

# Planning and Development (Conditional Environmental Significance Opinion – Block 351, Gungahlin – Radio 1RPH Solar Panel Installation) Notice 2021

Notifiable instrument NI2021–445

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 – Block 351, Gungahlin – Radio 1 RPH Solar Panel Installation) Notice 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 9 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 Block 351 of Gungahlin, of two arrays of ground mounted solar panels to supply electricity to the existing Radio 1RPH building.

- (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)

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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**

Canberra Town Planning, as represented by Mr Nirvan Jamshidpey

#### **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 two arrays of ground mounted solar panels as described in the submission.

#### **LOCATION**

Block 351 Gungahlin, at 808 Barton Highway, ACT.

#### **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 included as mitigation measures 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. Vegetation clearing would be minimised to the extent required to complete the works.
2. Any excavations such as pits or trenches deeper than 200mm would be backfilled as soon as possible and not be left open overnight.

3. Establishment of sediment and erosion controls would be in place (in accordance with best practice) to prevent impacts of earthworks on the stormwater system, as well as to prevent any uncontrolled run-off into adjacent areas or neighbouring properties.
4. Establishment of appropriate weed management measures would be in place to ensure that weeds are not spread from the works area.
5. Parking of vehicles or storage of equipment would be contained to within the development site.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

9 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 3 proposal for development in a reserve;*

The solar arrays are located within Block 351 Gungahlin, which has a Pc: Nature Reserve Overlay in the Territory Plan. The land is privately leased and does not form part of Crace Grasslands 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**

SolarHub, as contracted by Radio 1RPH, is proposing to install two arrays of ground mounted solar panels to provide renewable electricity supply to the existing Radio

1RPH building and offset electricity demands for the operation of the station. The electricity generated by the solar arrays is intended to supplement site operation electricity requirements and is not intended to supply energy into the electricity grid, therefore there are no offsite connections.

#### **Documentation Submitted**

- Environmental Significance Opinion (ESO) Application, Canberra Town Planning, 3 May 2021
- ESO Application Submission Report, Solar Panel Installation at Block 351 Gungahlin, PATH Co. Pty Ltd 15 February 2021
- Form 1M.

#### ***Natural conservation values present***

The vegetation at the site is characterised broadly as a highly modified grassland community. There are no existing trees present within the site area, with a narrow band of trees occurring along the minor waterway to the south of the site (and outside of the site boundary). In addition, there was no natural shrubby understorey present at the site, with the site being completely devoid of any native/natural shrubs.

The open grassland area was observed to be in a highly modified condition, dominated by non-native species and observed to be highly managed through regular mowing/slashing. The management regime has kept the grassland vegetation at a very low height (generally at less than 10cm) and removed any structural diversity or tussock formation (important for fauna as discussed below). The dominant flora species recorded at the site comprised predominantly non-native species including (most notably but not limited to):

- Phalaris (*Phalaris aquatica*),
- Oats (*Avena sp.*),
- Ribwort Plantain (*Plantago lanceolata*),
- Flatweed (*Hypochaeris radicata*),
- Yorkshire Fog (*Holcus lanatus*),
- Paspalum (*Paspalum dilatatum*),
- Buchan Weed (*Hirschfeldia incana*),
- Capeweed (*Arctotheca calendula*),
- African Lovegrass (*Eragrostis curvula*),
- Storksbills (*Erodium spp.*),
- Red-flowered Mallow (*Modiola caroliniana*),
- Clover (*Trifolium sp.*) and
- Dandelion (*Taraxacum officinale*).

A small number of native species were recorded in this area, including:

- Red-leg Grass (*Bothriochloa macra*),
- Speargrass (*Austrostipa sp.*),
- Microlaena (*Microlaena stipoides*),
- Couch (*Cynodon dactylon*2),
- Grassland Wood Sorrel (*Oxalis perennense*),
- Native Geranium (*Geranium solanderi*), and
- the Australian Stonecrop (*Crassula sieberiana*).

Some (semi) aquatic flora species were also recorded at the site, although these were generally at the outer southern margins of the site, with very little present in the actual development footprint itself, including *Typha sp.* and *Juncus sp.*

Overall, the flora species diversity of the site was found to be low, with a total of 33 species recorded either in or nearby to the development site. Specifically, native flora species diversity was low with only 12 native species recorded (compared with 21 exotic species).

#### ***Threatened flora***

There was no evidence of any local threatened flora species observed within the site during the survey period.

#### ***Threatened ecological communities***

The site does not support any identifiable threatened ecological communities.

#### ***Fauna values at the site***

Detailed or targeted fauna surveys were not undertaken for this assessment given the small site area and vegetation disturbance/modification as described in the application. The habitat values of the site are considered to be limited to only marginal grassland habitats for (some) terrestrial fauna species.

#### ***Threatened fauna***

No threatened fauna species were recorded within the site during the survey.

#### **Impact on the Reserve**

There will be negligible impacts on the Reserve.

#### **Potentially Significant Environmental Impacts**

There are no potentially significant environmental impacts from this proposal. The sites have been well chosen to avoid any more than minor clearance of modified grasslands with a low native species diversity. The grassland does not constitute native vegetation and does not support protected species. Conditions have been included to ensure that works will not have an impact on the Reserve, these have been included by the proponent in the application:

1. Vegetation clearing would be minimised to the extent required to complete the works.
2. Any excavations such as pits or trenches deeper than 200mm would be backfilled as soon as possible and not be left open overnight.
3. Establishment of sediment and erosion controls would be in place (in accordance with best practice) to prevent impacts of earthworks on the stormwater system, as well as to prevent any uncontrolled run-off into adjacent areas or neighbouring properties.
4. Establishment of appropriate weed management measures would be in place to ensure that weeds are not spread from the works area.
5. Parking of vehicles or storage of equipment would be contained to within the development site.

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