

EPBC Act referral



Australian Government

Department of Agriculture, Water and the Environment

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Title of proposal	2021/8884 - Territory Battery Energy Storage System, Ginninderry, ACT
Section 1	
Summary of your proposed action	
1.1 Project industry type	Energy Generation and Supply (renewable)
1.2 Provide a detailed description of the proposed action, including all proposed activities	
<p>This Referral, made under Part 7 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), is for the construction and operation of a large-scale battery energy storage system (BESS) of up to 300 megawatts (MW) (Proposed Action) by Neoen (the Proponent). The BESS will be located on a site adjacent to Stockdill Drive near Ginninderry, Australian Capital Territory (ACT).</p> <p>The Proposed Action comprises the following components, as shown in Figure 1 (Appendix A):</p> <ul style="list-style-type: none">• Battery pack (with volume equivalent to 50 x 20-foot (ft) shipping containers) and inverter stations (with volume equivalent to 25 x 20-ft shipping containers). Shipping containers are nominally 12 metres (m) long, 2.5 m wide and 2.5 m tall.• New 6 m-wide internal access road and two car spaces• Demountable office measuring 12 m long, 4 m wide and 3 m tall• Electrical substation measuring 120 m long and 80 m wide• Water tank with 20,000 litre (L) capacity, measuring 3.4 m in diameter and 2.25 m tall• Internal fencing to protect remnant hollow-bearing trees• All the above set within a compound with a 2.4 m high perimeter chain-wire fence. <p>All the above works will be located on Registered Rural Block 1634 in the District of Belconnen, which is zoned as NUZ3 Hills, Ridges and Buffer Areas and NUZ4 River Corridor under the ACT Territory Plan. The 302.17 hectare (ha) block is located south of Stockdill Drive and to the southeast of the TransGrid Stockdill Substation (under construction). The BESS will be accessed by a newly constructed 6 m wide gravel road from Stockdill Drive, which will run along the western boundary of Block 1635 on Block 1634. The proponent has a sublease arrangement with the current leaseholder for the land on which the works will be situated.</p> <p>The BESS substation will be located at the perimeter of Block 1634. It will connect to the TransGrid Stockdill Substation that is being built on Block 1635, via underground cabling up to 900 m in length. Up to 750 m of underground cabling will be located on Block 1635, which is zoned as NUZ3 Hills, Ridges and Buffer Areas.</p> <p>The Proposed Action will have a development footprint of up to 5.3 ha. The design of the Proposed Action has not yet been finalised but a concept design has been prepared (Figure 1, Appendix A). It is likely that the Proposed Action Area will be revised during the detailed design stage and will be smaller than 5.3 ha. However, for the purposes of this referral, the Proposed Action Area is assumed to be 5.3 ha, comprising 5 ha in Block 1634 for the BESS and associated infrastructure (Figure 1, Appendix A) and 0.3 ha in Block 1635 for the underground cabling connecting the BESS substation to the TransGrid Stockdill Substation. The precise location of the access road on Block 1634 and of the cabling on Block 1635 has not yet been determined.</p> <p>The Proposed Action Area and its surrounds primarily consist of cleared agricultural land, particularly to the south of Stockdill Drive. The new suburbs of Strathnairn and Macnamara will be situated to the north of the Proposed Action Area, and the Molonglo River is located approximately 0.7 kilometres (km) to the west, within Woodstock Nature Reserve. There is no existing infrastructure present in the Proposed Action Area.</p> <p>The Proposed Action will result in the loss of up to 5 ha of the critically endangered ecological community White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grasslands (BGW). The Proposed Action is not expected to impact on any other Matters of National Environmental Significance (MNES), including threatened species and other ecological communities.</p>	
1.3 What is the extent and location of your proposed action?	
See Appendix B	
1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland)	
<p>The Proposed Action will take place on Registered Rural Blocks 1634 and 1635 in the District of Belconnen, ACT. The Proposed Action Area and its surrounds primarily consist of cleared agricultural land. There is no existing infrastructure present in the Proposed Action Area.</p> <p>The Proposed Action Area is bounded by Stockdill Drive to the north and other rural blocks along its other boundaries. The Molonglo River is approximately 0.7 km to the west, within Woodstock Nature Reserve.</p> <p>The Proposed Action Area is located approximately 14 km northwest of the Canberra city centre. No established residential suburbs are adjacent to the Proposed Action Area, although the new suburbs of Strathnairn and Macnamara will be situated to the north of the Proposed Action Area, north of Stockdill Drive. No watercourses, wetlands or other aquatic or riparian habitat occur in the Proposed Action Area.</p> <p>No Aboriginal artefacts or archaeological sites have been identified within the Proposed Action Area.</p>	



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1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?

The Proposed Action will have a development footprint of up to 5.3 ha. Up to 5 ha of EPBC Act listed BGW is located in Block 1634 within the Proposed Action Area. The remaining 0.3 ha is exotic grassland in Block 1635.

1.7 Proposed action location

Lot - Blocks 1634 and 1635, District of Belconnen

1.8 Primary jurisdiction

Australian Capital Territory

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

☐ Yes ☒ No

1.10 Is the proposed action subject to local government planning approval?

☐ Yes ☒ No

1.11 Provide an estimated start and estimated end date for the proposed action	Start Date	01/12/2021
	End Date	01/12/2042

1.12 Provide details of the context, planning framework and state and/or local Government requirements

ACT Planning Framework

Planning and development in the ACT is governed by two separate but related planning jurisdictions and statutory controls, being the National Capital Plan (NCP) administered by the National Capital Authority (NCA), and the Territory Plan administered by the ACT Environment, Planning and Sustainable Development Directorate (EPSDD).

