council may be able to help the community better understand Council's role with respect to public transport and to inform the Council on community expectations around the provisions of public transport and pedestrian facilities.

2.4 Pre-REF Consultation (2013)

This consultation process was undertaken between 20 May and 21 June 2013 to capture public comments regarding the design of the Proposed Action before start on the detailed design work.

The following documents were made available for review and comment:

- Draft route and intersection plans
- Archaeological Assessment Report
- Concept Plans
- Draft Species Impact Statement

The exhibition material was available at the following locations:

- Queanbeyan City Council office ground floor level of 257 Crawford Street
- Queanbeyan Library
- Riverside Plaza
- Karabar Shopping Centre
- Jerrabomberra Shopping Centre
- Council's website under 'Documents for Public Exhibition'.

Two public information sessions were conducted; one specifically for Greenleigh and Fairlane Estate residents on 28 May 2013, and a general information session on 29 May 2013.

Overall, community feedback at that time was not opposed to the extension of Ellerton Drive, although some respondents did express opposition to the project progressing.

As a result of the consultation process elements of the design were modified to address community concerns. Key design elements influenced by the consultation include:

- The addition of access from Barracks Flat Drive
- The addition of emergency egress from Greenleigh
- The addition of off-road shared pathways to provide missing links between neighbourhoods and loops for recreational purposes
- Inclusion of on-road cycle ways to provide more commuter routes
- The addition of fauna underpasses

On 28 August 2013 Council resolved to proceed with the engagement of a consultant to undertake detailed design of Ellerton Drive Extension. On 13 December 2013 Council resolved to accept the tender from OPUS International Consultants to undertake the detailed design.

2.5 Previous Aboriginal Community Involvement

Council has completed two separate rounds of Indigenous consultation.

A first round of consultation was undertaken in June 2012.

Project notifications were sent to known Aboriginal community groups or registered stakeholders in the area in June 2012. Six expressions of interest were received (including the Karley Ngunnawal Descendants, who could not subsequently be contacted). Five of these groups attended field investigation on 2 August 2012:

- Buru Ngunnawal Aboriginal Corporation
- Ngambri Local Aboriginal Land Council
- Ngunnawal Aboriginal Heritage Corporation
- King Brown Tribal Group
- Ngunnawal Elders Council

During fieldwork, management strategies for identified Aboriginal heritage within the area were discussed with the community representatives, and no issues or concerns were raised by any of the participants. No areas of cultural significance were indicated. The compiled Archaeological Assessment Report had no objections from the above groups.

A second round of consultation occurred in accordance with the NSW Office of Environment and Heritage (OEH) requirements that consultation be resumed if more than 2 years had lapsed between the initial consultation process and the AHIP application if communications has not been continuous over that period.

Invitation to express interest were again made available in six local and national newspapers, letters were sent to all previously registered parties, and invitation to consult were sent to all Community Groups registered as having an interest in the Queanbeyan area with OEH. Parties who had previously registered in the project in the 2012 round of Aboriginal consultation were automatically included in this second round, and in accordance with the OEH requirement additional interested stakeholders had 14 days to register interest.

In addition to the original six groups (including Karley Ngunnawal Descendants), expressions of interest were received from two new groups, namely the Gunjeewong Cultural Heritage Aboriginal Corporation, and Antoinette House representing the Williams, Freeman and Simpson-Wedge Families.

Methodologies for salvage/impact mitigation and summaries of findings were again circulated in October 2014, with 30 days to provide feedback (in accordance with OEH consultation requirements).

Feedback and concerns received during this round of consultation were immediately addressed and incorporated into the Aboriginal Cultural Heritage Archaeological Report (ACHAR). The document was then sent back to the community groups for a further 30 days of community consultation. No further comments were received on the ACHAR in the final phase of this consultation for the AHIP.

Since the issue of the ACHAR (2014) and the exhibition of the Review of Environmental Factors (REF) in December 2014, the Ellerton Drive Extension design has progressed from the preliminary design exhibited with the REF to the current detailed design. In this development of the design the roadway has had minor amendments, and temporary construction facilities have also been included; these changes have affected the impacted project footprint.

The impacts to heritage components of the project have been reviewed in light of the changes to the original footprint to which the ACHAR (2014) and AHIP (submitted May 2015) had considered.

A third round of consultation has thus been undertaken with all Aboriginal stakeholder groups who have previously registered an interest in being consulted on the Ellerton Drive Extension project. The updated salvage methodology was circulated on 19th May, for comments to be submitted by 20th June 2016. No additional responses were received to the salvage methodology.

In addition, a detailed Aboriginal cultural values assessment of the proposed Ellerton Drive Extension has been undertaken. This assessment involved all the Aboriginal stakeholder groups plus the identified Aboriginal cultural knowledge holders. This assessment aims to identify and document tangible and intangible Aboriginal cultural values within the Ellerton Drive Extension area to allow for their protection and appropriate future management.

The revised ACHAR Report is currently being prepared and is expected to be complete by early September 2016.

