

# Planning and Development (Conditional Environmental Significance Opinion – Block 1553 Belconnen – Solar Photovoltaic System Installation) Notice 2018

Notifiable Instrument NI2018–117

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 1553 Belconnen – Solar Photovoltaic System Installation) Notice 2018*.

## 2 Conditional Environmental Significance Opinion

(1) On 30 January 2018, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 1553, District of Belconnen, of a ground-mounted solar photovoltaic system.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* 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.

Ben Ponton  
Chief Planning Executive  
28 February 2018

## Schedule

See section 2(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**

Icon Water Limited, as represented by Michael Smith, Environmental 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 installation of ground mounted solar panel arrays at the Lower Molonglo Water Quality Control Centre as described in the submission.

#### **LOCATION**

Block 1553 District of Belconnen.

#### **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 the manner consistent with the following conditions, 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 Block 1553 is the subject of a comprehensive weed control program that targets African Love Grass and other noxious weeds;

- That works are in accordance with a Construction Environment Management Plan approved by the Conservator of Flora and Fauna that includes an Emergency Pink Tailed Worm Lizard Salvage and Relocation Procedure; and
- The PTWL habitat is fenced during construction. The fence is to be erected prior to commencement of any works on the site and must remain in place until all works are complete. The fence is to be located at a minimum of 5.0m from the habitat.

Attached is a Statement of Reasons for the decision.



Daniel Iglesias  
Conservator of Flora and Fauna

30 January 2018

## 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;*

Block 1553 District of Belconnen contains potential habitat for the Pink Tailed Worm Lizard (*Aprasia parapulchella*) (PTWL), a species listed as vulnerable under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Nature Conservation Act 2014* (NCA).

Block 1553 is also mapped on ACTMAPi as containing Pale Pomaderris (*Pomaderris pallida*) listed as vulnerable under the provisions of the EPBC Act but a survey of the site did not reveal any plants.

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**

Icon Water is proposing to install three arrays of ground mounted solar panels to offset electricity demands for the operation of the Lower Molonglo Water Quality Control Centre (LMWQCC) which is located adjacent to the Molonglo River near the confluence of the Molonglo and Murrumbidgee Rivers. While three arrays are being installed only one of these arrays (known as LM.01) triggers the requirement for an ESO, as the works will not remove greater than 0.5ha of native vegetation, and only LM.01 is located near mapped habitat for a listed species.

The solar panels are to be mounted on a fixed-tilt, ground mounted structure with the mounting system to be pile driven on large, top-hat shaped piles driven to a depth of 1.0m to 1.4m.

Cabling between the panels within a row will be attached to the underside of the panels. Cabling between the rows of panels will be underground in heavy duty conduit.

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**

- Report titled CX11222: Ground Mounted Solar PV Site LM.01 Environmental Assessment (Icon Water Version 1.00 3 January 2018);
- Form 4 – Letter of Authorisation;
- Form 1M.

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

An ecological assessment was undertaken on 3 August 2017 by suitably qualified Icon Water staff. The report notes that the LMWQCC site is heavily grazed, weedy grassland with moderate value PTWL habitat onsite. This habitat near site LM.01 is two groupings of football sized rock.

Broadleaf weeds dominate the LMWQCC site with Great Mullein (*Verbascum Thapsus*) and Purple Top Verbena (*Verbena bonariensis*) the major invaders. No shrub layer or overstorey is present. Other species found within the LMWQCC include Patterson's Curse (*Echium plantagineum*), Windmill Grass (*Chloris truncate*), Flatweed (*Hypochaeris radicata*), St John's Wort (*Hypericum granimeum*), Mustard

Weed (*Sisymbrium officinale*), Milk thistle (*Silybum marianum*), Serrated Tussock (*Nassella trichotoma*), Scotch Thistle (*Onopordum acanthium*), Variable sword sedge (*Lepidosperma laterale*), and Red Grass (*Bothriochloa macra*).

The site for LM.01 is dominated by African Love Grass (*Eragostis curvula*) that has been actively controlled with an appropriate herbicide. To the northern side of the site is a small stand of planted Black Cypress Pine (*Callitris endlicheri*) (evidenced by old tree guards) with about six trees greater than 5 metres tall. Beneath this stand, juvenile and evidently naturally regenerating Black Cypress Pine were present with about 50% survival rate at time of assessment.

The only native species of fauna noted during the assessment were Eastern Grey Kangaroo. While solar array LM.01 is to be located in close proximity to mapped PTWL habitat, the species has never been sighted at the LMWQCC.

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

While this application relates to site LM.01 only, all three sites of solar arrays have been considered in addressing potential significant impacts. PTWL habitat only occurs near site LM.01 and the habitat area in this location is a small and isolated patch. Site LM.03 may have some value for connectivity, but neither site LM.01 or LM.02 have connectivity value therefore it has been determined that the works (either individually or cumulatively) will not cause a significant environmental impact.

The current distribution, abundance and potential to the further spread of African Lovegrass is the only major conservation matter that is common to all three sites. Adequate control of African Lovegrass is to be a condition of approval of any of the three sites.

It must be noted that although PTWL habitat is mapped by the joint occurrence of surface rock and native grasses, PTWLs have been surveyed many tens of metres away from any rock, so habitat mapping is perhaps best viewed as core rather than comprehensive mapping. However, provided works are in accordance with a Construction Environment Management Plan that includes an Emergency Pink Tailed Worm Lizard Salvage and Relocation Procedure (as detailed in Appendix 6), impacts on this species will not be a significant impact.

PTWL habitat to the north of LM.01 (the emergency translocation area) and the PTWL habitat in the south-east of the lease are to be the subject to African Love Grass control to the extent that this weed species contributes no more than 20% of the ground-cover in the mapped habitat areas. This should enhance the viability of PTWL on the site and in the Lower Molonglo area, despite the loss of some potential habitat through the construction of the solar panels.

The PTWL habitat is to be fenced during construction to ensure that there are no inadvertent impacts to the habitat by construction vehicles or machinery. The fence is to be erected prior to commencement of any works on the site and must remain in place until all works are complete. The fence is to be located at a minimum of 5.0m from the habitat.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.