

Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Coulter Drive and William Hovell Drive adjacent to Block 1587 Belconnen – installation of 11kV connections and access tracks) Notice 2021

Notifiable instrument NI2021–444

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 – Coulter Drive and William Hovell Drive adjacent to Block 1587 Belconnen – installation of 11kV connections and access tracks) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 21 June 2021, 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, on Coulter Drive and William Hovell Drive adjacent to Block 1587 Belconnen, of 11kV connections and access tracks in the road verges.
- (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.

George Cilliers
Delegate of the planning and land authority
16 July 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

ActewAGL Distribution as represented by Mr 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 installation of 11kV connections and access tracks in the William Hovell and Coulter Drive road verges as described in the submission.

LOCATION

Rural Block 1587 Belconnen within the road verges of William Hovell Drive and Coulter Drive.

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:

Pink Tailed Worm Lizard Habitat

1. All potential and known Pink Tailed Worm Lizard Habitat (PTWL) habitat must be clearly identified as exclusion zones on the ground and within a Construction Environment Plan (CEMP) and be avoided during construction.
2. Any PTWL uncovered during project works will be placed at the base of a nearby rock outside of the construction impact area, using a shovel to open a crack in the soil about 5cm under the rock in which the lizard can be placed. These will be photographed and uploaded to Canberra Nature Map.
3. Excess rock from the earthworks will be used on site to increase and enhance extent and quality of PTWL habitat under the direction and to the satisfaction of PCS.

Construction Environment Management Plan

4. The proponent will develop a Construction Environment Management Plan (CEMP) to the satisfaction of the Conservator of Flora and Fauna that will include:
 - a. Weed monitoring and control to be undertaken during construction and for 24 months following the completion of the works.
 - b. Revegetation works will be undertaken and completed to the satisfaction of the ACT Parks and Conservation Service (PCS).
 - c. A qualified ecologist will perform a fauna clearance survey prior to disturbance.
 - d. Erosion and sediment controls will be established prior to any clearing
 - e. Works will cease during or immediately after significant rain events (5mm within a 24hour period or when the ground is wet/boggy),
 - f. Vehicle/machinery access will be restricted to existing tracks and trails
 - g. Management of dust and fumes on site will include minimising soil disturbance, maintaining vegetation cover where possible for as long as possible and restricting vehicle movements on site.

Revegetation and Landscape Management Plan

5. At project completion, additional habitat will be established as part of a planted amenity screening project. This planting will be comprised of native plant species, the composition of which will be determined as part of the rehabilitation proposal provided in the DA or as part of the project CEMP to the satisfaction of PCS.

Tree Protection

6. No native trees to be removed.
7. The two regulated trees near the entrance to the zone substation will have exclusion zones established by temporary fencing at not less than the drip line

plus 2 metres (or otherwise advised by the Conservator of Flora and Fauna) during construction.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

21 June 2021

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 proposal will involve clearing and establishing infrastructure on an area that has been identified as potentially suitable for Yellow Box–Blakely's Red Gum Grassy Woodland (box-gum woodland). An assessment by Umwelt in 2018 identified that the project area likely supported box-gum woodland prior to European settlement, however with land use this has changed to mixed non-native pastures due to current farming activities.

Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The project proposes to establish a permanent zone substation with a footprint of 0.64ha (80m x 80m). The total area of the project will be approximately 2.65ha including formation of access tracks.

It is likely that most of the project area supported box-gum woodland prior to European settlement, however, it currently supports mixed pasture due to current farming activities. The project area was assessed as low quality native vegetation due to mixed native species and exotic grasses / forbs including ribwort plantain, African lovegrass, phalaris, alligator weed, blackberry, and St John's wort.

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 project is for the installation of 11kV connections and access tracks in the William Hovell and Coulter Drive road verges. This installation is being undertaken to support the establishment of the new Molonglo Zone Substation on Rural Block 1587 in Belconnen.

Evoenergy in consultation with the ACT Government have identified a critical need to establish a new zone substation to ensure reliable and sustainable power supply to these new suburbs prior to 2022. The Molonglo Zone Substation (MZS) construction will be staged to include potential non-network options (stage 1 and stage 2 of the work with 11kV feeders to BESS/Battery energy storage system) while preparing for future load increase (stage 3) with relocation and establishment of a mobile substation for 132kV connections. Stage 4 construction with additional 132kV/11kV transformers will be triggered by forecasted load.