2.6 Questions on Notice

As part of processes introduced by Council to improve overall transparency and consultation, the community has had the opportunity to ask Council questions on various topics since 2010. These are known as 'Questions on Notice'.

Since their introduction in 2010/2011, Council has provided responses to all these written questions and made all the information publicly available. The Council web page includes web links to all the questions and answers.

2.7 Community Forum

In response to community requests Council resolved at its meeting on 25 February 2015 to organise an independently facilitated Community Forum on the Proposed Action at the Bicentennial Hall with traffic consultants, environmental consultant and RMS to answer questions.

The forum was held on Tuesday 28 April 2015 at Bicentennial Hall, 253 Crawford Street, Queanbeyan. It was open to the entire community, and was independently facilitated.

There were presentations on traffic, funding, noise and the environmental impact assessment (both SIS and REF).

The members of the community had the opportunity to ask questions on any aspects of the project as well as provide additional comments and feedback.

The feedback received at the forum identified a few new issues and all feedback was considered in the submissions report for the REF.

More than one hundred questions were asked at the forum. Any questions not answered at the forum were taken on notice, and formal answers provided on the Council website and in the submissions report for the REF.

Shortly after the start of the forum a series of formal written questions were electronically submitted to Council. Whilst several of these questions were also asked at the forum, formal answers have also been provided to all written questions.

A summary of all questions and answers at the forum was published on the Council website and included in the submissions report for the REF.

In addition members of the community had further opportunity to re-submit any questions they believed had to been answered or submit any new questions after the forum. As a result additional written questions were received by Council in the days following the Community Forum.

All subsequent written questions and answers were made available on the Council website and are included in the submissions report for the REF.

2.8 REF Consultation

A Review of Environmental Factors (REF) was prepared in accordance with assessment under Part 5 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The REF examines the significance of likely environmental impacts of the Proposal and the measures required to mitigate any adverse impacts to the environment.

The REF was exhibited for a 60 day period from 12 December 2014, ending 9 February 2015.

The REF public exhibition allowed members of the community opportunity to comment on the elements of the project, the environmental impact of the project and the proposed protective measures. The exhibition period was extended from 30 days to 60 days to accommodate the Christmas holiday period.

The following documents were made available:

- Review of Environmental Factor
- EPBC Referral under Commonwealth EPBC Act
- Draft Species Impact Statement
- Preliminary Sketch Plan Drawings and Design Report
- Aboriginal Cultural Heritage Archaeological Report
- Artist Impressions of the Proposed Action
- Noise Impact Assessment – Operation and Construction
- Facts Sheets (including general overview, finance, environment and heritage, review of the environmental factors, traffic and flooding).

Physical exhibition of the documents occurred at Council's Customer Service Centre, 257 Crawford Street Queanbeyan and Queanbeyan Library at 6 Rutledge Street, Queanbeyan. Council hosted 6 community consultation information sessions.

During the consultation period Council together with Roads and Maritime Services (RMS) undertook pop-up sessions at Riverside Plaza, Karabar Shopping Centre and Jerrabomberra Shopping Centre during various periods on selected days.

The REF and all associated documents were also placed on Council's website www.qcc.nsw.gov.au.

Overall, the majority community feedback was in favour to the extension of Ellerton Drive, although some respondents did express opposition to the project progressing.

All submissions that were provided during the REF exhibition process have been reviewed and addressed in the responses provided by Council. The issues raised and comments received during this consultation informed the decision made by a Queanbeyan-Palerang Regional Council Determination Panel when they considered the Determination documents and OEH concurrence. The Determination Panel which comprised of three experienced local government officials agreed on 30 June 2016 that for the purpose of Part 5 of the NSW EP&A Act that the Ellerton Drive Extension proceed as described in the REF, supporting documentation and the Determination Report subject to conditions of concurrence from OEH and approval under the EPBC Act 1999.

2.9 Addendum to Species Impact Statement

The Ellerton Drive Extension design had minor amendments since the REF exhibition period ended in February 2015 and temporary construction facilities have been included. These changes have affected the impacted footprint.

The revised proposal has a larger subject site construction footprint and a slightly different configuration to the original concept proposal.

The amended design has seen the footprint modified to account for minor vertical and horizontal realignments of the roadway, the inclusion of temporary compound and stockpile areas, erosion and sediment control measures, and minor design elements and changes to construction site access.

These design changes as well as addressing glider survey programs and a draft strategy to offset the environmental impacts have been addressed in the Addendum to the Species Impact Statement (ASIS).

The ASIS for the proposed Ellerton Drive Extension was placed on public exhibition from 4 March to 3 April 2016.

Previous submitters were advised by email that the ASIS had been placed on public exhibition. The Council website was also updated to show the ASIS and inviting the community to comment. Hardcopies were available in Council's Customer Service Centre, 256 Crawford Street Queanbeyan. Submitters were advised that only comments relating to the Addendum would be considered.

All feedback was considered and responded to by Council in the submissions report for the REF.

3. Response to Community Feedback

3.1 Overview of Community Feedback

A total of 10 submissions were received by 3 June 2016 in response to the exhibition of the EPBC Preliminary Documentation (PD).

