

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

An application for an Environmental Significance Opinion (ESO) has been received under section 138 of the *Planning Act 2023* (the Act). In accordance with section 140(4) of the Act, I provide the following environmental significance opinion:

### **APPLICANT**

Evoenergy, as represented by Thomas Atkins, Team Lead Environment, Sustainability and Planning.

### **PROPOSAL DESCRIPTION**

Evoenergy seeks an ESO in relation to a proposed underground high-voltage (11 kV) feeder planned for construction in Block 15 Section 49 Kingston starting in calendar H1 2027 and energisation in H2 2027.

### **LOCATION**

Block 15 Section 49 Kingston

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

This opinion (ESO-202600017) applies only to the development proposal as described in the application.

### **OPINION**

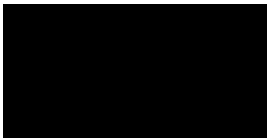
Provided the works are undertaken in a manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under section 140(4) of the Act.

- The development must be undertaken in accordance with the approved Development Environmental Management Plan (DEMP) titled “Development Environmental Management Plan, Kingston Foreshore Development Precinct: Section 49 Development Precinct” dated April 2016.
- All spoil generated on site must be managed in accordance with the EPA (Environment Protection Authority) Guidelines for Spoil Management in the ACT.
- All soil proposed for disposal must be assessed in accordance with EPA Information Sheet 4 – Requirements for the reuse and disposal of contaminated soil in the ACT.
- No soil is to be removed from the site without prior approval from the EPA.
- All construction works must be carried out in accordance with the Environment Protection Authority publication “Preventing Pollution from Residential Building Sites 2023.”

- Sediment and erosion control measures must be installed prior to the commencement of construction and maintained until completion of the works and site stabilisation.
- Adjacent public roads must be kept clean at all times during construction.
- Any excavation that collects stormwater or rainwater must be managed as a sediment control pond, with:
  - a. no discharge permitted unless sediment levels are less than 60 mg/L; and
  - b. where sediment levels exceed 60 mg/L, appropriate treatment (such as Alum or Gypsum dosing) must be undertaken prior to discharge to achieve compliance.
- All reasonable and practicable measures must be implemented to minimise dust emissions during construction, including the use of water suppression where necessary.
- All plant and equipment, including permanently installed and temporary equipment, must always comply with noise standards under the Environment Protection Regulation 2005.
- External lighting associated with the development must comply with AS4282:2023 – Control of the Obtrusive Effects of Outdoor Lighting.
- The development must consider the potential risk of inundation associated with dam infrastructure failure at Googong Dam.
- An Emergency Management Plan must be prepared which identifies this risk and includes appropriate mitigation and response measures.
- All disturbed areas must be reinstated to pre-construction condition or better, including backfilling, compaction, and rehabilitation in accordance with a site-specific landscape management and protection plan.

Attached is a Statement of Reasons for the decision.



George Cilliers

Territory Planning Authority

11 June 2026

## STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – development proposals requiring environmental impact assessment, being:

Part 1.2 item 23 -proposal involving land included on the register of contaminated sites under the *Environment Protection Act 1997*.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Territory Planning Authority for an opinion to that effect.

### **Meaning of *significant* adverse environmental impact – *Planning Act 2023*, section 104**

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.

## CONSULTATION WITH ENTITIES

In deciding whether a development proposal is likely to have a significant adverse environmental impact the Territory Planning Authority consulted with entities, in accordance with section 139 (1) of the Act. Entity responses are provided below:

### **Work health and safety commissioner**

*The Work Health and Safety Commissioner does not have any comments on the proposed works identified in this application for an Environmental Significance Opinion (reference ESO202600017).*

*This response has been provided on the basis of the information contained in documents which had been made available to WorkSafe ACT for the Work Health and Safety Commissioner's consideration by the Impact Assessment unit as at 12.24 pm on Wednesday 6 May 2026.*

*This response does not take into account any subsequent changes to those documents, nor any other information held by the Impact Assessment unit.*

*In providing this response, the Work Health and Safety Commissioner is not approving or endorsing any proposed work arrangements or any proposed risk control measures, and nothing in this response affects the safety duties of persons who may be involved in carrying out the proposed work under the Work Health and Safety Act 2011.*

