

# Planning and Development (Conditional Environmental Significance Opinion – Numerous Blocks, Jerrabomberra and Tuggeranong – Installation of ADSS Cable to Existing 11kV Power Lines) Notice 2019 (No 1)

Notifiable instrument NI2019–682

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Numerous Blocks, Jerrabomberra and Tuggeranong – Installation of ADSS Cable to Existing 11kV Power Lines) Notice 2019*.

## 2 Conditional Environmental Significance Opinion

- (1) On 8 October 2019, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the Act), gave the Applicant a conditional environmental significance opinion in relation to the installation of ADSS cable to existing 11kV power lines on numerous blocks, Jerrabomberra and Tuggeranong.

- (2) In this section:

*Conditional environmental significance opinion* means the opinion in the schedule.

*Note* Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Brett Phillips  
Delegate of the planning and land authority  
21 October 2019

## Schedule

See section 2(2)

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### **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**

Purdon Planning Pty Ltd, as represented by Merissa Devine, Office Administration Manager.

#### **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 the installation of a new All-Dielectric Self-Supporting (ADSS) cable to an existing powerline as described in the submission.

#### **LOCATION**

The proposed route sits along the border of the Jerrabomberra and Tuggeranong districts and traverses Blocks 2114, 2115, and 2116 Jerrabomberra and Blocks 1695, 1676, 1520 and 1521 Tuggeranong as well as Mugga Lane Road Reserve and Long Gully Road Reserve.

#### **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 mitigation measures contained in the supporting application for an ESO and 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.

1. A Construction Environmental Management Plan (CEMP) must be submitted and endorsed prior to the commencement of works;
2. A licence must be obtained under the Nature Conservation Act 2014;
3. A site visit must be organised with ACT Parks and Conservation Service (PCS) staff prior to the commencement of works;
4. No activity is to occur under wet and boggy conditions when furrowing of earth and ground cover may occur;
5. All vehicles, machinery and construction equipment must be cleaned of any soil or plant material prior to entering the reserve or horse paddocks;
6. Any works undertaken in the horse paddocks require notification of the paddock manager (Territory Agistment);
7. No works are to be undertaken if horses are present in the paddocks where work is required;
8. Access is to be only via existing tracks and only on those tracks agreed to by PCS Athllon (Wanniassa Hill Nature Reserve) and PCS Rural Services (horse paddocks);
9. Native vegetation clearance and earthworks disturbance must be limited to no more than a 5 m x 5 m area in the vicinity of Pole 20; and
10. Restoration of native grassland, including follow-up weed control must occur at the area of disturbance in the vicinity of Pole 20.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

8th October 2019

## 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;*

The blocks along the route alignment contain:

One ecological community listed as endangered:

- Yellow Box-Red Gum Grassy Woodland

One animal species listed as threatened:

- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

One plant species listed as threatened:

- Small Purple-pea (*Swainsona recta*)

*Part 4.3, 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.*

Some of the works are within a Nature Reserve.

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 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**

The works involve installation of an All-Dielectric Self-Supporting (ADSS) cable to existing 11 kV poles between the Mugga Landfill Methane Gas to Electricity Generator facility and an existing electricity pole adjacent to Long Gully Road. A new pole (20A) is also to be installed on Block 1521 District of Tuggeranong.

The ADSS cable will run below existing transmission lines, with a mid-span of minimum 4.5 m from the ground. No trees or vegetation are required to be removed as part of the installation works.

Details regarding installation method of the additional 11 kV pole is to be included in the CEMP.

### **Documentation Submitted**

- Evoenergy ADSS Installation – Application for an Environmental Significance Opinion – Mugga Lane and Long Gully Road, August 2019;
- Letters of Authorisation;
- Form 1M.

### **Natural conservation values present**

Much of the vegetation within Wanniasa Hill Nature Reserve is moderate – high quality Box Gum Woodland. This woodland also extends into the horse paddocks but the condition within the proposal area is below that which meets the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) listing criteria.

Pink-tailed Worm-lizard habitat is mapped between poles 9-11, and Small Purple-pea has been recorded within the Long Gully Road Reserve and within the Box Gum Woodland on Block 1695.

In addition, at least three species of mammals, seven species or subspecies of frog, 13 species of reptiles and over 81 species of birds have been recorded in Wanniasa Hill Nature Reserve. There are three animal species recorded in the reserve which are rare, or listed as threatened under the Nature Conservation Act 2014:

- Scarlet Robin (*Petroica boodang*)
- Speckled Warbler (*Pyrrholaemus sagittate*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)

There are also at least two rare orchid species present.

### **Impact on the Reserve**

The new cables are to be fitted to existing poles with only one new pole to be installed. No tree or vegetation removal has been proposed in relation to the installation of the cable. Installation of the new pole will have only a small footprint and is unlikely to impact on any fauna species. The majority of the poles are able to be accessed by existing tracks and no significant impact is likely.

Mitigation measures described in the application which are particularly important include:

- Ensuring vehicle movements are limited wherever possible and to existing tracks (pages 7, 8, 19, 26).
- A commitment to no earthworks (Pages 14, 21, 26)
- No works to occur during boggy conditions or on total fire ban days (pages 21, 26).

### **Potentially Significant Environmental Impacts**

The total disturbance would be minimal and would mostly occur in previously disturbed areas. Limiting vehicle access almost totally to existing tracks means significant environmental impact is unlikely. While the presence of rare orchids can't be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species.

Follow up weed control and revegetation at the site of the new pole to be installed will further ensure that disturbance will be minimal and temporary.

Conditions have been included to ensure that the works will have the minimum disturbance possible and reduce the likelihood of the spread or introduction of weed species. Works are to be undertaken in accordance with the mitigation measures contained in the supporting application for an ESO and the following conditions:

1. A Construction Environmental Management Plan (CEMP) must be submitted and endorsed prior to the commencement of works;
2. A licence must be obtained under the Nature Conservation Act 2014;

3. A site visit must be organised with PCS staff prior to the commencement of works;
4. No activity is to occur under wet and boggy conditions when furrowing of earth and ground cover may occur;
5. All vehicles, machinery and construction equipment must be cleaned of any soil or plant material prior to entering the reserve or horse paddocks;
6. Any works undertaken in the horse paddocks require notification of the paddock manager (Territory Agistment);
7. No works are to be undertaken if horses are present in the paddocks where work is required;
8. Access is to be only via existing tracks and only on those tracks agreed to by PCS Athllon (Wanniassa Hill Nature Reserve) and PCS Rural Services (horse paddocks);
9. Native vegetation clearance and earthworks disturbance must be limited to no more than a 5 m x 5 m area in the vicinity of Pole 20; and
10. Restoration of native grassland, including follow-up weed control must occur at the area of disturbance in the vicinity of Pole 20.

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.