Each submission has been individually reviewed to understand the specific issue being raised. Often more than one respondent raised similar issues. The issues raised in the feedback have been summarised and put together in this report. This report provides responses to general comments provide for each related issue rather than each specific submissions. Due to privacy reasons Council holds those detailed records separately for reference. Submitters can cross-check their issue has been addressed by contacting Council for the relevant detail.

The community's feedback and Council responses form the basis of this section.

The main themes raised by members of the community related to:

- Offset sites do not conform with the Commonwealth Guidelines and Policies
- Proposed offsets are fragmented and worthless
- Offsets can never replicate what is being destroyed
- Offsets are poorly managed
- Offset sites proposed cannot be developed so they would not add to conservation values
- Offset sites are adjacent to the proposed EDE and Dunns Creek Road which means they will be exposed to edge effects
- None of the Box-Gum Woodland should be destroyed given its critical status
- Vegetation mapping of Box-Gum Woodland has not been done correctly
- Assessment of Significance has not changed considering the increase of footprint
- Damage and cutting of wildlife corridors
- The PD inconsistently describes the size of the project

Many of the submissions also made comment on issues not related to Matter of National Environmental Significance (MNES).

3.2 Offsets

A total of 9 submissions commented on the draft offset strategy

Summary of comments:

- Before considering offsets Council should use every effort to avoid impacts on biodiversity
- No precise locations provided
- Offset sites are fragmented and worthless
- Proposed sites do not conform to Commonwealth guidelines and policies
- Proposed offset sites cannot be developed so they would not add to conservation values
- Edge effects would impact most proposed sites
- Offsets are poorly managed
- Should enhance the connectivity of habitats
- Should be larger in size than the impact site, be quantifiable, measurable and enforceable
- Should consider the time required to achieve biodiversity benefits
- The proposal to plant 2,200 Hoary Sunray plants in offset is inadequate
- Duty of care should itself lead to management ensuring endangered community is retained into the future

The below provides responses on the above issues.

As documented in the Preliminary Documentation (PD) (Section 7.2 of the SIS) and Section 1.4 of this report, a range of alternative traffic solutions to the Ellerton Drive Extension (EDE) were investigated which would have avoided impacts associated with the proposed action. Some alternative proposals however would have a larger environmental impact than the EDE. For example, the Dunns Creek Road option was found to:

1. cut across the regional and local bio-links,
2. would remove 16.9 hectares of EPBC Act listed Box-Gum Woodland,
3. would remove 24.5 hectares of TSC Act listed Box-Gum Woodland, and
4. would impact on the Golden Sun Moth and other threatened species.

Other alternative proposals did not address the traffic congestion that the EDE would resolve. Notwithstanding, the EDE was determined to be the best solution to address future traffic congestion along Cooma Street and CBD roads that would come as a result of population growth within Queanbeyan.

The proposed action has aimed to minimise the road footprint through the design process, as much as practical, while still meeting road standards. The alignment of the EDE has been selected to run close to the western edge of the regional biolink thereby minimising impacts on wildlife connectivity. Sufficient habitat remains to the east of the EDE in private land and the Cuumbeun Nature Reserve to ensure that the regional biolink remains intact. The EDE avoids dissecting the biolink whereas other road alternatives such as Dunns Creek Road would dissect the regional biolink. The majority of the candidate offset sites sit within the regional or local biolink through Queanbeyan and if taken up as offset sites, would ensure the conservation of their portion of the wildlife corridor.

Offsets for residual impacts are considered after avoidance and mitigation opportunities are exhausted. The construction of a road will have inevitable residual impacts. For Matters of National Environmental Significance (MNES), these are proposed to be offset according to the requirements of the EPBC Act Offsets Policy (EOP). Offsets are the only method to guarantee the land is managed in perpetuity by a legal mechanism deemed appropriate by Commonwealth Department of the Environment (DoE) and that the vegetation is conserved.

Potential candidate offset sites are identified in the PD (Appendix F of the Addendum to the SIS). As these sites are only candidate sites and some are located on private land, specific co-ordinate data has not been provided. The locations of the final offset sites will be accurately shown in the final offset plan. Detailed information regarding the offsets proposed is provided in Section 7 and Appendix F of the Addendum to the SIS (included in the PD). The candidate offset sites have been guided by the NSW and Commonwealth Offsets policies and guidelines including the EPBC Act EOP. According to the EOP suitable offsets must:

1. Deliver an overall conservation outcome that improves or maintains the viability of the aspect of the environment that is protected by national environment law and affected by the proposed action
2. Be built around direct offsets but may include other compensatory measures
3. Be in proportion to the level of statutory protection that applies to the protected matter
4. Be of a size and scale proportionate to the residual impacts on the protected matter
5. Effectively account for and manage the risks of the offset not succeeding
6. Be additional to what is already required, determined by law or planning regulations or agreed to under other schemes or programs (this does not preclude the recognition of state or territory offsets that may be suitable as offsets under the EPBC Act for the same action, see Section 7.6 of the EOP)
7. Be efficient, effective, timely, transparent, scientifically robust and reasonable
8. Have transparent governance arrangements including being able to be readily measured, monitored, audited and enforced.

