

# Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Belconnen and Strathnairn – Evoenergy fibre optic cable installation) Notice 2022

Notifiable instrument NI2022–408

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 – Multiple Blocks, Belconnen and Strathnairn – Evoenergy fibre optic cable installation) Notice 2022*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 15 July 2022, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to installation of fibre optic telecommunication cables on multiple blocks in Belconnen and Strathnairn.

- (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.

Craig Weller  
Delegate of the planning and land authority  
24 August 2022

## **Schedule**

**See section 3(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**

Purdon Planning (on behalf of Evoenergy), as represented by Ms Naina Agarwal, Senior Urban Planner and Design Lead.

#### **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 overhead ADSS optical fibre cabling in Belconnen as described in the submission.

#### **LOCATION**

The works are located within Blocks 1553, 1635 and 1642 District of Belconnen, and Block 5 Section 37 Strathnairn.

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

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

#### **OPINION**

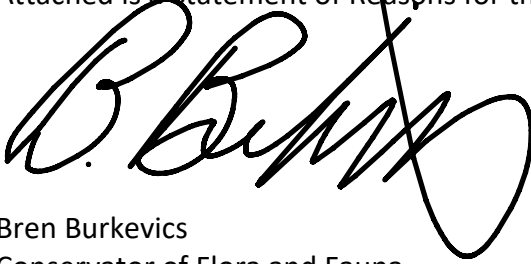
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

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

1. If gate access is required into a Nature Reserve, the proponent must provide the ACT Parks and Conservation Service (PCS) with at least 3 days' notice.
2. All dates that the proponent seeks to access the Nature Reserve must be provided to PCS in writing.
3. The applicant is responsible for keeping access to the Nature Reserve secure. All contractors and project staff must keep the entry gates to the Nature Reserve closed at all times to prevent incidental public access and livestock escaping.
4. In the event of heavy rain, flooding, damaging winds, or high fire danger the Nature Reserve or specific reserve management tracks may be closed at short notice:
  - a. The reserve is closed during Total Fire Bans. Under this circumstance the works must be postponed.
  - b. Plant and equipment use that may cause accidental ignitions must be suspended when the local area Fire Danger Index (FDI) exceeds 25. Under this circumstance the works must be postponed.
  - c. When Rainfall >15mm in the 5 days preceding the works (excluding the 24 hours prior to the works), a Conservation Officer will assess the conditions. The Conservation Officer may direct the works be postponed to mitigate the risk of significant environmental damage.
  - d. When Rainfall >10 mm (actual or forecast) and/or a BOM Root zone soil moisture  $\geq$  65% in the 24 hours preceding the works, a Conservation Officer will assess the conditions. The Conservation Officer may direct works may be postponed to mitigate the risk of significant environmental damage.
  - e. If a strong wind warning is posted by BOM, the works may be postponed by a Conservation Officer].
5. All vehicles, machinery and equipment (including tools, boots, gloves and clothing) must be cleaned and free of soil and plant propagules (including seed) prior to entering the site/nature reserve.
6. Weed control across the project area must be undertaken at 12 months post construction by a qualified and experienced weed contractor.
7. Cable Height: The proposed cable should be affixed at a height which complies with standards to maintain access for tall vehicles. Within the Nature Reserve the cable should also be affixed at this height to allow the unimpeded movement of fire tankers through the site, this is important as fire vehicles may be operating under low visibility conditions with smoke from fires and over rough terrain.

8. The proponent must comply with all relevant work health and safety standards whilst on site, and report any serious incidents or damage to PCS within 24 hours.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', written over a large, thin, curved line that starts above the signature and extends downwards to the right.

Bren Burkevics  
Conservator of Flora and Fauna

15 July 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 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 area contains:

One community listed as endangered:

- Yellow Box-Blakely's Red Gum Grassy Woodland

Records and habitat for four animal species listed as threatened under the *Nature Conservation Act 2014* and/or *Environment Protection and Biodiversity Conservation Act 1999*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Superb Parrot (*Polytelis swainsonii*)
- Scarlet Robin (*Petroica boodang*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

*Part 4.3, item 3 proposal for development in a reserve;*

Approximately half of the proposed works are located within Woodstock 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 proposal is for the installation of overhead ADSS optical fibre cabling to be attached to existing 11kV poles between the new TransGrid substation and the Lower Molonglo Water Quality Control Centre.

No ground clearing or tree trimming/removal is proposed, however a 4m x 4m area will be disturbed around each pole to allow for installation of the cabling. Works are expected to be completed within 2-3 days.

It should be noted that the planning approval status of the seven 11kV poles recently constructed adjacent to the substation (outside of the Nature Reserve) is unclear. Any works associated with these poles without confirmation that they have been approved would be at the proponent's own risk.

#### **Documentation Submitted**

- Environmental Significance Opinion – Planning Report – Evoenergy – ADSS Installation (March 2022);
- Additional information in response to a Request for Information;
- Map of existing poles;
- Letters of Authorisation;
- ESO Application Form

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

The area to the north of Stockdill Drive contains Box Gum Woodland and habitat for woodland birds. Pink-tailed Worm-lizard habitat is also mapped to the east of the proposed alignment.

The section of the alignment south of Stockdill Drive is highly disturbed as it is adjacent to the recently constructed substation.

At least one mammal species, four species of reptiles and over 50 species of birds have been recorded in the area. There are four animal species listed as threatened under Territory or Commonwealth legislation:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Superb Parrot (*Polytelis swainsonii*)
- Scarlet Robin (*Petroica boodang*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

### **Impact on the Reserve**

Installation of the ADSS cables is being undertaken on existing 11kV poles so no earthworks are required. Creation of access tracks is also not required, and generation of exposed soil is unlikely. To allow access for light vehicles, a 4m x 4m area around each pole may be disturbed during the installation. No trees are to be impacted.

### **Potentially Significant Environmental Impacts**

As the poles are already existing, there will only be minor temporary disturbance around each pole as the cables are installed.

Conditions have been included to ensure that works will not increase the likelihood of weed incursion or bushfire or impact the condition of the reserve:

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8. The proponent must comply with all relevant work health and safety standards whilst on site, and report any serious incidents or damage to PCS within 24 hours.

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.