
REJECTION OF ENVIRONMENTAL SIGNIFICANCE OPINION APPLICATION - Hume Campus 3 - Data Centre Development (ESO 202600027)

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I must reject the application for an environmental significance opinion:

APPLICANT

Canberra Town Planning Pty Ltd, as represented by Ms Divyaraga Gunasekaran, Town Planner.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 construction of four data centres with 24 data halls, including emergency on-site energy generators and associated vehicle access as described in the submission.

LOCATION

Block 28 Section 23 Hume

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

From the information provided in the supporting application for an ESO, I have determined that the proposal is likely to result in a significant environmental impact. The application for an ESO must therefore be rejected.

Attached is a Statement of Reasons for the decision, including Appendix A which provides considerations for an Environmental Impact Statement.

A large black rectangular redaction box covering the signature area. Above the box, there are handwritten initials that appear to be 'B.B.'.

Bren Burkevics
Conservator of Flora and Fauna

4 August 2026

STATEMENT OF REASONS REASONS FOR THE DECISION

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

Part 1.2, item 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:

- (a) a critically endangered species;*
- (b) an endangered species;*
- (c) a vulnerable species;*
- (d) a conservation dependent species;*
- (e) a regionally threatened species;*
- (f) a regionally conservation dependent species;*
- (g) a provisionally listed threatened species;*
- (h) a listed migratory species;*
- (i) a threatened ecological community;*
- (j) a protected native species;*
- (k) a Ramsar wetland;*
- (l) any other protected matter*

The following listed species have been recorded / are known to occur in the proximity of the proposed development:

- Striped Legless Lizard (*Delma impar*)
- Perunga Grasshopper (*Perunga orchea*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)

Part 1.2, item 25 - proposal that is likely to result in a key threatening process under the Nature Conservation Act 2014

The proposed works will result in the removal of all 30 trees on site including at least 27 Mature Native Trees. and may result in the key threatening process of *Loss of Mature Native Trees and Lack of Recruitment*.

Additionally, the proposed works will impact connected habitat and some patches of core habitat for grassland reptiles, and may result in the key threatening process of *Unnatural Fragmentation of Habitats*.

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 Conservator of Flora and Fauna for an opinion 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 likely to have a significant environmental impact, based on the documentation submitted and known values of the site.

Project description

The development proposal is for construction of four data centres with 24 data halls, including emergency on-site energy generators and associated vehicle access. Preliminary site plans indicate a combined capacity of 576MW from the data centres. There will also be a future proposed substation, as well as water and sewer connections required.

The proposal will result in clearance of all vegetation on site and replace it with mostly hard surfaces. This includes removal of all 30 trees on site, of which 27 are remnant Mature Native Trees with a >50cm Diameter at Breast Height (DBH).

Documentation Submitted

- Preliminary Fire Safety Strategy and Dangerous Goods Review;
- Cultural Heritage Assessment;
- Stormwater Plan;
- Water and Sewer Plan;
- Site Plan;
- Tree Protection Plan;
- Tree Management Plan;
- Ecological Assessment Report. 28 John Cory Road, Hume for Canberra Data Centres. PATH Co. Pty Ltd. Jun 2026;
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Letter(s) of Authorisation

- Form 1M.

Natural conservation values present

The block is approximately 12ha of undeveloped land zoned *IZ1: General Industry* with a *MAAR: Main Avenues and Approach Routes TP* overlay. The site is bordered by the Monaro Highway and Hume industrial precinct to the south, and rural land to the east and north. To the west is undeveloped land, and further west lies the Materials Recycling Facility (MRF) and Mugga Land Resource Management Centre (landfill).

The historic land use of the site is primarily rural/agricultural, however there are no stock currently on the property and it does not appear to have been used for any rural agricultural purposes in the past five or more years. The landform and topography of the site is generally flat and appears to drain to the north/northeast into Dog Trap Creek. The ecological community on the site is low condition PCT ACT16: *Eucalyptus melliodora* – *E. blakelyi* *Tableland Grassy Woodland*, with an exotic dominant vegetation and low native species diversity.

