

Planning and Development (Conditional Environmental Significance Opinion – Block 5, Section 42, Mitchell – Razor Wire) Notice 2022

Notifiable instrument NI2022–64

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 – Block 5, Section 42, Mitchell – Razor Wire) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 12 January 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 the construction, on Block 5, Section 42, of Mitchell, of concertina razor wire (550mm diameter) along the existing 2.4 metre high perimeter fence on the southern perimeter, raising the total fence height to 2.95 metre.

- (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.

George Cilliers
Delegate of the planning and land authority
1 February 2022

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

AECOM Australia PTY LTD, Operations and Maintenance, as represented by Ms Kate Every, Engineering Manager.

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 a line of 550mm high concertina razor wire on top of the perimeter fence around the Canberra Metro Operations light rail depot as described in the submission.

LOCATION

Block 3 Section 16 Mitchell (Canberra Metro Operations light rail depot) and Block 5 Section 42 Mitchell (Crace 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:

- *The fencing would be installed from within the depot boundary (i.e. no access required to the nature reserve for installation)*
- *No vegetation would be disturbed as part of the proposed works*
- *No ground disturbance is required as part of the proposed works.*

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

12 January 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 3, proposal for development in a reserve.

The development proposal includes overhang of the razor wire into land zoned as 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

CMET proposes to install a line of concertina razor wire (550mm diameter) along the existing 2.4m high perimeter fence, raising the total fence height to 2.95m. The razor wire would be installed along the 385m southern perimeter, with an additional 3m

return installed at each end to deter access by climbing adjacent fences. There are no gates or entry ways located along the southern perimeter. The installation would result in a minor overhang of the razor wire into the adjacent property (Block 5 Section 42 Mitchell), by approximately 275mm. The fencing would be installed from within the depot boundary and would not require entrance to the adjacent nature reserve.

Installation of the razor wire is expected to take approximately 5 days to complete and would be commenced immediately following development approval. The depot is located adjacent to Crace Hill and is generally shielded from public view by trees. Existing buildings, and distance, generally shield the view of the fence line from within the depot and adjacent property. No vegetation would be disturbed throughout the installation works, including any pruning of trees.

Documentation Submitted

- Application for Environmental Significance Opinion including an assessment of environmental values and impacts.

Natural conservation values present

The ACTmapi and DAWE Protected Matters Search Tool were used to identify if there are any threatened species or ecological communities in or near the development proposal.

The nature reserve, running parallel to the development proposal, is a mix of exotic and native grasslands providing potential habitat for a number of threatened species (including migratory species), these include Golden Sun Moth, Spotted-tailed Quoll, and the Striped Legless Lizard.

Impact on the Reserve

Given that the proposed fencing would be installed from within the depot boundary (i.e. no access required to the nature reserve for installation) and no vegetation would be disturbed as part of the proposed works, no potential impacts to threatened species or ecological communities are expected.

The following provides a summary of key potential impacts and mitigation measures that have been or will be implemented to ensure the project does not have a significant impact on the environment:

- The fencing would be installed from within the depot boundary (i.e. no access required to the nature reserve for installation)
- No vegetation would be disturbed as part of the proposed works
- No ground disturbance is required as part of the proposed works.

Potentially Significant Environmental Impacts

The proposal will not result in any significant environmental impacts.

Conditions have been included to ensure the project is completed according to the Environmental Significance Opinion Application.

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.