

Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Molonglo Valley and Denman Prospect – Streeton Feeder Extension Project) Notice 2023

Notifiable instrument NI2023–134

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 – Multiple Blocks, Molonglo Valley and Denman Prospect – Streeton Feeder Extension Project) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 2 March 2023, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the Act, gave the applicant a conditional environmental significance opinion in relation to construction, on Blocks 49, 72, 76, 77, 80 and 81 Molonglo Valley, and Blocks 1, 4, 5 and 6, Section 3, Denman Prospect, of a new 11kV cable and conduit to extend existing infrastructure from Molonglo Zone Substation to Denman Prospect.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
9 March 2023

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 Mr Tom Atkins, Environmental and Technical Regulatory Compliance 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 new 11kV cable and conduit to extend existing infrastructure from Molonglo Zone Substation to Denman Prospect, as described in the submission.

LOCATION

The blocks which are affected by Part 4.3 of Schedule 4 of the Act (item 1 – endangered, threatened or vulnerable species and item 3 (a) – proposed development in a reserve, and so being considered in this ESO include:

- Rural Block 49 Molonglo Valley
- Rural Block 72 Molonglo Valley
- Rural Block 76 Molonglo Valley
- Rural Block 77 Molonglo Valley
- Rural Block 80 Molonglo Valley
- Rural Block 81 Molonglo Valley
- Block 1 Section 3 Denman Prospect
- Block 4 Section 3 Denman Prospect
- Block 5 Section 3 Denman Prospect
- Block 6 Section 3 Denman Prospect

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 construction footprint within the Molonglo River Reserve must be temporarily fenced using star pickets and bunting prior to the commencement of works. The fencing must also display signage stating 'No entry – environmentally sensitive area'
2. Pre and post-construction weed control, targeting significant weed species, must be undertaken across the entire construction footprint and access routes within the Molonglo River Reserve to the satisfaction of the Parks and Conservation Service. Post-construction weed control must be undertaken for a minimum of 24 months or as specified in the rehabilitation plan.
3. Weed control must be undertaken at a minimum of 6-month intervals (preferably during September and March prior to seeding and winter) by a qualified and experienced weed contractor.
4. An amendment is to be made to the method for relocating any Pink-tailed Worm-lizard that are located during construction to the following:
 - a. Any PTWL uncovered during project work will be placed near the base of a suitable rock (appropriate size, and presence of black ants), and gently encouraged to go underneath to safety.
5. Perch guards are to be installed on all transmission lines to prevent electrocution of birds, or any live parts of the infrastructure to be insulated.
6. Consideration should be given to installing markers on the transmission lines to increase visibility and reduce the incidence of avian collisions.
7. The Construction Environmental Management Plan (CEMP) is to be endorsed by the Conservator of Flora and Fauna prior to the commencement of any construction activities, and needs to include a Rehabilitation Management Subplan.
8. All works are to be undertaken in accordance with the endorsed CEMP

9. Areas impacted within the Molonglo River Reserve must be rehabilitated with a native grassland seed mix at a rate of no less than 5g/m² or 50kg/ha. The following species must be included:

- *Austrostipa bigeniculata*
- *Austrostipa scabra*
- *Poa sieberiana*
- *Rytidosperma* sp.
- *Bothriochloa macra*
- *Themeda triandra*
- *Calotis lappulacea*
- *Chrysocephalum apiculatum*
- *Leucochrysum albicans*
- *Linum marginale*
- *Vittadinia muelleri*
- *Xerochrysum viscosum*

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

2 March 2023

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 location of the development contains:

Two ecological communities listed as endangered:

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (box-gum woodland)
- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT

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

- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Murray Cod (*Maccullochella peelii*)
- Perunga Grasshopper (*Perunga ochracea*)

Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a nature reserve.

Parts of the construction are located within the Molonglo River 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

With land releases and development expected to occur within the Denman Prospect greenfield development site over the next decade, Evoenergy has identified a critical need to extend the 11kV feeder from the Molonglo Zone Substation to ensure reliable power supply to these new suburbs.

Evoenergy has proposed the installation of new 11kV cable and conduit to extend existing infrastructure from Molonglo Zone Substation to Denman Prospect that will traverse the Molonglo River Reserve and several surrounding unleased rural blocks.

The extent of the project works will be mostly confined to portions of road verges and unleased rural blocks along John Gorton Drive and Coppins Crossing in Molonglo. The area and extent of impact of the proposed works will be minimised by using existing underground conduit infrastructure along the northern portion of John Gorton Drive (between William Hovell Drive and Hazel Hawke Avenue), with new overhead infrastructure (poles and conductors) to be installed in areas of disturbed non-native grasslands that are currently used for stock grazing. The 11kV cable will cross the Molonglo River using overhead infrastructure, with the remaining portion of the route (south of the Molonglo River) installed underground.

The proposed works include:

- Site establishment and minor vegetation clearance
- Installation of overhead infrastructure, including temporary construction pads for poles (approximately 5m x 5m)
- Underboring and installation of conduit
- Installation of jointing and haulage pits
- Haulage and jointing of cable through conduit
- Site clean-up, rehabilitation and landscaping.