Council would need to consider and resolve to accept the final offset plan for any public land at which time the document would become publicly available. Offset Plans forming any agreement with private land owners would go up online on a biobanking public register with the owner's name and addresses redacted. The agreements would include the management actions required under the agreements.

Under the EPBC EOP, offsets are only required for MNES where there is potential for a significant impact. In the case of the EDE, significant impacts are expected for the Box-Gum Woodland CEEC and Hoary Sunray. The suitability and adequacy of offsets for MNES are assessed using both NSW OEH and Commonwealth DoE endorsed methodologies. This includes the use of the EPBC Act Offsets Assessment Guide (OAG) which accompanies the EOP. The required methodologies have been used and is demonstrated in the PD. The EPBC EOP and OAG requires a 'like for like' offset and requires the consideration for:

- Fragmentation and connectivity.
- The quality of the vegetation to be impacted and offset
- The expected gains in quality and/or averted loss as a result of the offset
- The time frame over which the ecological benefit will be realised
- A confidence score for the data entered

Based on the data entered, the OAG determines a percent of the offset requirement met by the proposed offset. A minimum of a 90% direct offset is required.

As it can be difficult to satisfy all offset requirements on one site, the use of a suite of sites is allowed, as long as they can be shown to be effectively managed for biodiversity improvement. All candidate sites are considered to have merit in their ability to provide a long term improvement in biodiversity values, through dedicated management for biodiversity outcomes. None of the candidates are currently actively managed specifically for biodiversity outcomes and so none are excluded from consideration. OEH and DoE provide 'additionality' rules that ensure proponents don't 'double dip' when it comes to selecting offset sites that may already be managed for biodiversity as the primary consideration.

The details of how the biodiversity values of the offset site(s) will be quantified and measured is to be included within the final offset plan. Gains at offset sites are calculated using endorsed DoE methodologies. These calculations are reviewed by NSW OEH and Commonwealth DoE during the development and approval of the final offset package. Once a site is formalised as an offset site for biodiversity outcomes, it would not be available for use as an offset for any other action in perpetuity.

Council land, degraded land (if it remains viable and can be improved with management) and high quality land can be all considered as offsets and have merit, under long term management for biodiversity values.

It is agreed that offset sites should be selected to minimise edge effects. Increased edge effects may be an issue for offsets established immediately adjacent to infrastructure such as roads. Sites with large perimeter edge ratios particularly will suffer edge effects and may require specific management actions such as creation of 'buffer vegetation zones' to address this (to be detailed in the Offset plan). This would be considered specifically in the management plans for these sites. Benefits in having offsets immediately adjacent to the development site include conserving the habitats that are being directly affected including protection of habitat features such as hollow-bearing trees which are known to occur within the broader study area in the vicinity of the subject site.

It is noted that offset ratios reflect the assumed improvements of in-perpetuity management for biodiversity outcomes at offset sites. Management commitments are required as part of the offset plan to address this. The offset management plan will detail specific management actions

that are required to be undertaken at each offset site, including weed and pest control. In more recent offset management plans, there is generally a requirement for the land to be monitored annually to determine the effectiveness of management activities and the results on the monitoring program is reported to DoE. It is premature to discuss specific management actions before the final suite of offset sites are finalised.

Council is committed to preparing the final offset package and the legal mechanism to secure them, in consultation with both NSW OEH and Commonwealth DoE to ensure that they are consistent with relevant policies and guidelines. Both authorities must be satisfied with the adequacy of the offset strategy prior to any construction impacts.

None of the candidate offset sites are currently actively managed specifically for biodiversity outcomes and so all are eligible for consideration. All candidate offset sites are considered to have merit in being able to provide a long term improvement in biodiversity values, through dedicated management for biodiversity outcomes. This takes into account their spatial configuration and location.

3.3 Impacts on Box-Gum Woodland

A total of 7 submissions commented on the impacts Ellerton Drive Extension would have on Box-Gum Woodland.

Summary of comments:

- Failure to properly define the ecological community and its boundaries, particularly compared to results of previous studies
- There are Yellow-Box, Apple-Box, Red Stringybark, Bundy and numerous Acacia with numerous native shrubs, forbs and grasses present near the end of Lonergan Dr which have not been classified as Box-Gum Woodland (photos provided)
- There is now a larger area of Box-Gum Woodland to be cleared
- Less than 4% in the state remain
- Nearly 50% of the local occurrence would be lost so no further clearing should be permitted
- The loss of the remnant Box-Gum Woodland is at odds with the Commonwealth National Recovery Plan

The below provides responses on the above issues.

A detailed explanation for the mapping discrepancies for Box-Gum Woodland in the Jumping Creek area (including areas around the end of Lonergan Drive) between NGH Environmental reports and previous studies was provided in the PD (page 13 of the Addendum to the SIS).