### **Environment Protection Authority**

*EPA has reviewed the following documents as submitted by Mr Roger Parker of Golder Associates Pty Ltd, an approved site auditor, under the Environment Protection Act 1997.*

- I. Site Audit Statement (RJP 031 – ACT) dated 29 April 2016; and*
- II. Site Audit Report titled "Section 49 Development Precinct, Kingston Foreshore Development Precinct, Kingston, ACT" dated 29 April 2016*

*The site audit statement detailed "the site is SUITABLE for the following use(s) permitted by its zoning 'CZ-5 Mixed Zone' as detailed in the ACT Territory Plan 2008 updated on 21 March 2014:*

*High Density residential and/or commercial development (with or without basements) and including child care facilities within the commercial development on levels above ground floor (with no on-ground outside facilities) and landscaped areas all with no access to soils (ground surfaces across the site will be covered by concrete slabs or pavements (building footprints, paving or hardstand) or at least 0.5 m of clean fill capping layer overlying a geotextile marker layer within any areas outside of buildings" subject to compliance with the following environmental management plans:*

- "Development Environmental Management Plan, Kingston Foreshore Development Precinct: Section 49 Development Precinct" (the DEMP) dated April 2016 by AECOM Australia Pty Ltd; and*
- "Occupancy Environmental Management Plan, Kingston Foreshore Development Precinct: Section 49 Development" (the OEMP) dated April 2016 by AECOM Australia Pty Ltd.*

*EPA supports the preparation of an environment significance opinion subject to the following conditions:*

#### *Contamination*

- The proposed development is undertaken in accordance with the Development Environmental Management Plan.*
- All spoil identified at the site must be managed in accordance with EPA Guidelines for Spoil Management in the ACT available at Environment Protection Policies & Guidelines.*
- All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT available at Contaminated Sites.*
- No soil is to be disposed from the site without EPA approval.*

### *Construction*

- *All works must be carried out in accordance with the Builders' booklet "Preventing Pollution from Residential Building Sites 2023" available at Environment Protection Policies & Guidelines or by calling 132281.*
- *All sediment and erosion control measures must be in place prior to works commencing and must be maintained until development completion.*
- *Adjacent roads must be swept clean at all times.*
- *All excavations that collect rainwater during a rainstorm event would be considered a sediment control pond and must meet the following condition:*
  - a. No discharge from pond unless sediment level is less than 60mg/litre.*
  - b. If sediment level is greater than 60mg/litre, prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*

### *Noise*

- *Noise from equipment, which is installed permanently or used temporarily during development, including air conditioning units, heat pumps, pool pumps, etc. must comply with noise zone standards at the site boundary at all times as per the Environment Protection Regulation 2005.*
  - a. Please consider the type and location of noise generating equipment prior to installation.*
  - b. Written assurance should be sought from the supplier/installer of the equipment confirming it complies with the Noise Zone Standard as per the Environment Protection Regulation 2005.*
  - c. During use of the premise, making noise louder than the noise standard for the compliance point for the place from which it is emitted is an offence under Section 39 of the Environment Protection Regulation 2005.*

### *Lights*

- *All external lights must comply with Australian Standards AS4282:2023 Control of the obtrusive effects of outdoor lighting.*

### *Dust*

- *Where building work generates dust, all reasonable and practicable measures must be taken to minimise the dust. This can often be achieved by dampening the ground with a light water spray.*

### **Emergency Services Commissioner**

*Identified Dam Infrastructure Failure Flood Zone:*

*The proposed site is in an area that may become inundated should a dam infrastructure failure occur at Googong Dam.*

*While an incident of this type is rated by the ACT Government as RARE and of MEDIUM risk, it is recommended that the project risk assessment consider this risk and that specific risk control measures are detailed in the Emergency Plan for this development.*

### **Technical Regulator**

*The relevant ESO considerations for UTR, with reference to the Guide to ESO (Table 1 , Item 2) and Part 1.2, Item 2 of the Planning (General) Regulation 2023 include developments involving:*

