

Planning and Development (Conditional Environmental Significance Opinion – Blocks 1168 and 1172, District of Tuggeranong – Wanniassa Zone Substation to Woden and Greenway) Notice 2023

Notifiable instrument NI2023-464

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 – Blocks 1168 and 1172, District of Tuggeranong – Wanniassa Zone Substation to Woden and Greenway) Notice 2023*.*

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 19 July 2023, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007*, gave the Applicant a conditional environmental significance opinion in relation to construction, on Blocks 1168 and 1172, District of Tuggeranong, of an 11kV underground feeder cable between the Wanniassa Zone Substation and the Woden and Tuggeranong Bus Depots.

- (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.

*Name amended under Legislation Act, s 60

Craig Weller
Delegate of the planning and land authority
1 August 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 Hannan-Joyner, Senior 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 the proposed installation of an 11kV underground feeder cable between the Wanniasa Zone Substation and the Woden and Tuggeranong Bus Depots as described in the submission.

LOCATION

Blocks 1168 and 1172, District of Tuggeranong.
A portion of the proposed works traverses Farrer Ridge Nature Reserve.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

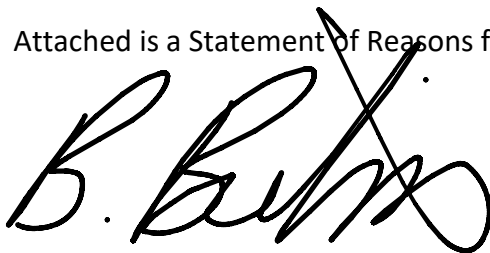
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

1. A Construction Environmental Management Plan (CEMP) is to be developed by the proponent and endorsed by the Conservator of Flora and Fauna prior to commencement of activities within the Nature Reserve.
2. All works within the Nature Reserve are to be undertaken in accordance with the endorsed CEMP.
3. No work is permitted on site when a Total Fire Ban is declared.
4. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and consider what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

19 July 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 3 proposal for development in a reserve;

A small section of the proposed works traverses Farrer Ridge 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

The proposed works are for the installation of a 11kV underground feeder cable between the Wanniasa Zone and the Woden and Tuggeranong Bus Depots. The alignment of the route includes approximately 100m of underboring required within the Farrer Ridge Nature Reserve (the Reserve).

All haulage and joint pits and plant and equipment laydown areas will be located outside the Nature Reserve.

Documentation Submitted

- Application for an Environmental Significance Opinion – report prepared by Evoenergy Environment Team
- Letters of Authorisation
- Form 1M.

Natural conservation values present

Farrer Ridge Reserve consists of critically endangered Yellow Box–Blakely’s Red Gum Grassy Woodland, which covers about one third of the area. The reserve also has a diverse, high-quality understorey that provides habitat for rare plant species, including Hoary Sunray (*Leucochrysum albicans*). The endangered Small Purple Pea (*Swainsona recta*) was recorded in the reserve in 2005 and 2008 but has not been observed recently.

The reserve includes rocky areas that provide habitat for the vulnerable Pink-tailed Worm-lizard (*Aprasia parapulchella*).

These values are not located within the footprint of the proposed project alignment.

Impact on the Reserve

The proposed works will intersect the Farrer Ridge Nature Reserve for a portion of the project route (approximately 100 m) via underground 11kV infrastructure. Underboring has been chosen over open trench and backfill to avoid potential disturbance of environmental, heritage and amenity values. All haulage and joint pits will also be installed outside of Farrer Ridge Reserve.

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 the Farrer Ridge Nature Reserve.
- Use of existing access tracks to minimise impacts to surrounding unleased blocks.
- Use of underground directional drilling of the projects for the entire lengths of the project intersecting the Farrer Ridge Nature Reserve.
- Maintaining vegetation cover to limit erosion potential.
- Avoiding the removal of any hollow bearing, registered or regulated trees in the project area. Should construction activities take place within 2 m of any tree dripline, high visibility flagging or temporary type ‘D’ fencing will be used to cordon off these trees.
- Endorsement of a Construction Environmental Management Plan post Development Application stage.

- Engaging regularly with the Heritage Unit, Conservators Office and other regulatory stakeholders throughout the project lifecycle.

Potentially Significant Environmental Impacts

The proposed works are unlikely to result in any significant impacts. The ESO application demonstrates that the works will be undertaken in a manner that incurs the least amount of vegetative and soil disturbance and avoids any significant ecological values within the Reserve. No regulated or Registered trees are present within the construction zone and no trees are expected to be impacted or removed during construction.

The following conditions have been included to further protect the values of the Reserve:

1. A Construction Environmental Management Plan (CEMP) is to be developed by the proponent and endorsed by the Conservator of Flora and Fauna prior to commencement of activities within the Nature Reserve.
2. All works within the Nature Reserve are to be undertaken in accordance with the endorsed CEMP.
3. No work is permitted on site when a Total Fire Ban is declared.
4. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and consider what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

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.