

Planning and Development (Conditional Environmental Significance Opinion – Block 15, Section 65, Gilmore to Block 103, Section 7, Hume – Cable Installation) Notice 2019 (No 1)

Notifiable instrument NI2019–515

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 15, Section 65, Gilmore to Block 103, Section 7, Hume – Cable Installation) Notice 2019 (No 1)*.

2 Conditional Environmental Significance Opinion

- (1) On 5 August 2019, 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 cable installation between the Gilmore Zone Substation at Block 15, Section 65, Gilmore and the Data Centre at Block 103, Section 7, Hume.

- (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
9 August 2019

Schedule

See section 2(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

Evoenergy, as represented by Trevor Fitzpatrick, Associate Director, Purdon Planning Pty Ltd.

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 11kV distribution cables from the Gilmore Zone Substation to the new Canberra Data Centre in Hume as described in the submission.

LOCATION

Numerous blocks within the Tuggeranong District and Hume and Gilmore Divisions as detailed in the submission. The lines traverse the Gilmore Special Purpose Reserve (horse paddocks).

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the commitments in the ESO application and 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 138AB(4) of the Act:

1. African Lovegrass weed control measures are applied to the whole of the route (not just the segments mentioned in the application). African Lovegrass is an invasive species and is present along the entirety of the route. It is likely that without control the proposed works will favour its proliferation;
2. Restoration within the part of the cable route that runs parallel to the railway will use a native grass seed mix, with follow up weeding up to and at least 6 and 18 months after sowing;
3. No remnant Yellow Box or Blakley's Red Gum trees with a Diameter at Breast Height of 30cm or more will be cleared;
4. Disturbance of the vegetation within amenity planting in the northern part of segment 5 and segment 6 is to be avoided (see Attachment A). In particular, care must be taken to avoid disturbance of the moderate quality Box Gum woodland understorey, regenerating saplings and remnant woodland trees that occur in this area. To avoid impacts on this vegetation construction and associated vehicles must use the existing track to the west and lines in this location should be under-bored. Other measures may be appropriate on consultation and agreement from the Office of the Conservator or Flora and Fauna;
5. Where the trench crosses the area of low diversity Box Gum woodland in segment 7 (see Attachment A), it will be restored to a condition where the perennial ground cover is at least 50% local native species and the overall extent of African Lovegrass does not exceed 5% of the ground cover;
6. Machinery and equipment will be cleaned of soil and plant material prior to commencing work in order to limit the chance of new weed species being introduced to the area; and
7. Machinery and vehicles are not parked, and materials are not stored west of the Gilmore Zone Substation. This will avoid being in the vicinity of a Little Eagle nest which has been utilised for at least the last two years.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

5th August 2019

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 adjacent to the proposed development contains:

One ecological community listed as endangered:

- Yellow Box-Red Gum Grassy Woodland (listed as endangered under the *Nature Conservation Act 2014*).

Two plants listed as endangered:

- Small Purple-pea (*Swainsona recta*); and
- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*).

Small woodland birds listed as vulnerable or threatened in the ACT, NSW or both are also likely to be present, such as:

- Diamond Firetail (*Stagonopleura guttata*);
- Speckled Warbler (*Pyrrholaemus sagittatus*); and
- Scarlet Robin (*Petroica boodang*).

The threatened Perunga Grasshopper (*Perunga ochracea*) has been observed nearby and may also be present.

Gilmore Special Purpose Reserve contains a recorded nest tree which has been utilised by the vulnerable Little Eagle (*Hieraaetus morphnoides*) for at least the last two years.

Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The proposal may impact up to 0.87 ha of native vegetation.

Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The proposed works traverse the Gilmore Special Purpose Reserve (horse paddocks).

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 proposed development is for the installation of new 11 kV underground electrical cables from the Gilmore Zone Substation (located on Block 15 Section 65 Gilmore) to the new Data Centre in Hume (currently under construction on Block 103 Section 7 Hume). The purpose of the new cables is to provide electricity supply to the new Data Centre.

The cable is to be installed over a distance of approximately 3.5 km. The majority of the route runs parallel to a railway line and an existing 11 kV overhead line. Cables are proposed to be installed via an open trench and backfill method for most of the route with under-boring proposed beneath the Monaro Highway. The trench will be 1850 mm wide x 1400 mm deep. Jointing pits will be installed approximately every 550 metres, with 'haulage' pits required at all change in direction points. All

excavation will be backfilled overnight immediately after conduit/cabling work is completed.