- *Electricity transmission lines over 500 m and 132 kV or more*
- *Electricity generating stations (including coal, gas, solar or wind) supplying more than 10–20 MW, or that discharge water likely to alter a receiving water body’s temperature by more than 2°C*
- *Electricity storage facilities capable of supplying 150 MW or more*
- *Assessment of the proposed development*

*The proposed underground 11 kV feeder is not likely to have a significant adverse environmental impact noting:*

- *The proposal is for an underground high voltage (11 kV) feeder, with approximately 100 metres on Territory land, including around 40 metres within Block 15 Section 49 Kingston.*
- *The proposal does not involve any of the electricity related activities listed above and does not meet the prescribed thresholds under Item 2 of the Guide to ESO (i.e. it is not  $\geq 132$  kV, does not involve electricity generation, and does not include electricity storage  $\geq 150$  MW).*

### *UTR position*

- *UTR supports the Environmental Significance Opinion, subject to advice from other relevant agencies on matters outside UTR’s remit, including Item 23 – proposals involving land included on the register of contaminated sites the Environment Protection Act 1997 noting the proposed block is listed on the EPA Register of Contaminated Sites.*

### **Director-General of ACT Health**

*The Health Protection Service (HPS) notes that the proposed development includes the following works:*

*a. Evoenergy will install four (4) underground conduits (150 mm diameter) to accommodate high voltage (HV) cables (11 kV), in addition to two (2) 63 mm diameter conduits and two (2) fibre-optic cables within Block 15, Section 49, Kingston.*

*b. Activities within Block 15, Section 49, Kingston will comprise a combination of minor under boring, hydrovac excavation, and trenching. These works will include the installation of conduits, the hauling of HV cables through the conduits, and the connection of the infrastructure to the existing network. Upon completion, all excavated areas will be backfilled, re-compacted, and reinstated to pre-works*

*conditions. Any additional disturbed areas will be rehabilitated in accordance with a site-specific landscape management and protection plan.*

*c. The proposed works also involve the installation of electrical infrastructure associated with the Telopea Zone Substation, encompassing the following locations (collectively referred to as the Barton Feeder route):*

- I. Part Block 15, Section 49, Kingston (also referred to as Section 15B, Kingston within the Kingston Foreshore Development Area), Canberra Central, which is known to have the potential to contain contaminated soils.*
- II. Block 5, Section 1, Barton, Canberra Central; and*
- III. Road verges within ACT-designated land along Eastlake Parade, Wentworth Avenue (Kingston), and National Capital Authority–designated land within the median strip of Brisbane Avenue.*

*Based on the information provided, the Health Protection Service has no further public health concerns in relation to ESO - 202600017-15/49 Kingston - Barton 11kV Feeder Project.*

#### **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The proposed Barton 11kV Feeder Project involves the installation of underground electrical and fibre-optic infrastructure, including conduits and high-voltage cables, within Block 15 Section 49 Kingston and adjoining corridors. Works comprise minor under boring, trenching and hydrovac excavation, followed by reinstatement of disturbed areas to pre-existing conditions. The proposal is relatively small in scale (approximately 100 m within Territory land) and temporary in nature, with construction impacts largely confined to the duration of works. However, the site is listed on the EPA Register of Contaminated Sites, and disturbance of potentially contaminated soils represents the primary environmental risk, requiring careful management through an approved contamination management framework.

Potential environmental impacts are primarily associated with construction activities, including soil disturbance, spoil handling, dust generation, sediment-laden runoff, and temporary noise emissions. These impacts are localised and short-term and can be effectively mitigated through implementation of established environmental controls, including adherence to the Development Environmental Management Plan, EPA spoil and contaminated soil requirements, and standard construction management practices such as erosion and sediment controls, dust suppression, and compliance with noise standards. Given the nature of the works and the application of these controls, impacts on surrounding land uses and environmental values are expected to be minor and manageable.

No significant adverse public health, utility, or safety impacts have been identified by consulted entities. While the site is located within a potential dam inundation zone, the risk is considered rare and can be addressed through inclusion of appropriate measures within an emergency management plan.

It has been demonstrated 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.