The key objective of the Queanbeyan Biodiversity Study (BES, 2008) was to verify the vegetation mapping identified by Fallding (2002). BES resolved that for the purposes of their report that it was not feasible or necessary to verify the vegetation maps to the same degree as Fallding. The detail resolution of vegetation mapping in the BES study varied as the large size of the study area (the Queanbeyan LGA at the time) proved too big and limited their ability to conduct detailed investigations in the whole study area. Detailed surveys were conducted in areas of rural residential zones which did not include the Jumping Creek area. The BES report states that “the survey coverage of areas beyond the detailed investigation areas was less intensive and as such the accuracy of the EEC mapping is less robust.” There is therefore potential for inaccuracies in the BES vegetation mapping within the Jumping Creek area as it was not surveyed in detail.

The Flora and Fauna Assessment of Jumping Creek area (ELA, 2010) utilised the same survey technique as documented in the SIS. Both used the random meander technique documented by

Cropper (1993). Both the ELA 2010 report and NGH Environmental SIS reports undertook plots to standardise the number of species making up the vegetation as well as the abundance of each species so as to better characterise the vegetation type. Whereas ELA undertook only one plot, NGH Environmental undertook one plot plus further inspection points as well as additional survey points for BioBanking calculation purposes. The plot that NGH Environmental surveyed (Plot DS4) was chosen in an area that contained the greatest native groundcover diversity in the Box-Gum Woodland and this is supported by the area meeting the EPBC listed community. This plot was not located within the subject site but within the subject area and given it includes the highest groundcover diversity the mapping of EPBC Box-Gum Woodland it is considered appropriate and precautionary as it assumes the worst case scenario for impacts.

As discussed, plots are used to characterise the vegetation type, however they are not used to define the boundaries of the vegetation type. The boundary of the Box-Gum Woodland was defined in the field using hand held GPS to accurately record the point of transition into other vegetation types. The Box-Gum Woodland EEC can be comprised by a number of different vegetation types which are all defined differently. Further, it is reasonable to expect that two different authors may describe and define a particular vegetation type slightly different but it may still meet the same criteria.

The NSW Scientific Committee's and NSW National Parks and Wildlife Service's definitions of Box-Gum Woodland are not relevant for the Commonwealth EPBC Act listed community.

The vegetation within 35 Lonergan Drive was not specifically assessed by NGH Environmental during the surveys for the SIS as NGH Environmental did not have permission to survey the property. However the area immediately adjacent to 35 Lonergan Drive and within the subject site was assessed. Yellow Box was recorded as occurring but it was not considered to be codominant. It is acknowledge that the area surveyed and photographed by residents has a high diversity of native species as this area overlaps with the area NGH Environmental have identified as EPBC quality Box-Gum Woodland. Further, it should be noted that many of the species identified by the public are spread over a 2ha area when by definition of the Box-Gum Woodland, these species are required to be present in the most diverse 0.1ha patch. Also note, that many of these species can also be found within the Dry Forest definition.

Survey limitations are discussed on Page 28 of the SIS. OEH were consulted on the suitable timing windows for flowering subject species and the survey timing was considered suitable for all targeted flora species. It is likely that there are non-threatened species present that were not detected during the survey, however, the area of Box-Gum Woodland CEEC mapped in the SIS and Addendum to the SIS has already been recognised as a high diversity area as well as the surrounding Dry Forest. The detection of additional species would not change this outcome. Areas mapped as exotic dominated were highly degraded and disturbed. Based on the lack of detection of native species in these areas during the survey it was considered likely that the native seed bank in these areas had largely been depleted.

Degraded sites have also been considered in the assessment, which is evidence by the inclusion of low condition Box-Gum Woodland. The mapped NSW listed Box-Gum Woodland north of the Queanbeyan River is present as an overstorey only with a highly degraded and exotic dominated understorey. The mapping of exotic dominated areas to the east of the subject site and not considering them to be EEC is consistent with the previous mapping of BES 2008 and ELA 2010.

OEH investigated the difference in reported areas of the Box-Gum Woodland as part of their assessment for concurrence under Part 5 of the NSW Environmental Planning and Assessment Act 1979. As stated in their concurrence documentation (OEH letter to Council, 10 June 2016):

OEH investigated this matter through desktop and in-field analysis. There is a net difference of 1ha in total area of Box-Gum Woodland within the subject site between the two mapping products – Ecological mapped approximately 1ha more Box-Gum Woodland compared to NGH. OEH staff visited the areas of difference within the subject site which are at risk from this development. OEH confirmed that there are a few Yellow Box trees present within the canopy outside of where NGH had mapped Box-Gum Woodland, but they were generally not dominant. Red Box and Scribbly Gum were co-occurring and often dominant in these areas, with the presence of a shrub layer (varying in density). The soil was skeletal and poor and the ground layer was highly degraded where Lonergan Drive meets the subject site.

