

Planning and Development (Environmental Significance Opinion – Maintenance & upgrade of water crossings – TransGrid transmission line) Notice 2012 (No 1)

Notifiable instrument NI2012–250

Made under the

Planning and Development Act 2007 s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion - Maintenance & upgrade of water crossings – TransGrid transmission line) Notice 2012 (No 1)*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Planning and Land Authority
11 May 2012



ACT
Government

Environment and
Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the proposed upgrade / maintenance of the existing waterway crossings along tracks associated with the Transgrid Canberra to Williamsdale transmission line to allow for the safe movement of vehicles.

The proposal is not likely to have a significant adverse environmental impact on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Penny Farnsworth
Conservator of Flora and Fauna

21 March 2012



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Darren Clarke, Senior Environmental Officer, TransGrid.

LOCATION

Belconnen	Stockdill Drive Road Reserve	
Tuggeranong	Block 1627	Nature Reserve
Paddys River	Blocks 49, 295, 342	Nature Reserve
Paddys River	Block 333	National Park
Tennent	Block 1	National Park
Tennent	Block 197	Special Purpose
Tennent	Block 118	unleased land

DEVELOPMENT PROPOSAL

Maintenance / upgrade of water crossings along the existing TransGrid transmission line to enable suitable access for maintenance vehicles including trucks and crane plant.

The works locations within Block 1627 District of Tuggeranong, Blocks 49, 295 and 342 District of Paddys River is an area reserved as public land, nature reserve; Block 333 District of Paddys River and Block 1 District of Tennent are reserved as public land, national park; and Block 24 District of Tennent is an area reserved as public land, special purpose reserve . The development proposal is mentioned in Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The works within Block 2 District of Tennent and the road reserve of Stockdill drive in the District of Belconnen are not within an area of public land as defined by the *Planning and Development Act 2007* and therefore there is no requirement for an environmental significance opinion for these locations.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna for an environmental significance opinion to that effect.

OPINION

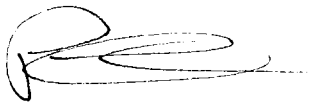
The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

1. Works are to be in accordance with a licence to TransGrid under the provisions of the *Nature Conservation Act 1980*.
2. A search for the endangered Tuggeranong lignum (*Muehlenbeckia tuggeranong*) is to be undertaken by a competent botanist, in the vicinity of Crossing 7 (Block 49 Paddys River). A male shrub was recorded in 1999 about 150m to the north of the proposed works in stream habitat similar to that of the proposed work site. Works must be designed so that there is no possibility of direct or indirect impacts on the Tuggeranong Lignum. The survey results and any mitigation measures proposed must be forwarded to the Conservation Planning and Research Unit for consideration prior to any works commencing.
3. In order to protect potential pink-tailed worm lizard habitat, any rock used in the work is not to be obtained by collecting surface rock from surrounding areas.
4. Any rock or earth material imported to a crossing site must be clean of any weed material.
5. Rehabilitation of the work areas within nature reserves will include weed control and inspections at least 6 and 12 months after the activity.
6. The crossings are over intermittent streams, but may at times be utilised by small bodied fish such as galaxids. Crossing type two (2) are to be constructed to follow the creek/river bed elevation so that fish are not blocked from moving up or downstream.

7. Crossing type four (4) culverts are to be placed at bed level and also provide scour protection.

Attached is a Statement of Reasons for the decision.



Penny Farnsworth
Conservator of Flora and Fauna

28 March 2012

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS (a) schedule 4,

item 3

proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the Conservator of Flora and Fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

The works locations within Block 1627 District of Tuggeranong, Blocks 49, 295 and 342 District of Paddys River area within areas reserved as public land, nature reserve; Block 333 District of Paddys River and Block 1 District of Tennent are reserved as public land, national park; and Block 24 District of Tennent is an area reserved as public land, special purpose reserve . The development proposal is mentioned in Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The works within Block 2 District of Tennent and the road reserve of Stockdill Drive in the District of Belconnen are not within an area of public land as defined by the *Planning and Development Act 2007* and therefore there is no requirement for an environmental significance opinion for these locations.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact and has applied to the Conservator of Flora and Fauna for an environmental significance opinion to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted and known values of the sites.

Project description

The proposed works involve the maintenance of the existing waterway crossings to allow for the safe movement of vehicles along tracks associated with the Canberra to Williamsdale transmission line. The work on each individual block varies in significance and a typology of the works was provided, with the majority of the crossings simply requiring geo-fabric and rock to be laid in the creek beds to allow access to occur. In some cases, more significant work includes headwall stabilisation and clearing of existing culverts or installation of additional ones.

The works will have the added advantage of stabilising existing eroded creek lines and preventing further erosion.

Documentation Submitted

Soil & Water Management Sub Plan;
Site Works Plans, Waterway Crossing Assessment and photographs of crossings;
Site Management Agreement for Public Land (nature Reserves, Special Purpose Reserves and National Park) between the Conservator of Flora and Fauna and TransGrid;
Existing Licence under the provisions of the *Nature Conservation Act 1980*; and
Supporting Letter.

Natural conservation values present

The site of the works is existing water way crossings on tracks used for access for maintenance of the TransGrid transmission line. All of the crossings have had some previous disturbance and some of the crossings are in, or adjacent to, areas subject to erosion.

One site, Crossing No 7, located within Block 49 District of Paddys River, is approximately 150 m from a recorded location of the endangered Tuggeranong lignum (*Muehlenbeckia tuggeranong*). A male shrub was recorded in 1999 about 150m to the north of the proposed works in stream habitat similar to that of the proposed work site. Therefore, to ensure that the works will not impact on any endangered species, it is to be a condition of approval that works must be designed so that there is no possibility of direct or indirect impacts on the Tuggeranong Lignum and that the site is surveyed by a botanist prior to commencement of works.

Impact of development on these values (including offsite impacts)

The survey results and any mitigation measures proposed for Crossing No 7 must be forwarded to the Conservation Planning and Research Unit for consideration prior to any works commencing.

Has the proponent demonstrated that all reasonable measures have been taken to avoid, minimise and as a last resort offset impact?

Yes. All works are to be within existing disturbed areas.

Potentially Significant Environmental Impacts

Nil, provided works at Crossing No 7 are in accordance with the conditions provided.