

Planning and Development (Conditional Environmental Significance Opinion – Numerous Blocks, Jerrabomberra – Fibre Optic Cable) Notice 2021

Notifiable instrument NI2021–25

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 – Numerous Blocks, Jerrabomberra – Fibre Optic Cable) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 24 December 2020, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction of an underground fibre optic cable, on numerous blocks, District of Jerrabomberra.

- (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
14 January 2021

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

AARNet Pty Ltd, as represented by Jodie O'Donohoe, Associate Director-Infrastructure.

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 construction of underground linear fibre optic cable between the Hume and Fyshwick Data Centres as described in the submission.

LOCATION

The proposed route primarily follows the alignment of Woods Lane and traverses several rural blocks:

Blocks 2040, 2235, 2236 2238 and 2239 District of Jerrabomberra

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. All vehicles, equipment and machinery must be cleaned and free of any plant material or soil prior to commencing works.
2. African Lovegrass is to be sprayed along the entire alignment twice prior to commencement of works – once in late December/early January, and again one week prior to commencement.
3. Follow up monitoring and control of African Lovegrass is to be undertaken for 12 months after works have finished
4. If after 12 months the construction footprint does not meet the below requirements, reseeding/weed control must be undertaken to the satisfaction of PCS:
 - Less than 5% cover of African Lovegrass
 - Less than 25% bare ground
5. No works are to be undertaken on Total Fire Ban Days or when the Fire Danger Index exceeds 30.
6. No trenches are to be left open overnight and an ecologist will be present on site to relocate any trapped fauna.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

24 December 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 general project area contains or has the potential to contain:

One community listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;

Four animal species listed as threatened under the Nature Conservation Act 2014:

- Golden Sun Moth (*Synemon plana*)
- Striped Legless Lizard (*Delma impar*)
- Grassland Earless Dragon (*Tympanocryptis lineata*)
- Perunga Grasshopper (*Perunga ochracea*);

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 proposal is for the installation of approximately 2.6 km of underground linear fibre optic communication infrastructure for the purposes of providing enhanced connections between the existing Hume and Fyshwick Data Centres. The alignment follows Woods Lane south before entering privately leased land near the south east corner of HMAS Harman. The alignment continues south within leased land adjacent to Woods Lane until running east beneath Woods Lane and the railway corridor into New South Wales.

Construction is to be primarily via trenching, however ecologically sensitive areas and the portion running east under Woods Lane and the railway corridor are to be under-bored.

The proposed works include:

- Trenching of the ground (approx. width of 40 cm)
- Under-boring including installation of bore entry and exit points
- Installation of conduit and cable
- Installation of pits
- Backfilling of trench.

Documentation Submitted

- Letters of Authorisation
- Fyshwick to Hume Optic Fibre Cable, ACT – Cultural Heritage Assessment & Statement of Heritage Effects, July 2020
- ESO Application Submission Report – Fyshwick to Hume Fibre Optic Connection, June 2020
- Response to Conservator’s request for further information
- Detailed maps of original and revised alignments
- Form 1M.

Natural conservation values present

Patches of Natural Temperate Grasslands (NTG) and several Button Wrinklewort plants were observed during a site visit on 7 December 2020. There is also the potential for Striped Legless Lizard to occur at the southern end of the alignment, however the habitat is considered to be generally unsuitable for the species. Golden Sun Moth, Grassland Earless Dragon and Perunga Grasshopper have been recorded in the wider area however are unlikely to occur within the area to be impacted.

The majority of the alignment occurs within leased land which has been heavily grazed and is mostly dominated by exotic species including African Lovegrass.

Potentially Significant Environmental Impacts

The alignment has been significantly altered to avoid high conservation areas and avoids trenching patches of NTG. Clearing is limited to highly disturbed vegetation and should only have a temporary impact. No rare or threatened plants were observed within areas proposed for trenching.

There is the potential for Striped Legless Lizard to occur at the southern end of the alignment, however no trenches will be left open overnight, and a qualified ecologist is to be present to relocate any found animals.

The proposal includes weed and pathogen hygiene mitigation measures, in particular to prevent the spread and increase of African Love grass which is present in the project area.

Conditions have been included to ensure that works will not increase the prevalence of weeds and to minimise impacts to fauna:

1. All vehicles, equipment and machinery must be cleaned and free of any plant material or soil prior to commencing works.
2. African Lovegrass is to be sprayed along the entire alignment twice prior to commencement of works – once in late December/early January, and again one week prior to commencement.
3. Follow up monitoring and control of African Lovegrass is to be undertaken for 12 months after works have finished
4. If after 12 months the construction footprint does not meet the below requirements, reseeding/weed control must be undertaken to the satisfaction of PCS:
 - Less than 5% cover of African Lovegrass
 - Less than 25% bare ground

5. No works are to be undertaken on Total Fire Ban Days or when the Fire Danger Index exceeds 30.
6. No trenches are to be left open overnight and an ecologist will be present on site to relocate any trapped fauna.

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.