The Box-Gum Woodland community tends to align with relatively fertile soils (Scientific Determination), which were absent in the area at the top of the escarpment on the northern side of the Queanbeyan River. A grassy understorey with forbs was absent in most of these areas. Therefore, in OEH's opinion, the areas that clearly aligned with Box-Gum Woodland scientific determination matched the NGH mapping provided to OEH with the SIS Addendum. OEH also considers NGH's description and justification of their vegetation mapping in section 4.1 of the SIS Addendum to be fitting."

The conclusion of a significant impact to Box-Gum Woodland is consistently stated in the SIS and Addendum to the SIS and summarised in the PD. This level of residual impact requires offsets in accordance with the EPBC Act EOP and OAG. An Offset Strategy is included as part of the proposed action which aims to address several of the objectives of the Commonwealth Recovery Plan for the Box-Gum Woodland EEC in relation to no net loss of the community. These objectives potentially include increased protection of sites in good condition and; increasing landscape functionality of the community through management and restoration of degraded sites. The Addendum to the SIS included details on the suitability of a number of candidate offset sites being investigated by Council. The final offset package will result in the long-term (in perpetuity) management of large areas of the community which will meet a number of the primary objectives of the National Recovery Plan for this community. NSW OEH as part of their concurrence assessment for the Proposed Action, advised that offsetting would be able to achieve some of the objectives of the Recovery Plan through offsetting. As discussed previously, the proposed action has been designed to avoid impacts where possible and mitigation measures are in place to minimise impacts.

Under the revised proposed action, 6.5 ha of the woodland component of this ecological community (in moderate to good ecological condition) will be cleared and an additional 1 ha of the derived native grassland component (in low ecological condition) will be cleared. This clearing is not inconsistent with the National Recovery Plan for the EPBC listed critically endangered White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community.

Calculations for offset requirements for MNES have been updated to take into account the larger area of Box-Gum Woodland proposed for clearing. This is in accordance with the EPBC EOP and OAG.

Whether impacts to MNES are acceptable and able to be adequately offset will be determined by the Commonwealth Department of the Environment.

3.4 EPBC Listed Species

A total of 7 submissions commented on the impacts Ellerton Drive Extension would have on EPBC listed species.

Summary of comments:

- The precautionary principle should be adopted given lack of information about extent of populations in the area and sightings from residents (eg. Pink-Tailed Worm-Lizard, Golden Sun Moth, Koala, Swift Parrot and other birds)
- Offset does not include the loss of habitat for koalas, golden sun moth
- Opposed to any development with such a high impact
- Assessment of significance did not change for any species despite the footprint size being doubled
- The remaining population of Hoary Sunray should be preserved and the loss due to this development is significant and will result in a net loss
- It is likely that the unidentified bat recorded coming out of two mine-shafts could be the South-eastern Long-eared bat and more survey work is required

The below provides responses on the above issues.

The Assessments of Significance in the SIS characterises the significance of impacts for specific listed entities. The Addendum to the SIS revisits the key aspects of the Assessment of Significance, but to save duplication of information, does not redo them. In considering the new layout, the addendum considered:

- The quantity of impact
- The conclusions of the assessment – significant or not.

On the basis of whether the conclusions changed, mitigation measures were revisited where required. The increased footprint does not impact all species the same way. For some, there is no increase in impact to important resources or habitat. It is also noted that the increase from 26.2ha to 49.6ha includes approximately 20.1ha of developed, highly disturbed or exotic dominated vegetation (Section 2, ASIS).

Whether impacts to MNES are acceptable and able to be adequately offset will be determined by the Commonwealth Department of the Environment. The Preliminary Documentation characterises the impacts and proposed offsets in accordance with Commonwealth policies.

As stated in Section 4.3 of the Addendum to the SIS within the Preliminary Documentation, most records for Pink-Tailed Worm-Lizard occur south of the study area, in nearby Tralee or the Poplars. Although recorded west of Cooma Road, this location is now surrounded by residential development and isolated. Several other studies have failed to detect the species within the locality. Potential habitat on the site is considered marginal for the Worm-Lizard. The site contains some sporadic loose scattered rock and is surrounded by degraded areas that have been subject to clearance and invasion by exotic grass species. Habitat within the study area is further isolated from existing populations by road and residential barriers and the species has little opportunity to move through local biolinks to live in the study area. Therefore, the likelihood of the species occurring in the study area is considered low. Pre-clearance surveys have been included as a mitigation measure as a precautionary approach to identify any individuals that may be present prior to clearing commencing.

There are several legless lizard and worm lizard species that are not listed as MNES. Without conclusive independent evidence that the species found by residents are a species listed under the EPBC Act, we cannot base an assessment on anecdotal information.

Targeted surveys for the Golden Sun Moth were undertaken in accordance with EPBC guidelines. Further, surveys were undertaken at a time the species was observed to be present at other locations in the area. The suitability of the survey timing was confirmed by the NSW OEH. The species was not detected within the study area for Ellerton Drive Extension. A population is not considered to be present within or near the proposed action.

NSW OEH in their concurrence assessment for the *NSW Environmental Planning and Assessment Act 1979* stated that:

“OEH Koala experts are of the opinion that the area known as the Queanbeyan Escarpment, which links to Carwoola where a recent sighting of a Koala was found, forms part of a movement corridor for Koalas. These are largely suspected to be mostly male Koalas moving through the landscape rather than being part of established territories.”

