

Planning and Development (Conditional Environmental Significance Opinion – Block 15, Section 65, Gilmore to Block 103, Section 7, Hume – Cable Installation) Notice 2019 (No 2)

Notifiable instrument NI2019–644

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 2)*.

2 Conditional Environmental Significance Opinion

- (1) On 19 September 2019, the ACT Heritage Council, 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
24 September 2019

Schedule

see section 2(2)



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: 201900028
Heritage Reference: Gilmore S65 B15
Contact Officer: MR

TO: ACT planning and land authority
Environment, Planning and Sustainable Development Directorate
[EPDCustomer Services@act.gov.au](mailto:EPDCustomerServices@act.gov.au)

Locality: Gilmore Substation to Hume Data Centre
Description of Works: 11kV Cable Installation
Report Details: “11kV Cable Installation, Gilmore Substation to Hume Data Centre – Aboriginal Cultural Heritage Assessment” (Past Traces, August 2019)
Council Advice provided by: Secretary / ACT Heritage Director

Pursuant to Section 138AB of the *Planning and Development Act 2007* and Section 60 of the *Heritage Act 2004*, the ACT Heritage Council advises that:

The proposal is unlikely to have a significant adverse environmental impact, subject to compliance with the conditions described below.

Background:

On 1 July 2019, an Environmental Significance Opinion (ESO201900028) application was referred to the ACT Heritage Council (the Council), for the installation of 11kV distribution cables from the Gilmore Substation (Block 15 Section 65 Gilmore) to the Hume Data Centre (Block 102 Section 7 Hume).

The application describes the proposed easement as being approximately 3.7 kilometres in length, with electrical and communication cables to be installed within a two metre wide trench; with the exception of the Monaro Highway crossing, where underboring methods will be used.

In advice issued on 1 August 2019, the Council identified that the proposal would directly impact an Aboriginal place registered on the ACT Heritage Register, being an archaeological site recorded as ‘Hume OS1’. On this basis, the Council required further assessment of project heritage impacts and consideration of alternatives to avoid impacts to Hume OS1.

Further information has since been provided by the applicant, being:

- The “11kV Cable Installation Gilmore Substation to Hume Data Centre – Aboriginal Cultural Heritage Assessment” (Past Traces, August 2019) (the CHA); submitted on 4 September 2019;
- A summary of other easements considered for delivery of the project, and why those easements are not reasonably practicable; submitted on 12 September 2019; and
- Detailed plans of the amended proposal, revised in response to CHA recommendations and Council advice; submitted on 19 September 2019.

From these submissions, the Council understands that:

- Additional Aboriginal places have been recorded in the easement, being three isolated finds recorded as ‘OS2’, ‘OS3’ and ‘OS5’, and one artefact scatter recorded as ‘OS4’. OS4 is assessed to be of high heritage significance, and OS2 and OS3 are additional surface ‘loci’ of Hume OS1;
- The proposed easement is the only reasonably practicable way to deliver the project, as existing easements along the Monaro Highway and Tralee Street do not have sufficient space for the required cable installation. Further, collocating all power infrastructure would create significant risk to reliable power supply to the Hume industrial and the nearby South Jerrabomberra residential area;
- Measures have been adopted to minimise heritage impacts associated with the proposal, being: the use of underboring methods around OS4 and within Hume OS1 (from OS2 to Loci 6); and the installation of protective fencing to demarcate work areas from heritage areas within Hume OS1;
- Impacts to OS5 cannot be avoided, and to mitigate this impact, collection of the surface artefact is recommended; and
- Representative Aboriginal Organisations (RAOs) were provided with the opportunity to participate in the assessment, by attending August 2019 heritage surveys and providing comment on appropriate management outcomes. Through this process, Buru Ngunawal Aboriginal Corporation, King Brown Tribal Group and Ngarigu Currawong Clan provided verbal endorsement of CHA findings and recommendations.

Decision and Conditions:

Following review of the amended proposal, the Council advises that while the proposal will have heritage impacts, these will not be significant and adverse subject to compliance with the following conditions:

1. Works in the vicinity of OS4 and within Hume OS1 are to consist of underboring instead of trenching, as shown on amended designs submitted on 19 September 2019;
2. Prior to the commencement of works, a Statement of Heritage Effect (SHE) for the project is to be approved by the Council; and works are to comply with any approval conditions identified in the Council decision;
3. Prior to the commencement of works, protective fencing is to be installed around OS4 and surface loci within Hume OS1; following demarcation of heritage site areas by a qualified archaeologist and RAOs; and
4. In the event that any additional Aboriginal places or objects are identified during construction works, these are to be managed in accordance with the ‘Unexpected Finds Protocol’ set out in Past Traces (August, 2019).



Fiona Moore
**Secretary (as delegate for),
ACT Heritage Council**

19 September 2019