The core value of the site is the 30 large remnant trees, many of which are likely to pre-date the establishment of Canberra. These trees have high ecological value as most of these trees also contain hollows, which provide important habitat for threatened bird species including Gang-gang Cockatoo (*Callocephalon fimbriatum*) and Superb Parrot (*Polytelis swainsonii*). Diamond Firetail (*Stagonopleura guttata*) may also potentially forage in the area.

The site provides potential habitat for grassland reptile species such as the threatened Perunga Grasshopper (*Perunga orchea*) and Striped Legless Lizard (*Delma impar*). A Striped Legless Lizard was recently recorded in October 2025 in the adjacent Block 29 within 100m of the boundary of Block 28. The habitat characteristics where the lizard was recorded, extend across the central portion of Block 28. This record supports mapping of the area as connected habitat and some patches of core habitat for grassland reptiles. In the absence of any survey data for Block 28, it is assumed that Striped Legless Lizard are present and will be significantly impacted by the development.

Potentially Significant Environmental Impacts

The proposal will result in clearance of all vegetation on site, which leads to a significant loss of important habitat for threatened bird and reptile species as mentioned above. These species are all Matters of National Environmental Significance, and it is recommended the proponent submits a referral for this development under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The cumulative impact vegetation clearance and loss of threatened species habitat also triggers the need for more detailed surveys under an Environmental Impact Assessment (EIS) process. The need for further surveys for threatened species was also noted in the ecology report. Considerations for an EIS are outlined in Appendix A.

In addition to the above ecological concerns, the fire safety documentation submitted does not address the ACT Bushfire Management Standards required for a development in a Bushfire Prone Area. The report has not considered the required Asset Protection Zones (APZs), how they would fit into the footprint of the development and how the APZs would be maintained, nor considered the Bushfire Attack Level rating of the buildings.

Due to the above concerns, I have determined that the works are likely to have a significant adverse environmental impact. The application for an ESO must therefore be rejected. Please refer to Appendix A below for considerations for an EIS.

Appendix A: EIS Considerations

If the applicant decides to continue with the application, the following should be considered as part of an EIS (please note this is not a comprehensive list). **The proponent should be prepared for a reduced development footprint and/or scope of works compared to what is currently proposed.**

Ecological

- A modification of the proposal to retain a large majority of the Mature Native Trees on site to address the Loss of Mature Native Trees key threatening process.
- The proponent must measure each of the hollows present on-site and prioritise them according to their suitability as nest trees for Gang-gang Cockatoo and Superb Parrot, with the aim of avoiding loss of high priority nest trees. This should include assessment of internal cavities by a suitable qualified person (e.g. Heartwood Habitat or ACT Government recommended ecologist Stacey Taylor) and confirmation of nesting occupancy for any suitable hollows.
- The proponent must survey for the following threatened species and map the extent of appropriate habitat on the site, with the aim of avoiding impacts on a known population, or a significant loss of suitable habitat.
 - Stiped Legless Lizard
 - Perunga Grasshopper
 - Diamond Firetail
- The proponent must assess the impacts of the proposal in terms of fragmenting grassland reptile habitat and means by which this impact can be reduced or mitigated to address the Unnatural Fragmentation of Habitats key threatening process.

Bushfire management

- The proponent must prepare a comprehensive assessment of bushfire management of the site, accounting for the ACT Bushfire Management Standards required for a development in a Bushfire Prone Area. Importantly, it must include confirmation that Asset Protection Zones will be managed exclusively within the site boundary and will be compliant with the standards.

Other considerations

- The site forms part of the Eastern Broadacre Strategic Assessment (EBSA) and has been identified as a development area. The final draft is currently scheduled to be re-submitted to the Commonwealth in 2026/27.
 - Should the proponent wish to submit an EIS while the EBSA has not yet been finalised, a suitable offset will be required and will need to be included for consideration in the EIS.
 - Should the proponent wish to wait until after the EBSA has been finalised, the final designs / land use would need to be consistent with the EBSA.