Documentation Submitted

- Evoenergy 11 kV Cable Installation - Application for an Environmental Significance Opinion – Gilmore to Hume (Purdon Planning June 2019);
- Letters of Authorisation; and
- Form 1M.

Natural conservation values present

Gilmore Special Purpose Reserve (horse paddocks)

The horse paddocks are a mixture of exotic and native grasses and are currently dominated by African Lovegrass (*Eragrostis curvula*). Excepting a few small and isolated patches, the area does not meet the definition of native vegetation.

The horse paddocks also contain a nest tree which has been utilised by the Little Eagle for at least the last two years, however this is not in the vicinity of the proposed works.

Remainder of route

The areas adjacent to the railway line is comprised of

- Amenity planting with a predominately exotic understorey;
- Amenity planting under which a moderate quality Box Gum Woodland understorey survives or has established;
- Box Gum Woodland with a low diversity understorey; and
- Exotic grassland dominated by African Lovegrass.

Small Purple Pea (*Swainsona recta*) and Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) have been observed within the adjacent railway easement. The Small Purple Pea may also occur within the Box Gum Woodland understorey under the amenity plantings. The threatened Perunga Grasshopper (*Perunga ochracea*) has been recorded nearby in NSW and is likely to occur in the same habitat and places as the Small Purple Pea.

Small woodland birds listed as threatened in the ACT or NSW or both, such as the Diamond Firetail (*Stagonopleura guttata*), Speckled Warbler (*Pyrholaemus sagittatus*) and Scarlet Robin (*Petroica boodang*) are likely to utilise the woodland and plantings within and next to the railway easement to move across the landscape.

Impact on the Reserve

There are unlikely to be any long term impacts to the Gilmore Special Purpose Reserve, native vegetation or threatened, rare or uncommon species as:

- The proposed route largely avoids native vegetation and avoids clearance of large remnant trees;
- The proposed route avoids possible habitat of the Small Purple Pea, Hoary Sunray and Perunga Grasshopper;
- The proposed route is well away from the Little Eagle nest tree;
- The impacts on wildlife movement are likely to be minor and short term;
- There is a high likelihood of restoring the understorey within the patch of woodland being trenched to at least the current condition (diversity and extent) of native plant cover; and
- While the proposal is likely to favour the proliferation of African Lovegrass, weed control and restoration measures will be put in place.

Potentially Significant Environmental Impacts

It is considered that, provided all works are undertaken in accordance with the environmental commitments in the ESO application and the following conditions, the proposal will not result in a significant environmental impact:

1. African Lovegrass weed control measures are applied to the whole of the route (not just the segments mentioned in the application). African Lovegrass is an invasive species and is present along the entirety of the route. It is likely that without control the proposed works will favour its proliferation;
2. Restoration within the part of the cable route that runs parallel to the railway will use a native grass seed mix, with follow up weeding up to and at least 6 and 18 months after sowing;
3. No remnant Yellow Box or Blakley's Red Gum trees with a Diameter at Breast Height of 30cm or more will be cleared;
4. Disturbance of the vegetation within amenity planting in the northern part of segment 5 and segment 6 is to be avoided (see Attachment A). In particular, care must be taken to avoid disturbance of the moderate quality Box Gum woodland understorey, regenerating saplings and remnant woodland trees that occur in this area. To avoid impacts on this vegetation construction and associated vehicles must use the existing track to the west and lines in this location should be under-bored. Other measures may be appropriate on consultation and agreement from the Office of the Conservator or Flora and Fauna;
5. Where the trench crosses the area of low diversity Box Gum woodland in segment 7 (see Attachment A), it will be restored to a condition where the perennial ground cover is at least 50% local native species and the overall extent of African Lovegrass does not exceed 5% of the ground cover;

6. Machinery and equipment will be cleaned of soil and plant material prior to commencing work in order to limit the chance of new weed species being introduced to the area; and
7. Machinery and vehicles are not parked, and materials are not stored west of the Gilmore Zone Substation. This will avoid being in the vicinity of a Little Eagle nest which has been utilised for at least the last two years.

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.