Australian Capital Territory

Planning and Development (Environmental Significance Opinion - Blocks 3 and 71 Molonglo Valley - Molonglo Valley Substation) Notice 2013 (No 1)

Notifiable Instrument NI2013–339

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 (Environmental Significance Opinion - Blocks 3 and 71 Molonglo Valley - Molonglo Valley Substation) Notice 2013 (No 1).*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

Dorte Ekelund
Environment and Sustainable Development Directorate
29 July 2013

ACT Government
Environment and Sustainable Development

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

Dear Ms Ekelund

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 on the construction of an electrical substation to service the new development of Molonglo, located on Blocks 3 and 71 District of Molonglo Valley.

The proposal is not likely to have a significant adverse environmental impact on a species or ecological community that is vulnerable, endangered, or protected.

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

Yours sincerely

John Meyer
A/g Conservator of Flora and Fauna

12 July 2013

ACT Government
Environment and Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Rob Purdon, Director Purdon Associates, 3/9 McKay Street Turner ACT on behalf of ActewAGL Distribution Limited.

LOCATION

Blocks 3 and 71 District of Molonglo Valley.

DEVELOPMENT PROPOSAL

Construction of an electrical substation (the Molonglo Zone Substation), and ancillary works, to service the future urban areas of Molonglo. The works also involve the construction of an associated road access within Designated Land.

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

OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

That works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and includes:

- the extent of all earthworks required for benching of the site;
- the location and extent of earthworks required for the stormwater control ponds on the site;
- the extent of earthworks required for bunding of the site and the pollution control 'interceptor' tank;

- the extent of earthworks required for the access track and erosion control measures for the access track;
- that earthworks for the construction of the facility or associated elements will not result in any impact on adjacent PTWL habitat areas; and
- details of ongoing weed control of the site and surrounds.

The future Development Application should include:

- a landscape plan that indicates all proposed landscaping of the site and surrounds and how the landscaping will contribute to the development of a functioning wildlife corridor;
- the location of any asset protection zones required for the facility and the proposed landscape treatment of them; and
- a commitment to ongoing weed control of the site and surrounds.

John Meyer
A/g Conservator of Flora and Fauna

12 July 2013

STATEMENT OF REASONS
REASONS FOR THE DECISION

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful, would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The proponent has stated that the relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

> Part 4.3 Item 1
> proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:
> (a) a species or ecological community that is endangered;
> (b) a species that is vulnerable;
> (c) a species that is protected;

The site is adjacent to identified Pink Tailed Worm Lizard *(Aprasia parapulchella)* (PTWL) habitat.

The proponent wants the application for the development approval assessed 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 for an environmental significance opinion (ESO) 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 provided works are in accordance with the conditions imposed, based on the documentation submitted and known values of the site.

Project description
Construction of an electrical substation plus ancillary works including connections to the existing high voltage transmission line, access road and fencing.

The works include

- 3 transformer bays with bunding;
- Auxiliary transformers and earthing transformers;
- Combined control room and 11kV switchroom
- Heavy vehicle access track;
- Interceptor tank
- Stormwater control pond
- Water tank for fire fighting purposes
- Security fence.

Documentation Submitted
Report titled 'Molonglo Zone Substation and Access Road Application for Environmental Significance Opinion Rural Block 3 Molonglo Valley' (June 2013).

Natural conservation values present
Substation Site
Wong & Osborne Survey 2010
In 2010 the ACT Planning and Land Authority commissioned David Wong and William Osborne from the Institute for Applied Ecology at the University of Canberra to undertake surveys for PTWL and additional mapping of habitat along the Molonglo River corridor between Coppins Crossing and Tuggeranong Parkway. A total of twelve areas were surveyed with one area being referred to in the report as the "Substation Site". This survey foreshadowed this proposal for an electrical substation and enabled the survey to specifically consider the impact of an electrical substation on PTWL habitat.

The Wong & Osborne study confirmed that the area surrounding the proposed substation contained vegetation that has been modified to a moderate extent with some areas having been highly modified through ripping for forestry. Much of the hill is dominated by exotic vegetation but native species are present on the steeper rocky west-facing slope where the ground cover is dominated by a species of Speargrass (*Austrostipa bigeniculata*).

