

Planning and Development (Environmental Significance Opinion – Meddhung Road reserve adjacent to Block 8 Section 12 Pialligo – Telstra Tower) Notice 2015

Notifiable Instrument NI2015–600

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 – Meddhung Road Reserve adjacent to Block 8 Section 12 Pialligo – Telstra Tower) Notice 2015*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB of the *Planning and Development Act 2007* (the Act), relating to items 1 of Part 4.3 of Schedule 4 of the Act.

The text of the ESO is in the schedule.

Note 1: A copy of the ESO may be obtained from the Environment and Planning Directorate website:

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

Note 2: Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund
Chief Planning Executive
15 October 2015



ACT
Government

Environment and Planning

Ms Dorte Ekelund
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Ms Ekelund

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 construction of a telecommunications tower for Telstra Corporation Ltd within the road reservation of Meddhung Road, Pialligo. The proposal is not likely to have a significant adverse environmental impact provided the works are in accordance with the conditions as provided.

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

Yours sincerely

Matt Kendall
Conservator of Flora and Fauna

30 September 2015

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

Emma Castle, Consultant, Urbis Pty Ltd for and on behalf of Telstra Corporation Limited.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for construction of a telecommunications tower for Telstra Corporation Ltd as described in the submission.

LOCATION

Within the road reserve of Meddhung Road adjacent to Block 8 Section 12 Pialligo

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- That all works are in accordance with a Construction Environment Management Plan (CEMP) approved by the Conservator of Flora and Fauna. The CEMP is to address wash down procedures for vehicles, importation of only sterile (weed free) materials and weed monitoring and follow-up targeted control
- That the site is fenced prior to commencement of construction

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'M. Kendall'.

Matt Kendall
A/g Conservator of Flora and Fauna

30 September 2015

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 Schedule 4, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 8 Section 12 Pialligo and the adjacent road reserve contains populations of:

- Golden Sun Moth (*Synemon plana*), listed as critically endangered under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) and Endangered under the ACT's *Nature Conservation Act 2014* (NCA); and
- Striped Legless Lizard (*Delmar impar*), listed as vulnerable under both the EPBC and NCA.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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 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, known values of the

site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

Construction of a new telecommunications tower consisting of a 35.0m monopole with six panel antennas, an equipment shelter, and boundary fencing. Access to the facility will be from Meddhung Road.

The facility is required to improve 3G and 4G communication services to the Canberra International Airport, Majura Park and the new IKEA store which is currently under construction.

The facility will cover a total area of 84 m² (6.0 x 14.0 m), with a 3 m tall manproof fence surrounding the compound. The compound will contain a concrete monopole with a triangular headframe and a 2.3 x 3.3m equipment shelter. The compound will be entirely cleared of vegetation and finished with crushed rock over a weed mat with timber edge board. Access will be gained directly from the newly constructed road to the north.

It is noted that the proponent investigated numerous options to achieve their desired outcome. These options included optimising existing facilities, co-locating with other carriers, and installing a new facility on either existing buildings or on other sites that would not have any environmental impact. Due to height restrictions close to the airport and other technical issues, a site within Block 8 Section 12 Pialligo was the only option deemed to be viable.

Documentation Submitted

- Report titled Application for Environmental Significance Opinion; Development Scope (Urbis, June 2015);
- Ecological Impact Assessment (Biosis, 19 June 2015);
- Form 1M.

Natural conservation values present

The surrounding area of approximately 50 ha in size, is native and exotic pasture that supports a high density and large population of the critically endangered Golden Sun Moth and a low density, moderate population of the vulnerable Striped Legless Lizard.

There is currently a proposal to extend Meddhung Road to the Majura Parkway. The proposal is to construct a single lane, one-way road connecting Majura Parkway to the intersection of Spitfire Avenue and Majura Road. This road will divide the Golden Sun Moth habitat into blocks of approximately 35 and 15 ha, and the Striped Legless Lizard habitat into a northern area of about 42ha and a southern area of 4ha.

The site of the proposed telecommunications facility is to the south of Meddhung Road and will impact on a small portion of a large and densely populated area of Golden Sun Moth Habitat and a small portion of confirmed but sparsely populated Striped Legless Lizard habitat.

Potentially Significant Environmental Impacts

The final site for the facility has been chosen to minimise the total impact of the development.

The development as proposed will require the permanent removal of 84m² of habitat for Golden Sun Moth and Striped Legless Lizard, species listed under both the EPBC Act and the NC Act. This is a small component of the habitat for the species in the Majura valley and it is understood that the impact will be kept to 84 m² by the implementation of minimisation and mitigation measures.

Shading is known to reduce soil temperatures and increase soil moisture levels, often substantially altering the structure and floristic composition of temperate grasslands (DEWHA 2009a; DEWHA 2009b). Whilst the precise degree of impact has not yet been studied in depth, it is considered likely that shade induced alterations to soil conditions and associated changes in vegetation characteristics would impact adversely upon the suitability of habitat for the Golden Sun Moth (DEWHA 2009a; DEWHA 2009b). As per the plans provided to Biosis in June 2015, the location of the equipment shelter within the compound means that it is highly unlikely to shade any Golden Sun Moth Habitat for a significant length of time. The monopole will be narrow and is also unlikely to cause any significant shading of Golden Sun Moth Habitat.

Conditions have been included to ensure that works are in accordance with an approved Construction Environment Management Plan to ensure that appropriate mitigation measures are in place to reduce the impact of the works and the spread of weeds. The condition requiring fencing to be erected prior to commencement of other works is to ensure that all works are contained within the site compound.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.