

# Planning and Development (Environmental Significance Opinion – Block 1 Section 96, Block 4 Section 98 O'Connor and Fairfax Street Road Reserve – Civic to Bruce Transmission Line Maintenance) Notice 2015 (No 1)

Notifiable Instrument NI2015–531

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 (Environmental Significance Opinion – Block 1 Section 96, Block 4 Section 98 O'Connor and Fairfax Street Road Reserve – Civic to Bruce Transmission Line Maintenance) Notice 2015 (No 1)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB of the *Planning and Development Act 2007* (the Act), relating to items 1 and 3 of Part 4.3 of Schedule 4 of the Act.

The text of the ESO is in the schedule.

*Note 1:* A copy of the ESO may be obtained from the Environment and Planning Directorate website:

[http://www.planning.act.gov.au/topics/design\\_build/da\\_assessment/environmental\\_assessment/environmental\\_significance\\_opinions](http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/environmental_significance_opinions)

*Note 2:* Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund  
Chief Planning Executive  
05 September 2015



**ACT**  
Government

Environment and Planning

Ms Dorte Ekelund  
Chief Planning Executive  
ACT Planning and Land Authority  
Dame Pattie Menzies Building  
DICKSON ACT 2602

Dear Ms Ekelund *Dorte*

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an Environmental Significance Opinion for the proposed maintenance works along the high voltage electrical transmission lines between the Civic Sub-station and the Bruce Sub-station. The proposal is not likely to have a significant adverse environmental impact provided the works are in accordance with the conditions as provided.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Dr A. Lane  
Conservator of Flora and Fauna

01 July 2015

## **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**

Mr Trevor Fitzpatrick, Associate Director, Purdon Planning Pty Ltd.

### **APPLICATION and DEVELOPMENT PROPOSAL**

Proposed maintenance works along the high voltage electrical transmission lines between the Civic Sub-station and the Bruce Sub-station.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

### **LOCATION**

Block 1 Section 96 and Block 4 Section 98 O'Connor and Fairfax Street road reserve.

### **MATTERS TO WHICH THIS OPINION APPLIES**

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

### **OPINION**

Provided the works are undertaken in the manner consistent with the following conditions of approval, 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.

- That the contractor undertaking the works must obtain a licence under the provisions of the *Nature Conservation Act 2014* for the works within the Black Mountain, O'Connor Ridge and Bruce Nature Reserves prior to commencement of works;
- Vehicles, Machinery and cable will be confined to the existing vehicle tracks and previously established gravel work pad to the north-east of the pad of the

powerpole close to Barry Drive to avoid a population of the regionally rare Slender Wire Lily (*Laxmannia gracilis*) that occurs in the vicinity;

- Contractors will be briefed about the particular importance of restricting activity to the tracks and work pad in this area prior to commencement of works;
- That vehicles, machinery and any stored materials will be confined to existing tracks, and not parked or placed off track on native vegetation within Bruce Ridge O'Connor Ridge and Black Mountain reserves;
- All vehicles, machinery and equipment will be cleaned and free of mud and plant material prior to entering the site, and re-cleaned if departing and returning to the work activity area.

Attached is a Statement of Reasons for the decision.



Dr A. Lane  
Conservator of Flora and Fauna

○/ July 2015

## 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 works near the Alivio Tourist Facility are within a wider area of endangered Yellow Box–Red Gum Grassy Woodland.

*Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.*

The existing power lines traverse Black Mountain Nature Reserve and Bruce and O'Connor Ridge Nature Reserves.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

Some of the works are within Designated Land and therefore subject to the provisions of the National Capital Plan, not the *Planning and Development Act 2007*. As the Planning and Development Act does not apply to the reserve, the impact on these reserves does not trigger the requirement for environment assessment. However, for completeness sake, the following documentation will include an assessment of all of the works.

### **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 are carried out in accordance with the conditions of approval.

### **Project description**

The proposed works are to protect the electrical conductors from lightning strikes by replacing the existing galvanised steel earth wire that is located above the main power lines with new cables that are Optical Ground Wire Cables. The new cable will also facilitate network telecommunications allowing ActewAGL to immediately identify the location of any network outage and send repair crews to the point of outage, rather than initiate ground investigations.

Tension stringing will be used to install the new cable. An Elevating Work Platform will be used to access the towers to install the stringing rollers on the pole and tower structures. Access to the towers for contractor's vehicles such as cranes/ elevating work platforms will be by way of existing maintenance tracks along the route.

