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CONSERVATION COUNCIL ACT REGION

The Hon Tanya Plibersek MP
Minister for the Environment and Water

Re. Upper and Lower Tumut 330 kV Transmission Line Realignment–ACT (EPBC 2024/10058)

Dear Minister

Friends of Grasslands (**FOG**) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of native grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

The Conservation Council ACT Region (**Council**) is the leading environmental advocacy organisation and hub for community groups in Canberra. Our mission is to protect nature and create a safe climate future in the ACT and region.

We thank you for the invitation to comment on the referral for the above proposal.

We are concerned about the impacts of the proposal on two ecological communities, each listed as threatened under the EPBC Act and therefore protected:

- *Natural Temperate Grassland of the South Eastern Highlands* (**NTG SEH TEC**)
- *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (**BGW**) (both 'Critically Endangered').

In the time available for comment, we have focused on the significant impacts of the proposal on BGW and one listed threatened species, Superb Parrot, *Polytelis swainsonii* (Vulnerable). Our detailed reasoning is included at Attachments A&B, respectively. The referral acknowledges significant impacts of the proposal are also likely to affect NTG SEH TEC[1] and Gang-gang Cockatoo, *Callocephalon fimbriatum*[2].

We consider the avoidance and mitigation measures proposed by the proponent are, at present, most uncertain. This will affect all protected matters; here, we include discussion of the issue under the heading BGW. The same applies to our consideration of cumulative impacts.

We wish to record our concern about the impacts of the proposal on all other threatened woodland bird species mentioned in Attachment F to the referral. It is no longer credible to suggest there is an abundance of woodland habitat outside the area that will be impacted by this proposal. While surveys were undertaken for some species, no surveys were conducted for others.

While mapping of vegetation communities in the construction footprint and immediate surrounds is provided, and there has been a survey of Superb Parrot tree assessment area, no detailed survey has been provided of suitable trees or vegetation that provides shelter or that

[1] Referral, Attachment F, pp. 4-6
[2] Referral, Attachment F, pp. 17-20

serves as ‘stepping stones’ in the wider landscape. This information gap must be addressed before an assessment can be said to have been completed of the impacts of the proposed action on birds.

Our conclusions are as follows:

1. Given the historic loss and fragmentation of BGW in the region, and the increase in fragmentation that will follow from the proposed reduction in BGW extent, the proposed action is likely to have a significant impact on BGW because there is a real chance or possibility that it will:
    - reduce the extent of an ecological community
    - fragment or increase fragmentation of an ecological community.
2. Given the very high risks that threaten Superb Parrot, the fragmentation and degradation expected to be caused by the proposal is likely to have a significant impact on the species because there is a real chance or possibility that it will:
    - lead to a long-term decrease in the size of the only population
    - reduce the area of occupancy of the only population
    - adversely affect habitat critical to the survival of the species
    - disrupt the breeding cycle of the only population and
    - decrease the availability and quality of habitat to the extent that the species is likely to decline.

With these significant impacts likely, the proposed action should be determined to be a controlled action. We consider the proposal should be assessed at the level of Preliminary Documentation.

Canberra Birds, a member group of the Council, supports this submission.

Thank you again for the opportunity to comment on this proposal.

Yours sincerely,

SIGNED

Jamie Pittock
President, Friends of Grasslands

23 January 2025

SIGNED

Dr Simon Copland
Chief Executive, Conservation Council ACT Region

23 January 2025

Attachment A: Box Gum Woodlands

We understand the referred proposal has been developed over several years and that efforts have been made to avoid significant environmental impacts. Ultimately, however, the referral states 4.91 ha of remnant native vegetation will be cleared including 2.37 ha of BGW (Attachment F, p. i). Given BGW is critically endangered, any reduction in extent by even 2.37 ha is itself significant.

An informal assurance has been provided by the proponent, by email on 21 January 2025, that clearing of remnant vegetation including BGW will be limited as set out in the previous paragraph. However, based on how the proponent has defined the construction footprint, we calculate that footprint to be more than eight times the size specified by the proponent (Attachment C).

The difference is in part explained by the proponent's suggestion the 60 metre (m) wide, 11.3 km long transmission line easement is an 'operational footprint' because it will not be cleared (the referral also describes this area as an 'avoidance area'). We understand the proponent is trying to suggest the impacts during the period of operation of the transmission lines should be distinguished, that they are somehow not significant.

However, within this easement, six trees will be removed and ten trees will be lopped to a maximum height of 6 m *during construction*. By the time the action commences, with natural regeneration more vegetation may need to be lopped. Given after construction the transmission lines will operate indefinitely, over time it is almost certain additional trees will grow and need to be repeatedly lopped if not removed.

