

Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Fyshwick and Pialligo – EvoEnergy – 11kV Cable Installation) Notice 2023

Notifiable instrument NI2023–206

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, Fyshwick and Pialligo – EvoEnergy – 11kV Cable Installation) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 14 November 2022, the Conservator of Flora and Fauna, pursuant to the *Planning and Development Act 2007*, section 138AB (4) (b), gave the Applicant a conditional environmental significance opinion in relation to construction, on Blocks 11 and 12 of Section 59, Block 3 of Section 52, Block 3 of Section 62, Block 1 of Section 72, Block 1 of Section 80 in Fyshwick, and Block 2 of Section 38, Block 32 of Section 2, Block 2 of Section 30 in Pialligo, of the installation of underground High Voltage Electrical Cables (11kV) and communications cable from the Eastlake zone substation on Dairy Road into Fairbairn.

(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
17 April 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

Purdon Planning, as represented by Ms Jingyi Zhang, Urban Planning Practitioner.

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 underground High Voltage Electrical Cables (11kV) and communications cable from the Eastlake zone substation on Dairy Road into Fairbairn as described in the submission.

LOCATION

The route includes a range of land tenure and crosses numerous blocks. The blocks subject to this ESO are:

Fyshwick:

Section 52 Block 3

Section 59 Block 11

Section 59 Block 12

Section 62 Block 3

Section 72 Block 1

Section 80 Block 1

Pialligo:

Section 2 Block 32

Section 30 Block 2

Section 38 Block 2

MATTERS TO WHICH THIS OPINION APPLIES

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

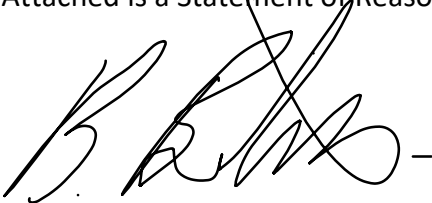
OPINION

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 contractor is to prepare a Construction Environment Management Plan (CEMP), to be endorsed by the Conservator of Flora and Fauna prior to commencement of works.
2. All works are to be undertaken in accordance with the endorsed CEMP.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

14 November 2022

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;

Part of the alignment has a Special Purpose Reserve overlay.

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

Cable installation works are proposed between the Eastlake zone substation on Dairy Road across the Monaro Highway, through Canturf land to the north of Fyshwick,

under Molonglo River, into Pialligo, to Pialligo Avenue and along Scherger Drive into Fairbairn.

The new cabling follows existing overhead routes in parts and will be installed primarily through open trenching. The section of the cable route crossing under Jerrabomberra Creek and Molonglo River will be installed through under-boring methods (horizontal direct-drilling).

The cable installation works involve the following:

East Lake Substation to Fyshwick:

- Installation of 16 x 150mm conduits within which 11kV electrical cables will be installed.
- 1 x 63mm conduit for communications cable
- Trench width of 2.45m
- Trench depth of approximately 1.4m, with conduits laid within sand backfill, with polymeric tape above the conduits and the trench backfilled with compacted soil from the initial trench excavation.
- Under-boring under the Monaro Highway (Designated land, not part of this ESO)
- A haulage pit 2m x 2m will be excavated near the start of the works near the East Lake Zone Substation and another at the end of this section of the route (Block 1 Section 72). Haulage pits will be re-instated to pre-existing ground cover conditions when the installation works are completed.
- Jointing pits will be provided at approximately 300-350m intervals along the route.
- Pits for the communications cable will be provided at the start of the route, midway along the Icon Water site, at the western edge of the Monaro Highway, at the eastern edge of the Monaro Highway, the eastern edge of Canturf property and at the Fyshwick end of this section of the route.

Fyshwick to Pialligo Avenue:

- Installation of 12 x 150mm conduits within which 11kV electrical cables will be installed.
- 1 x 63mm conduit for communications cable
- Trench width of 3.4m
- Trench depth of approximately 1.4m, with conduits laid within sand backfill, with polymeric tape above the conduits and the trench backfilled with compacted soil from the initial trench excavation.
- Under-boring under the Jerrabomberra Creek and Molonglo River
- A haulage pit 2m x 2m will be excavated near the start of the under-boring works near the (Block 1 Section 72) and another on the northern side of the

creek . Haulage pits will be re-instated to pre-existing ground cover conditions when the installation works are completed.