Based on this information, OEH recommended additional mitigation measures such as inclusion of the species in the unexpected threatened species find procedure and design of fauna crossings to accommodate Koalas. This is additional to existing commitments such as preclearance surveys. These measures will be implemented by Council and are considered adequate mitigation by the State. Whether these mitigation measures are adequate will also be determined by the Commonwealth Department of the Environment.

The Commonwealth Department of the Environment determined that the proposed action would have a significant impact on the Hoary Sunray. The lifecycle of this species is important in considering both:

- The impact on the local population, from removal of individuals and
- The ability to establish this species on other sites.

As stated in the Addendum to the SIS, the National Recovery Plan for this species (Sinclair 2011) states that the Hoary Sunray “relies on the presence of bare ground for germination and establishment” and “will also colonise roadsides that have been scrapped.” Sinclair (2011) acknowledges that disturbance also encourages weed establishment and that weed invasion is identified as a high threat to the Hoary Sunray. However, the results of the surveys for the original SIS study area showed that the Hoary Sunray was successfully established on numerous roadsides and in other highly disturbed areas such as regularly mown nature strips and front yards within the Queanbeyan locality. As such, it is considered likely that a similar pattern of recruitment may occur along the verges of the completed Proposed Action, particularly considering the close proximity of viable populations which would not be impacted and which would act as a seed source. The same characteristic increases confidence that the species could be established at offset sites in the local area where it does not currently occur or that population numbers could be increased where it is known to occur. Further it is noted that final details of the offset site management, including establishment of Hoary Sunray, would require documentation in an Offset Plan that requires input and endorsement from NSW OEH and the Commonwealth Department of the Environment (refer to Section 7.4, Addendum to the SIS).

No threatened anabat species was identified as being present. The anabat survey data obtained from two mine-shafts identified by residents was analysed by Greg Richards, a well regarded bat expert. Mr Richards did not identify the *Nyctophilus* spp. in the anabat survey as having the potential to be a threatened species. The southern limit of the known distribution of the threatened *Nyctophilus corbeni* in NSW is defined by an arc extending generally from Deniliquin in the east through Griffith, Cowra and then Gosford on the east coast. The nearest record of this species to the proposed site is over 150km to the north. It is highly unlikely that the *Nyctophilus* spp. recorded during the surveys is *Nyctophilus corbeni* as stated by residents. The other threatened Long-eared bat in NSW, *Nyctophilus bifax*, is only known in NSW from the far north coast.

The Swift Parrot was assessed as having only marginal potential habitat in the study area. Favoured feed trees include winter flowering species such as Swamp Mahogany *Eucalyptus robusta*, Spotted Gum *Corymbia maculate*, Red Bloodwood *C. Gummifera*, Mugga Ironbark *E. Sideroxylon*, and White Box *E. Albens*. Commonly used lerp infested trees include Inland Grey Box *E. Macrocarpa*, Grey Box *E. Moluccana* and Blackbutt *E. Pilularis*. None of these tree species occur within the study area. There are no confirmed local records by independent

assessors and it was concluded that this species would not be impacted by Ellerton Drive Extension. If it is occasionally present, it is still unlikely the Ellerton Drive Extension footprint provides important habitat for this species, such that an adverse impact to the local population would occur. The proposed action would not impact on the species ability to move across the landscape.

The photos of birds attached to one submission have previously been provided to NGH Environmental by Council and were reviewed by experience ecologists. NGH Environmental sent the higher resolution images around their biodiversity team and on 16 June 2016, NGH Environmental stated to Council that:

“the general consensus is that it is most likely to be a juvenile Nankeen Night Heron, This is a relatively common species which is not listed as threatened under the TSC Act or EPBC Act. Stone-curlews don’t have the long, widely spaced toes (or even the backwards-facing toe) of the bird in the images and generally stand a lot taller on their long legs. Nankeen Night Herons are also often mistaken for Bitterns. The bird in the image appears to have white wing spots that are characteristic of the Nankeen Night Heron. White wing spots are not present on Australasian Bitterns. Australasian Bitterns are generally a darker brown and also have characteristic dark necks streaks that aren’t evident on the bird in the images.”

It is the opinion of NGH Environmental’s experienced ecologists that the bird in the images is most likely to be a Nankeen Night Heron and not a MNES.

3.5 General EPBC matters

A total of 7 submissions provided comments on general EPBC matters.

Summary of comments:

- There are inconsistencies between Council’s website and the PD in regards to size and description of the project
- Area of impact has increased from 26.2ha to 49.6ha
- Will impact the connectivity of EPBC and other listed species and communities
- Opposed to any development with such a high impact
- Not all flora and fauna have been identified due to poor approach and further field surveys should be undertaken
- Concerned that these comments will not be considered by Council as part of the Determination decision

The below provides responses on the above issues.