Wong & Osborne conducted very extensive surveys on this hill (2284 stones turned) and considered that this area is likely to be unoccupied. It is an isolated area of habitat that was deep within the former pine forest and is not part of a potential corridor. Although considered likely to be unoccupied, there is habitat that appears suitable for occupation and is therefore was classified as moderate quality potential habitat. .

The study noted that this area of potential habitat is separated geographically from the Molonglo River Corridor and lies approximately 450m from the nearest mapped habitat patch within the river corridor. The site is surrounded by regenerating pine forest that was burnt in January 2003.

Wong & Osborne concluded that although the proposed electrical substation may impact on a small area of moderate quality potential Pink-tailed Worm Lizard habitat, it is unlikely that the Pink-tailed Worm Lizard occurs at this site as the area was intensively searched and no evidence of occupation was found. It was recommended that the location should be moved slightly to avoid any moderate quality habitat as it is likely to be of higher ecological value than neighbouring areas that were formerly covered by pine plantation. This recommendation was adopted

Biosis Surveys
Biosos was commissioned to complete a habitat assessment of the substation footprint and immediate surrounds. The ESO report submitted notes that Biosis found that the chosen location for the substation is dominated by exotic grass species and weed species, and that no important PTWL habitat species such as Kangaroo Grass and Red Grass are present.

It is also noted within the report that, *whilst the study area does contain a number of areas with surface rocks, these rocks are predominantly deeply embedded and boulder-like in shape (i.e. not small and shallowly embedded). Such rocks are generally of little habitat value to the PTWL.*

A targeted PTWL study was undertaken by Biosis that involved rock turning on the afternoon of 18 October 2011. A total of 400 rocks were turned with no PTWL being found.

A 'control' study was also performed on the same day within an area of known high quality PTWL habitat, approximately 500 southwest of the site. Three PTWL were found with approximately 50 rocks being turned. This confirms that the survey was conducted at a suitable time and in suitable weather conditions.

The site contains no trees.

Access Road

The Report notes that a March 2013 inspection of the proposed route of the access road found that the proposed access route will traverse land that has been modified to the point that it supports no considerable natural values.

The existing access tracks that will require widening within the National Arboretum are devoid of vegetation and have been constructed across land that has been re-shaped, cultivated and sown to exotic pasture, notably Lucerne (*Medicago sativa*).

A new section of access road, approximately 250m in length, is required to be built> This section is also within an area dominated by exotic pastures and weeds.

Potentially Significant Environmental Impacts

The potential for a significant environmental impact is low. The area is exotic pasture and has not been found to support vulnerable pink tailed worm lizard. The survey for the lizard has been thorough and conclusive. There are no other potential current biodiversity values of the site.

An issue that is worth considering is that as the adjacent arboretum develops it will become a locally significant foraging and/or breeding habitat for many species of birds, in much the same way that the National Botanic Gardens has developed to become. The Molonglo River is both a major woodland bird habitat area and a significant east –west movement corridor. Once all the Molonglo suburbs have been built, the planned open space, in which the sub-station is to be located, will be one of the few non-urban links between the Molonglo River and the arboretum (see figure 2-3 of the ESO application). For this link to function as a corridor for the majority of birds it will require planting of trees and shrubs in such a manner that the gaps between plantings is less than 100m.

As these works are within Molonglo, all works will be required to be in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority.

The ESO can be supported provided that works are in accordance with a Construction Environmental Management Plan approved by the Environment Protection Authority and includes:

- the extent of all earthworks required for benching of the site;
- the location and extent of earthworks required for the stormwater control ponds on the site;
- the extent of earthworks required for bunding of the site and the pollution control 'interceptor' tank;

- the extent of earthworks required for the access track and erosion control measures for the access track;
- and that earthworks for the construction of the facility or associated elements will not result in any impact on adjacent PTWL habitat areas; and
- details of ongoing weed control of the site and surrounds.

It is important that the development of the sub-station (together with likely future fire asset protection measures for the sub-station and nearby houses) does not preclude the development of a functioning wildlife corridor within the urban open space and/or site of the sub-station.

The future Development Application for the works should include:

- a landscape plan that indicates all proposed landscaping of the site and surrounds and how the landscaping will contribute to the development of a functioning wildlife corridor;
- the location of any asset protection zones required for the facility and the proposed landscape treatment of them; and
- a commitment to ongoing weed control of the site and surrounds.