

Planning and Development (Conditional Environmental Significance Opinion – Block 3 Section 45, Block 11 Section 47 and adjacent road verges, Fyshwick – Supply to Canberra Data Centre) Notice 2020

Notifiable instrument NI2020–493

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 (Conditional Environmental Significance Opinion – Block 3 Section 45 and Block 11 Section 47 and adjacent road verges, Fyshwick – Supply to Canberra Data Centre) Notice 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 24 July 2020, 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 construction of an 11kV electrical line, on block 3 section 45, block 11 section 47 and the Tennant Street and Tom Price Street road verges, Division of Fyshwick.

(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
17 August 2020

Schedule

See section 3(2)

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

Evoenergy, as represented by Tom Atkins, Environment Officer.

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 electrical infrastructure in Fyshwick as described in the submission.

LOCATION

The project works extend from Tennant Street in Fyshwick to Tom Price Street in Fyshwick. The project spans the Tennant Street road verge, Block 3 Section 45 Fyshwick, Block 11 Section 47 Fyshwick and the Tom Price Street road verge.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, 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. The width of trenching and associated disturbance must not exceed 2 metres in width;
2. Any lizards uncovered by the trenching are to be photographed, with the photograph placed on Canberra Nature Map;
3. Any Striped Legless Lizards uncovered should be placed at the base of a nearby tussock, using a shovel to open a crack in the soil about 5cm under the tussock in which the lizard can be placed;
4. Grass cover must be re-established over the disturbed alignment using a mix of exotic pasture species and native corkscrew or wallaby grass seed. Fescue must not be used as it may spread along the creek line; and
5. Weed control must be undertaken along the alignment for at least 18 months after the work has been completed. Care will be taken to reduce the cover of African Love Grass, Serrated Tussock and Witch Grass (*Panicum capillare/hillmani*) to below 5%.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

24th July 2020

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 area of proposed works contains:

- One community listed as endangered:
 - Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;
- Records/and or habitat for four animal species listed as threatened under the Nature Conservation Act 2014:
 - Striped Legless Lizard (*Delma impar*)
 - Perunga Grasshopper (*Perunga ochracea*)
 - Golden Sun Moth (*Synemon plana*)
 - Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Habitat for one plant species listed as threatened
 - Button Wrinklewort (*Rutidosis leptorrhynchoides*)

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 proposed works involve a combination of underboring and open trenching to install a short 11kV overhead distribution cable and new underground 11kV electrical conduits. Underground cables will be installed via a mixture of directional drilling and open trench and backfill. Trenches will be approximately 700mm wide x 1000mm deep. The works also involve the installation of joint/haulage pits which will be 3m x 2m with a finished level slightly above ground level.

Documentation Submitted

- Supporting documentation for the application for an Environmental Significance Opinion;
- Letters of Authorisation
- Form 1M.

Natural conservation values present

The area directly south Tennant Street to the creek contains an existing track with a large amount of weed covered spoil to the west of the track and a large patch of Natural Temperate Grassland and habitat for Striped Legless Lizard, Perunga Grasshopper, Golden Sun Moth and Pink-tailed Worm-lizard to the east.

The works then cross a creek where there is another patch of Natural Temperate Grassland to the west and areas of native grassland dominated by Corkscrew and Wallaby grasses.

The area of the railway easement to the powerlines is exotic pasture with significant environmental weeds including Blackberry, Serrated Tussock, African Lovegrass, Witch Grass and Chilean Needle Grass.

Button Wrinklewort was not observed during site inspections but is recorded in the general vicinity.

Potentially Significant Environmental Impacts

The alignment avoids any Natural Temperate Grassland and makes use of an existing track for much of its length. The proposed trenching and underboring launch and finishing sites avoid native vegetation and passes only through Striped Legless Lizard habitat of probable low density. The creek crossing is to be underbored.

Conditions have been included to ensure that works will have minimal impact on fauna and will not result in increased weed density or extent:

1. The width of trenching and associated disturbance must not exceed 2 metres in width;
2. Any lizards uncovered by the trenching are to be photographed, with the photograph placed on Canberra Nature Map;
3. Any Striped Legless Lizards uncovered should be placed at the base of a nearby tussock, using a shovel to open a crack in the soil about 5cm under the tussock in which the lizard can be placed;
4. Grass cover must be re-established over the disturbed alignment using a mix of exotic pasture species and native corkscrew or wallaby grass seed. Fescue must not be used as it may spread along the creek line; and
5. Weed control must be undertaken along the alignment for at least 18 months after the work has been completed. Care will be taken to reduce the cover of African Love Grass, Serrated Tussock and Witch Grass (*Panicum capillare/hillmani*) to below 5%.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.