The EPBC Referral and SIS for the proposed action were prepared prior to more recent design amendments. The website and covering letter to the hard copies of the Preliminary Documentation also states that:

“the design for the proposal has progressed since it was deemed to be a controlled action in September 2014. The proposal is now for the construction and operation of a new two-lane single carriageway of sealed road with one bridge crossing over the Queanbeyan River and provisions for cyclists.”

The Preliminary Documentation includes a copy of the original EPBC Referral that was received by the Commonwealth Department of the Environment on 11 August 2014. It is this referral document that refers to a four-lane dual carriageway built in two stages. However as stated on Council’s website and the PD covering letter, the proposal has changed since the submission of the referral. The Addendum to the SIS included with the Preliminary Documentation assesses the revised design and provides the necessary information for assessment of the proposal by the Commonwealth Department of the Environment. The Preliminary Documentation was deemed adequate by DoE for public exhibition.

The increased area from 26.2ha to 49.6ha was considered in the revised assessment of all MNES. This was documented in the Preliminary Documentation. As previously noted, the

increase from 26.2ha to 49.6ha includes approximately 20.1ha of developed, highly disturbed or exotic dominated vegetation (Section 2, ASIS).

Ellerton Drive Extension is situated on the current south-eastern fringe of residential development in Queanbeyan. A large portion of land to the west of the proposed action is populated with low density rural residential properties surrounded by bush. The northern and southern ends are populated with high density residential properties. There will be some degree of impact on wildlife corridors including the Queanbeyan riparian corridor however as previously discussed, the alignment of the EDE has been selected to run close to the western edge of the regional biolink thereby minimising impacts on wildlife connectivity. Movement corridors were considered on a species by species basis for threatened species in the SIS and it was assessed that the impacts would be unlikely to preclude the movement of any subject species including MNES. As the project is on the fringe of the biolink and runs parallel to these bioblanks, sufficient habitat remains to the east of the project in private land and the Cuumbeun Nature Reserve to ensure that the regional biolink remains intact. The EDE avoids dissecting the biolink whereas other road alternatives such as Dunns Creek Road would dissect the regional biolink. To mitigate the impacts of wildlife crossing the Ellerton Drive Extension itself, the road design includes fauna underpasses, rope crossings and exclusion fencing to minimise impacts of fauna movement across the road.

Field surveys have been undertaken in accordance with relevant State and Commonwealth guidelines and the Director General Requirements for the Proposed Action provided by NSW OEH. Further, additional survey work has been undertaken to satisfy additional information requirements by NSW OEH. The level of survey to date has been considered adequate by the NSW OEH for the purposes of assessing the impacts to State and Commonwealth listed threatened species. The field survey methodologies, results and data references employed throughout the assessment are documented in the Preliminary Documentation which was accepted by the Commonwealth Department of the Environment as adequate to inform their assessment and be placed on public exhibition.

Part 5 of the NSW *Environmental Planning and Assessment Act 1979* (E P & A Act) requires Ellerton Drive Extension to be determined by Council. This is a State planning process and separate from the Commonwealth EPBC approval process. Council was not required to consider comments on the EPBC Preliminary Documentation as this was not the prescribed document for the NSW Determination process. Nevertheless the SIS and Addendum to the SIS were also exhibited as part of the Determination process; these are same documents that form part of the EPBC Preliminary Documentation. During the exhibition periods for the NSW Determination process, Council received and were able to consider public comments on MNES. As the NSW Determination process also considered the Addendum to the SIS, Council was able to inform itself of the amount of EPBC credits required and include these costs into the project cost estimate. The decision of Council to proceed with Ellerton Drive Extension under Part 5 of the NSW EP & A Act was conditional on the approval under the EPBC Act. It should be noted that comments and responses on the EPBC Preliminary Documentation are to be specifically considered by the Commonwealth Department of the Environment, as they are the authority for this approval process and not Council.

3.6 Other issues

A total of 8 submissions provided comments on other matters, some of these issues do not relate to EPBC matters. However, under section 136 of the EPBC Act the Minister is required to consider economic and social matters when considering whether or not to approve the taking of an action and what conditions to attach to the approval. Accordingly, relevant socio-economic matters will be considered at the approval stage of the EPBC Act assessment.

Summary of comments:

- Traffic study undertaken by Council not comprehensive
- Alternative traffic solutions
- Sustainable transport strategy needs to be conducted
- Social impacts
- Socio-economic impacts
- Impacts on indigenous heritage
- Impacts on Brown Treecreeper, Scarlet Robin, Hooded Robin, Gang Gang Cockatoos, Speckled Warbler, Eastern False Pipistrelle, Eastern Bentwing Bat, Squirrel Gliders, Rosenberg's Goanna
- Collusion with developers and links with Jumping Creek Estate
- Impacts to the Queanbeyan River
- No final business case
- Mineshafts identified by residents were not surveyed for the SIS and the Addendum identified 9 bat species

The below provides responses on the above issues.

Many of these comments were also made as part of the NSW planning process and were addressed in documents for Council's determination decision on Ellerton Drive Extension (available at www.qcc.nsw.gov.au).