The area and extent of impact of the works will be within existing road verges and in areas of disturbed non-native grasslands that are currently regularly mowed and maintained.

Documentation Submitted

- Application for an Environmental Significance Opinion (ESO) for the William Hovell and Coulter Drive road verge to support Molonglo ZS establishment
- Preliminary Civil Designs

- Form 1M.

Natural conservation values present

The project area in the road verge includes three protected matters under the Act that triggers the requirements for an EIS which is listed at Schedule 4 of the Act as:

- Yellow Box–Blakely's Red Gum Grassy Woodland and derived native grassland
- Habitat for pink-tailed worm lizard (*Aprasia parapulchella*) (PTWL)
- Proposal involving the clearance of more than 0.5ha of native vegetation in a native vegetation area,

An assessment by Umwelt in 2018 identified that it is likely that most of the Project Area supported box-gum woodland prior to European settlement, however, it currently supports mixed pasture due to current farming activities. According to Umwelt the project area was assessed as low quality due to mixed native species and exotic grasses / forbs including ribwort plantain, African lovegrass, phalaris, alligator weed, blackberry, and St John's wort.

There is a single isolated patch of low-quality potential habitat for PTWL near the northern boundary of the zone substation. The species is unlikely to be present in this patch due to the low quality and isolated nature of the habitat with this area to be avoided and improved with residual rock left from construction.

Potentially Significant Environmental Impacts

The proposal will involve clearing and establishing infrastructure on an area that had been identified as potentially suitable for Yellow Box–Blakely's Red Gum Grassy Woodland.

The project proposes to establish a permanent zone substation with a footprint of 0.64ha (80m x 80m) Rural Block 1587, Belconnen. The total area of the project will be approximately 2.65ha including formation of access tracks.

Conditions have been included to ensure that works, and ongoing management of the substation and access tracks, will not cause a significance adverse environmental impact as follows:

Pink Tailed Worm Lizard Habitat

1. All potential and known Pink Tailed Worm Lizard Habitat (PTWL) habitat must be clearly identified as exclusion zones on the ground and within a Construction Environment Plan (CEMP) and be avoided during construction.
2. Any PTWL uncovered during project works will be placed at the base of a nearby rock outside of the construction impact area, using a shovel to open a

crack in the soil about 5cm under the rock in which the lizard can be placed. These will be photographed and uploaded to Canberra Nature Map.

3. Excess rock from the earthworks will be used on site to increase and enhance extent and quality of PTWL habitat under the direction and to the satisfaction of PCS.

Construction Environment Management Plan

4. The proponent will develop a Construction Environment Management Plan (CEMP) to the satisfaction of the Conservator of Flora and Fauna that will include:
 - a. Weed monitoring and control to be undertaken during construction and for 24 months following the completion of the works.
 - b. Revegetation works will be undertaken and completed to the satisfaction of the ACT Parks and Conservation Service (PCS).
 - c. A qualified ecologist will perform a fauna clearance survey prior to disturbance.
 - d. Erosion and sediment controls will be established prior to any clearing
 - e. Works will cease during or immediately after significant rain events (5mm within a 24hour period or when the ground is wet/boggy),
 - f. Vehicle/machinery access will be restricted to existing tracks and trails
 - g. Management of dust and fumes on site will include minimising soil disturbance, maintaining vegetation cover where possible for as long as possible and restricting vehicle movements on site.

Revegetation and Landscape Management Plan

5. At project completion, additional habitat will be established as part of a planted amenity screening project. This planting will be comprised of native plant species, the composition of which will be determined as part of the rehabilitation proposal provided in the DA or as part of the project CEMP to the satisfaction of PCS.

Tree Protection

6. No native trees to be removed.
7. The two regulated trees near the entrance to the zone substation will have exclusion zones established by temporary fencing at not less than the drip line plus 2 metres (or otherwise advised by the Conservator of Flora and Fauna) during construction.

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.