Documentation Submitted

- Streeton Feeder Extension -11kV Underground & Overhead Transmission Project report- prepared by Evoenergy Environment Team – dated 4/11/22
- REVISED -Streeton Feeder Extension -11kV Underground & Overhead Transmission Project report- prepared by Evoenergy Environment Team – dated 17/02/23
- John Gorton Drive Stage 3C Biodiversity Review for S211 - dated 27/09/19
- Letter of Authorisation
- Application Form

Natural conservation values present

The Molonglo River corridor provides important foraging and breeding habitat and movement opportunities for both common and threatened species.

At least eight species of mammals, five species or subspecies of frog, 16 species of reptiles, one native fish species and 122 species of birds have been recorded in the Molonglo River Park reserve. There are also several rare species of plants present.

Molonglo River Reserve contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

Fourteen animal species listed as threatened under the *Nature Conservation Act 2014* or protected under the *EPBC Act 1999*:

- Varied Sitella (*Daphoenositta chrysoptera*)
- Brown Treecreeper (*Climacteris picummus*)
- Painted Honeyeater (*Grantiella picta*)
- Regent Honeyeater (*Xanthomyza phrygia*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Hooded Robin (*Malanodryas cucullata*)
- Scarlet Robin (*Petroica boodang*)
- Superb Parrot (*Polytelis swainsonii*)
- Swift Parrot (*Lathamus discolor*)
- Rainbow Bee-eater (*Merops ornatus*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Perunga Grasshopper (*Perunga ochracea*)
- Murray River Crayfish (*Euastacus armatus*)

One plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*)

The majority of the immediate project area has been modified and disturbed by agricultural activities, with most of the area north of the Molonglo River cleared, grazed and dominated by exotic grassland and blackberry.

The following potential ecological constraints were identified in the Project Area:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland
- Pink tailed worm lizard habitat
- Murray Cod
- Perunga Grasshopper

Impact on the Reserve

Approximately 600m of the proposed works will intersect the Molonglo River Reserve using overhead infrastructure, with an additional 100m of underboring within the south-western section of the reserve. All haulage and joint pits are to be installed outside areas of environmental and heritage significance.

No plant or equipment laydown areas will be located within the reserve, and no trees will be removed as part of the project works.

A CEMP will be developed and submitted for approval prior to the commencement of construction to provide additional detail on any impacts on the reserve and how these impacts will be mitigated, in addition to those described in the ESO application.

Potentially Significant Environmental Impacts

The project alignment and methodology has been carefully considered to avoid significant impacts to the reserve, habitat and connectivity.

White Box-Yellow Box- Blakely's Red Gum Grassy Woodland (BGW)

Areas of BGW are limited to patches to the west and north of the route, on the northern side of Coppins Crossing bridge. These areas have been characterised as highly degraded due to a history of disturbance and are now dominated by non-threatened shrubs.

Pink-tailed Worm-lizard (PTWL)/Natural Temperate Grassland

The project area will not intersect any areas classified as 'high' or 'moderate' quality potential habitat for the PTWL. The mapped areas of PTWL habitat within the project footprint area are considered low quality, and unlikely to support PTWL. As a

precautionary measure, however, Evoenergy will ensure that all potential habitat areas for PTWL nearby the project alignment will have high-visibility exclusion zones around their perimeters, using flagging or temporary type 'D' fencing.

The project intends to mitigate impacts of construction activities through:

- Ensuring the project footprint is confined to as small as practicable to reduce required earthworks and impact to existing mixed grasslands.
- Use of existing access tracks to minimise impacts to surrounding unleased blocks.
- Establishment of overhead infrastructure (poles and conductors) between John Gorton Drive (near Hazel Hawke Avenue) and the southwestern portion of the Molonglo River Reserve (southwest of Coppins Crossing Road).
- Use of underground directional drilling of the project alignment south of the Molonglo River, with an underground-overhead (UG/OH) connection located within the southwestern portion of the Molonglo River Reserve.
- Maintaining vegetation cover to limit erosion potential.
- Avoiding the removal of any hollow bearing, registered or regulated trees in the project area.
- Avoiding and fencing of areas of potential pink tailed worm lizard habitat.
- Avoiding and fencing of areas of potential archaeological deposits or other heritage places or objects.
- Endorsement of a Construction Environmental Management Plan
- Engaging regularly with the Heritage Unit, Conservator's Office and other regulatory stakeholders throughout the project lifecycle.

The main threat to any birds that might perch on transmission poles is electrocution when the birds spread their wings and connect to two live components. Therefore, to reduce this risk, perch guards should be installed to prevent birds risking contact, or any live parts of the infrastructure would need insulation.

In addition to perch guards, consideration should be given to installing markers on the transmission lines to increase visibility and reduce the incidence of avian collisions. Marker balls, swinging markers, bird flight diverters, or other similar devices are commercially available products designed to increase the visibility of overhead wires.

Conditions

Conditions have been included reduce the risk of indirect impacts, as well as specific conditions to protect birds that may interact with the new transmission lines and any PTWLs that require relocation.

1. The construction footprint within the Molonglo River Reserve must be temporarily fenced using star pickets and bunting prior to the commencement of works. The fencing must also display signage stating 'No entry – environmentally sensitive area'
2. Pre and post-construction weed control, targeting significant weed species, must be undertaken across the entire construction footprint and access routes within the Molonglo River Reserve to the satisfaction of the Parks and Conservation Service. Post-construction weed control must be undertaken for a minimum of 24 months or as specified in the rehabilitation plan.
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- *Chrysocephalum apiculatum*
- *Leucochrysum albicans*
- *Linum marginale*
- *Vittadinia muelleri*
- *Xerochrysum viscosum*

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.