The perimeter of the patches to be cleared is not shown at a suitable scale. It is therefore unknown what proportion of the patches proposed for clearance currently have BGW continuous across their edges. As a result, it is not credible for the proponent to suggest the impacts on BGW will be limited to the area of the patches cleared.

The area within which remnant vegetation will be cleared is poorly defined. As a result, we are concerned the upper limit of clearing presented may be an underestimation. At worst, the loss of BGW may be greater than has been specified.

The proponent's email to the Council explains that, during the ACT regulatory process, "*The EIS will refine these areas further, however the mapping shown on the EPBC Referral provides an accurate depiction of likely impact areas.*" Right now, this statement provides no assurance whatsoever, for two reasons. First is the scale issue identified above; the images presented lack precision. Second, we understand that, if the proposed action is not found to be a controlled action, the ACT regulatory process may be truncated. Citing any finding at the Federal level that the proposal will not have a significant impact, the proponent may take the opportunity to apply for an environmental significance opinion; if that is agreed to, then the EIS may never be completed (Attachment D).

Whatever actual, relatively small area of BGW will be cleared, the proposed loss will be spread over multiple patches in an area substantially cleared or otherwise modified for agriculture. The proposed action will further and permanently degrade BGW beyond the construction footprint by increasing fragmentation. This will degrade constituent species' habitat and reduce connectivity.

Uncertain avoidance and mitigation measures

Further assessment is needed of the proponent's proposed measures for avoiding and mitigating impacts to the small but important areas of high-quality BGW (such as the alignment of the access road to Fairlight Rd) and the nearby NTG SEH. If the proposal is to be assessed, attention will also need to be given to offsetting by protecting and managing BGW that is under threat.

The additional assessment is required because the proponent has not included a draft Construction Environment Management Plan (**CEMP**) in the referral paperwork. The referral indicates (at p. 36) that a CEMP will document measures, based on those listed in Table 6.1 of Attachment F, that 'will be implemented to mitigate and manage biodiversity impacts'. However, Table 6.1 includes no *specific* measures. The result is the referral provides little if any assurance direct or indirect impacts will be appropriately avoided and mitigated.

Given that lack of specific detail, it is not possible to determine whether the undisclosed avoidance and mitigation measures will be effective in preventing direct and indirect impacts as claimed.

Cumulative impacts

This proposal is connected to multiple current and potential developments in and adjoining West Belconnen. The major ones are the existing Ginninderry development (SA-024) and the possibility of new urban development in the 'Western Edge' investigation area that has been under planning assessment by the ACT Government for several years. The cumulative impacts of authorising ongoing loss and degradation of protected matters needs discrete and dedicated assessment.

Conclusion

Repeating from above, given the historic loss and fragmentation of BGW in the region, and the increase in fragmentation that will follow from the proposed reduction in BGW extent, the proposed action is likely to have a significant impact on BGW because there is a real chance or possibility that it will:

- reduce the extent of an ecological community
- fragment or increase fragmentation of an ecological community.

Attachment B: Superb Parrot

The Superb Parrot is woodland dependent, endemic to inland south-eastern Australia where its core range is west of the Great Dividing Range extending from Canberra and Goulburn in the north, west to Nyngan and south to Swan Hill, Shepparton and Wangaratta[3].

The *Conservation Advice* Polytelis swainsonii *Superb Parrot* explains why the species is listed under the EPBC Act:

> There are data showing declines across a substantial portion of the species' range from a number of sources over recent history and sufficient evidence to suspect that the population will continue to decline into the future due to the ongoing loss of woodland habitat, particularly of mature hollow-bearing trees, and the impacts of climate change which will likely lead to a range contraction for the species over the coming decades[4].

The *National Recovery Plan for the Superb Parrot* (Polytelis swainsonii) notes: The species nests in loose colonies in large, living or dead trees with many hollow branches, typically near watercourses. On inland slopes, they use at least six species of *Eucalyptus*, but have a particular reliance on Blakely's Red Gum, *E. blakelyi*. Most nest sites are within 10 km of BGW and are sometimes within it. In Canberra, Superb Parrots select hollows with very specific traits; to secure these features, they will nest in semi-urban environments where old trees have been retained. The same nest hollows are used in successive years. After breeding, Superb Parrots use a variety of woodlands and other habitat types. Individuals mostly feed on the ground[5].

Habitat critical to the survival of the single population of Superb Parrot includes:

- breeding habitat - riverine forests in the Riverina, and box-gum woodlands in the tablelands and slopes
- foraging habitat - all preferred foraging habitat during both breeding and non-breeding season and
- habitat for long-term maintenance of the species – (among other areas) all Key Biodiversity Areas (**KBAs**) identifying Superb Parrot as a trigger species[6].