Local levelling at the junction of the main access track and the secondary track is needed to access the tower adjacent to the Alivio Tourist Facility. Minor 'benching' is required at the edge of the main track to enable the crane to turn onto the minor track to access the tower.

No construction compound needs to be established as the substation compounds can be used.

### **Documentation Submitted**

- Report titled Application for Environment Significance Opinion, Maintenance Works for High Voltage Electrical Transmission Lines Involving Replacement of Existing Overhead Earth Wire with Optical Earth Wire - Civic Sub-Station to Bruce Sub-Station (Purdon Planning 5 June 2015);
- ESO Application Form 1M.

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

Black Mountain, O'Connor and Bruce Ridge Nature Reserves are a part of the dry forest vegetation complex found on sedimentary rocks of the Black Mountain sandstone formation that has high plant diversity and a notable orchid flora.

Bruce Ridge contains an area of Yellow Box–Blakely's Red Gum Grassy Woodland (Yellow box *E. melliodora*, Blakely's Red Gum *E. blakelyi*) located in the south-east and north-west of the reserve. The vulnerable varied sittella and regionally declining speckled warbler breed within the reserve.

O'Connor Ridge also includes a small area of the endangered Yellow Box–Red Gum Grassy Woodland. More than 60 native plant species have been found in this reserve, including the rare Lanky Buttons (*Leptorhynchus elongatus*) and good populations of orchids the Slender sun orchid (*Thelymitra pauciflora*) and the Common onion orchid (*Microtis unifolia*).

Black Mountain Reserve protects 24 plant species considered rare in the ACT, and for seven of these species, Black Mountain is the only, or major, ACT location. The vegetation is predominantly Red Stringybark-Scribbly Gum Forest (*E. macrorhyncha* and *E. rossi*) with areas of woodland dominated by Yellow Box-Blakely's Red Gum Grassy Woodland, including areas of old growth. The reserve supports a regionally rich orchid flora of over 30 species, and has an area of secondary grassland in the south-west, that is dominated by Kangaroo grass (*Themeda triandra*) with a high component of native forbs.

There is also a small population of endangered Pink Tailed Worm Lizard (*Aprasia parapulchella*) within the reserve but not close to the proposed works area.

All three reserves provide habitat for woodland birds including the regionally declining speckled warbler *Chthonicola sagittata*, and form part of a vegetation corridor which includes Mt Painter, The Pinnacle and Kama through to the Molonglo River Corridor

### **Impact on the Reserve**

The works involve replacing an existing earth wire above the main power lines. The replacement can be made using existing maintenance tracks along the route with only very minor trimming of vegetation near one powerpole required. Provided that vehicles, machinery and any stored materials are confined to existing tracks, and not parked or placed off track on native vegetation, then the impact to these reserves will be negligible.

There may be some minor localised disruption to recreational users of the nature reserves. The contractor will place signs and temporary fencing to ensure visitors to the reserves do not enter the work zone. Only small areas of the reserves will be impacted at any one time.

### **Potentially Significant Environmental Impacts**

The tower located on the north-eastern boundary of Black Mountain Reserve (near Barry Drive), is surrounded by a population of about 100 plants of Slender Wire Lily (*Laxmannia gracilis*). This species is considered a rare in the ACT, and is only known from 14 locations with the population near the activity area being one of the largest known in the Territory. The majority of the population lies to the south of the power line track. The location of the tower involved is right on the boundary of designated and non-designated land. The designated land lies within Black Mountain Reserve and therefore the following conditions are to apply both within the ESO and to any approval granted by TAMS for the work activity to occur on land on which it is the land custodian.

- Vehicles, Machinery and cable will be confined to the existing vehicle tracks and previously established gravel work pad to the north-east of the pad of the powerpole close to Barry Drive. A population of the regionally rare Slender Wire Lily (*Laxmannia gracilis*) occurs in the vicinity.
- Contractors will be briefed about the particular importance of restricting activity to the tracks and work pad in this area.
- Within Bruce Ridge O'Connor Ridge and Black Mountain reserves, vehicles, machinery and any stored materials will be confined to existing tracks, and not parked or placed off track on native vegetation
- All vehicles, machinery and equipment will be cleaned and free of mud and plant material prior to entering the site, and re-cleaned if departing and returning to the work activity area.

The works near the Alivio Tourist Facility are within a wider area of Box Gum woodland, though the actual footprint of disturbance in the community will be very small.

Provided works are undertaken in accordance with the conditions then a significant impact on the environment can be avoided and hence it is appropriate that an environmental significance opinion be issued.

It has been determined that the potential for a significant environmental impact is low.