- Jointing pits will provided at approximately 300-350m intervals along the route.
- Pits for the communications cable will be provided either side of Jerrabomberra Creek and Molonglo River, and within Block 32 Section 2.

Documentation Submitted

- Supporting Planning Report (Sept 2022);
- Form 1M;
- Letter of authorisation

Natural conservation values present

The natural vegetation across most of the project area has been cleared for pastoral grazing and now consists of open paddocks with small areas of exotic plantings. There are no records of any threatened species or endangered ecological communities along the cable route. It is possible that the protected Murray Cod (*Maccullochella peelii*), Rakali (*Hydromys chrysogaster*) and Platypus (*Ornithorhynchus anatinus*) occur within the river at the point where the cables will cross.

Within the 450ha (1200m search radius) surrounding the development alignment there are records of 9 threatened or rare bird species, 41 rare or uncommon birds and a further 107 native species from all taxa. Most of the threatened and rare taxa are waterfowl, waders or shorebirds.

The vegetation communities comprise exotic grassland across the Canturf farm land as well as the farm off Kallaroo Road (Block 2 Section 30 Pialligo). The Icon Water Sewerage management area is identified as being 'urban/developed'. However, it is noted that the settlement ponds provide incidental habitat for a range of bird species including some protected by JAMBA and CAMBA agreements (e.g. Latham's Snipe) with no habitat quality. The proposed works will not have any impact on the sewerage settlement ponds.

Some exotic species of trees are located adjacent to the southern bank of the Molonglo River. The works in this area include a jointing pit, which has been sited to avoid any impact on existing trees. The under-boring in this area will extend under three existing trees. However, the under-bore will be at a depth below the primary root zone and therefore not impact these trees. Some amenity planting occurs along the boundaries of Block 2 Section 30 Pialligo. However, the cable route will not impact this amenity planting.

Areas of the cable route within the planning jurisdiction subject to the Airports Act are within wider areas identified as providing habitat for the Golden Sun Moth as well as Natural Temperate Grasslands. The potential impact to these areas will be addressed as part of the impact assessment and approvals process for National Land and Airport Land.

Impact on the Reserve

The trench will pass through areas of special purpose reserve within the Molonglo River Corridor. The vegetation within these portions is dominated by exotic species and does not provide habitat for any threatened terrestrial native species. The temporary disturbance of this exotic vegetation will not impact the conservation or recreation values of the special purpose reserve.

As the cables will be under-bored under the river, there will be no impact to the water quality of the river and therefore no impact on the Murray Cod. The depth of the under-boring will be well below the depth of any Rakali or Platypus burrows along the embankment (if they exist in this locality).

The submission includes important mitigation measures that will play a key role in ensuring that no significant impact occurs, including:

- Under-boring of the alignment under the Jerrabomberra Creek and Molonglo River.
- Temporary excavations will be backfilled overnight/immediately after conduit work is completed. Where unavoidable, any excavation left unattended is to be fenced (with 'Type D' Panel type fencing).
- The contract is to gain approval for any works near or beneath urban trees as required.
- The contractor is to gain endorsement for the management of waste spoil in potentially contaminated areas being stockpiled/bunded, tested and disposed in accordance with ACT EPA guidelines and approvals.

Potentially Significant Environmental Impacts

The proposed alignment is dominated by exotic vegetation and avoids any direct impact on the habitat of rare or threatened species.

While there are records of threatened or rare raptors and parrots in the surrounding landscape, the proposal will not be impacting any key habitat of these species (e.g. hollow bearing trees, feeding habitat) and no significant impacts will occur.

Conditions have been included to avoid and minimise potential impacts to water quality and riparian habitats:

1. The contractor is to prepare a Construction Environment Management Plan (CEMP), to be endorsed by the Conservator of Flora and Fauna prior to commencement of works.
2. All works are to be undertaken in accordance with the endorsed CEMP.

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.