The referral states "The removal of foraging habitat and the loss or modification of trees identified as critical for superb parrot movement indicates that the Proposal may have a significant impact on the superb parrot under the EPBC Act."

In our view, it is highly likely the patches of BGW within the construction footprint site, which are *all* dominated by *E. melliodora* and *E. blakelyi*[7], is suitable breeding habitat.

Canberra is within a KBA triggered for (among other things) its role as a core area in the distribution of Superb Parrot, the 'South-West Slopes of NSW, Australia' KBA[8].

Given the above, the construction footprint is habitat critical to the survival of the Superb Parrot. The KBA listing highlights the need to manage the area in ways that ensure the persistence of these vital habitat elements[9].

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[3] Commonwealth of Australia (2021) *National Recovery Plan for the Superb Parrot* (Polytelis swainsonii) (**Superb Parrot Recovery Plan**), DCCEEW website, p. 5

[4] Threatened Species Scientific Committee (5 May 2016) *Conservation Advice* Polytelis swainsonii *Superb Parrot* (**Superb Parrot Conservation Advice**), DCCEEW website, p. 5

[5] Superb Parrot Recovery Plan n 3, pp. 1, 6–7

[6] Superb Parrot Recovery Plan n 3, p. 10–11

[7] Referral, Attachment F, p. i

[8] Key Biodiversity Areas (online) *South-West Slopes of NSW, Australia*, Key Biodiversity Areas website

[9] Superb Parrot Recovery Plan n 3, p. 8

The main threats to the survival of the Superb Parrot are limited nesting sites due to habitat loss, and increased competition for hollows with native and non-native species, which may be exacerbated by climate change[10]. Both 'Habitat loss and degradation' and 'Climate variability and change' are rated 'Very High' risks to the single population given they are 'Almost certain' to occur and have 'Major' consequences[11].

Recent modelling shows the bioclimatic range of the Superb Parrot will decline by around 75 per cent by 2070; the future core range will likely centre around the ACT region and to the immediate north[12]. The species has already extended its breeding range southwards; it now regularly breeds and overwinters in the ACT[13].

The relevant objective in the Superb Parrot Recovery Plan is "[b]y 2031, the impacts from anthropogenic threats have been reduced"[14].

This submission finds the impacts of the direct loss of 2.66 ha of ACT16 *Eucalyptus melliodora – E. blakelyi* Tableland Grassy Woodland will be magnified by edge effects as the habitat that will remain for Superb Parrot in and abutting the construction footprint will be increasingly fragmented. The reduction in the size of the patches will impact breeding as the species is a colonial nester.

Given the very high risks that threaten Superb Parrot, the fragmentation and degradation is likely to have a significant impact on Superb Parrot because there is a real chance or possibility that it will:

- lead to a long-term decrease in the size of the only population
- reduce the area of occupancy of the only population
- adversely affect habitat critical to the survival of the species
- disrupt the breeding cycle of the single population and
- decrease the availability and quality of habitat to the extent that the species is likely to decline.

[10] Superb Parrot Recovery Plan n 3, p. 12
[11] Superb Parrot Recovery Plan n 3, pp. 17-18
[12] Superb Parrot Recovery Plan n 3, p. 13
[13] Osborne, W., Rehwinkel, R., Mulvaney, M. (February 2021) Key fauna, flora and vegetation issues at North Lawson (unpublished). Reviewed by Sharp, S. Paper available from the Conservation Council ACT Region.
[14] Superb Parrot Recovery Plan n 3, p. 20

Attachment C: The magnitude of the construction footprint

The referral states the construction footprint is 10.9 ha and the operational footprint is 61.3 ha. These footprints occur within the area surveyed, which was established as the outer limit of the area within which direct impacts will occur.

Removing only references to attachments, the referral states this construction footprint has the following meaning and has been calculated in the following way:

> Construction footprint … : The area that would be directly impacted by the Proposed Action during construction. This includes the impact areas of the new alignments associated with tower footings and access tracks, as well as the impact areas for demolition of the towers along the existing Lines 1 and 7. The construction footprint comprises a 50 metre (m) radius buffer around the new towers and poles, a 20 m radius buffer around the existing tower footings to be completely removed, a 60 m-wide transmission line easement, and a 10 m-wide disturbance footprint along the access tracks, and other construction areas as shown … .

On request, the proponent has provided the dimensions of the footings for the new poles and towers and for the excavations needed to remove the existing towers. "Each new tower footing will require 4 x 2.5m diameter concrete foundations. Each pole will require a single 2m diameter concrete foundation. … Similarly sized foundations will be excavated for the 16 towers to be removed." The proponent explained there will be approximately 5 km of access tracks.

Read with other parts of the referral, the direct impacts of the action will occur within the following construction footprint:

- a 50 metre (m) radius around 18 new towers with footings 4 m x 2.5 m in area
- a 50 metre (m) radius around nine new poles with footings 2 m in diameter
- a 20 m radius around 16 tower foundations to be completely removed, where each excavation will be approximately 4 m x 2.5 m in area
- a 60 m-wide easement under 11.3 kilometres (km) of new transmission lines
- approximately 5 km of new, temporary access tracks 10 m-wide, involving vegetation removal and modification
- an unspecified area of vegetation removal and modification during earthworks needed to support the installation of temporary facilities associated with construction (lay down areas).

Knowing the dimensions of the new footings and excavations, we have calculated the construction footprint for these components of the action, as follows:

- Adopting a 50 m radius around the new towers, the area directly impacted would be 18 times 1.065 hectares which is just over 19 ha.[15]
- Adopting a 50 m radius around the new poles, the area directly impacted would be nine times 0.816 ha which is over 7 ha.[16]

[15] The area within a line 50 metres from a rectangle 4 metres by 2.5 metres is 1.065 ha (approximate due to *Pi* being an irrational number).
[16] The area within a circle with a diameter of 102 metres is 0.816 ha (approximate).

- Adopting a 20 m radius around the tower foundations to be removed, the area directly impacted would be 16 times 0.186 hectares which is just under 3 ha.[17]

That's over 29 ha across the 43 locations. These areas will not overlap.

Clearing a 60 m transmission line easement for 11.3 km would result in additional direct impact to 67.8 ha; however, this easement will intersect with the construction footprint for the 18 towers for *up to* 100 m each (1800 m) and the nine poles for *up to* 40 m each (360 m).

To avoid overstatement in our calculation of the upper limit of the total construction footprint, we are reducing the 11.3 km length of the transmission easement by 2160 m. Clearing a 60 m easement for 9.14 km would result in additional direct impact to just under 55 ha.

Add to that clearing needed for the tracks at 10 m by 5 km (5 ha) and lay down areas (we will assume 2 ha).

Summing the construction footprint for the footings and excavations (29 ha), transmission line easement (55 ha), tracks (5 ha) and lay down areas (2 ha) equals 91 ha.

That is more than eight times the construction footprint defined by the proponent (10.9 ha).

[17] The area within a line 20 metres from a rectangle 4 metres by 2.5 metres is 0.186 ha (approximate).

Attachment D: Our understanding of the ACT regulatory process

The proponent (Riverview Projects (ACT) Pty Limited) need approvals at the ACT and Federal levels. They are now proceeding with both processes simultaneously. They *commenced* with the ACT assessment process.

The proponent applied under ACT law for an 'EIS Scoping Document' on 12 May 2023 and an EIS Scoping Document was made on 13 July 2023.

Because that process started before the *Planning Act 2023* (ACT) came into effect, the old *Planning and Development Act 2007* (**P&D Act**) applies.

- No Development Application has been submitted. On 23 January 2025, an ACT Government website states the proponent is still preparing a draft EIS.[18]
- On 9 January 2025, comment was invited on the EPBC Act referral.
- If the proposal is not a controlled action under the EPBC Act (e.g., if the outcome is an '**NCA**' decision), then we understand under the P&D Act it will be open to the proponent to apply for an Environmental Significance Opinion:
    - Section 123(b) of the P&D Act states "The impact track applies to a development proposal if … the proposal is of a kind mentioned in schedule 4.
    - Part 4.2 of Schedule 4 specifies the activities that require an EIS, and one such activity is Item 2(a) which is a "proposal that involves … electricity transmission line construction, including additions or realignment works, outside an existing easement or exceeding 500m in length, that are intended to carry underground or above-ground transmission lines with a voltage of 132kV or more". That applies.
    - Subsection 138AA(1)(b) of the P&D Act indicates a proponent can apply for an Environmental Significance Opinion "if an impact track proposal is not likely to have significant adverse environmental impact." This is reinforced in a Note to s 123(b). The Note goes on to state the "production of the opinion by the agency will take the proposal out of the impact track unless other reasons under this section apply". If an NCA decision is made, no other reasons will apply.

[18] ACT Government (Planning) (online) *Upper and Lower Tumut 330 kV Transmission Line Realignment (EIS202300023)*, viewed 23 January 2025, URL: https://www.planning.act.gov.au/applications-and-assessments/environmental-impact-assessment/environmental-impact-statements2/upper-and-lower-tumut-330-kv-transmission-line-realignment