The Proposed Action Area is classified as Territory Land (as opposed to National Land) and is privately leased. The Territory Plan applies to Territory Land within the ACT, thus the jurisdiction for planning and development proposals within the Proposed Action Area currently rests with the EPSDD. The purpose of the Territory Plan is to manage land use change and development in a manner consistent with strategic directions set by the ACT Government, Legislative Assembly and the community, in a manner that is not inconsistent with the NCP.

The ACT planning system has a track-based system for assessing developments. A development will fall into one of three assessment tracks depending upon several factors such as its location, size, and potential impact on the surrounding area. The Proposed Action falls under the impact track assessment as it involves the clearance of more than 0.5 ha of native vegetation in a native vegetation area. It also has the potential to have a significant adverse environmental impact on a threatened ecological community. Impact track development applications require an environmental impact statement (EIS) (unless exempted by the Minister), which involves the broadest level of assessment compared to other tracks. An EIS details the anticipated environmental impacts of a development and proposed avoidance, mitigation, and offset measures. Following a decision on the EPBC Act referral and confirmation of the assessment approach from DAWE, the Proponent will apply for an environmental significance opinion from the ACT Conservator of Flora and Fauna to have the proposal taken out of the impact track.

The Proposed Action Area is zoned as NUZ3 Hills, Ridges and Buffer Areas. The objectives of this zone are primarily to protect the ecological and cultural values of the hill system in the ACT and to provide opportunities for appropriate recreational, educational and scientific research activities. The Proposed Action activity (energy storage/supply) is not prohibited and does not require impact track assessment in zone NUZ3.

ACT Government Renewable Energy Target

The Proposed Action will contribute to the ACT Government's Renewable Energy Target to help the ACT maintain 100% of its electricity sourced from renewable energy sources. The Proponent is one of two companies to win the ACT's fifth Renewables Reverse Auction to deliver up to 200 MW of wind or 250 MW of solar power with 20 MW/40 MWh of battery



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storage. The Proposed Action may be used by the Proponent to fulfil its commitments to the ACT Government under this Reverse Auction.

1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders

The Proponent engaged Navin Officer Heritage Consultants Pty Ltd (NOHC) to undertake a cultural heritage assessment of the Proposed Action Area in Block 1634 (Appendix E). Representatives from the Buru Ngunawal Aboriginal Corporation and Mirrabee (Little Gudgenby River Tribal Council) conducted a site survey with NOHC archaeologists on 30 October 2020. All Representative Aboriginal Organisations (RAOs) were also invited to attend the fieldwork on 27 August 2020, but representatives from the King Brown Tribal Group and Ngarigu Currawong Clan did not attend. As no Aboriginal artefacts or archaeological sites were identified in the Proposed Action Area, NOHC advised that no further assessment would be needed.

No other public consultation has been undertaken to date. Additional consultation will be undertaken during the environmental assessment phase of the proposal as required by the ACT/Commonwealth assessment processes.

1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project

No formal environmental impact assessment has been prepared, submitted, or approved under Commonwealth or Territory Legislation.

The proponent engaged Umwelt to conduct an ecological assessment of a portion of the Proposed Action Area in Block 1634. This involved a desktop review and field assessment in 2020. The attached Ecological Investigation report (Appendix D) provides the results of this ecological assessment.

Vegetation mapping conducted in 2015-2016 has been used in this referral to inform potential ecological impacts on Block 1635. ACT and Commonwealth environmental assessment documentation prepared by WSP | Parsons Brinckerhoff for approval of the TransGrid Stockdill Substation (EPBC 2016/7784) is publicly available. Independent ecological assessments of both Block 1634 and 1635 will be undertaken during the assessment process of the Proposed Action to verify the studies undertaken to date.

The Proponent intends for the Proposed Action to be assessed by PD.

1.15 Is this action part of a staged development (or a component of a larger project)?

☐ Yes ☒ No

1.16 Is the proposed action related to other actions or proposals in the region?

☐ Yes ☒ No



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Section 2

Matters of national environmental significance

2.1 Is the proposed action likely to have any direct or indirect impact on the values of any World Heritage properties?

☐ Yes ☒ No

2.2 Is the proposed action likely to have any direct or indirect impact on the values of any National Heritage places?

☐ Yes ☒ No

2.3 Is the proposed action likely to have any direct or indirect impact on the ecological character of a Ramsar wetland?

☐ Yes ☒ No

2.4 Is the proposed action likely to have any direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

☒ Yes ☐ No

Species or threatened ecological community

White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland

Impact

The Proposed Action Area supports up to 5 ha of derived native grassland that is associated with BGW. The vegetation is a mix of low quality and moderate quality grassland. One remnant hollow-bearing tree is also present in the Proposed Action Area.

The Proposed Action involves the removal of up to 5 ha of BGW within the Proposed Action Area. The cleared vegetation is expected to contain both low- and moderate-quality grassland, with the majority to be cleared of moderate-quality. Potential ecological impacts will be managed through implementation of a Construction Environmental Management Plan (CEMP) and Environmental Management Plan (EMP) that will provide outcomes-based principles and requirements to guide management of the Proposed Action Area during construction and operation of the Proposed Action. For example, they will include appropriate measures to be implemented within the Proposed Action Area to ensure that there are no substantial changes to surface water flows or groundwater levels likely to influence the condition of retained BGW.

The Proposed Action is likely to have a significant impact on BGW as it will reduce the extent of the critically endangered ecological community (CEEC) (refer to the assessment of significance at Appendix F). The Proponent proposes to offset this impact by contributing to the NSW Biodiversity Conservation Fund.

Species or threatened ecological community

Pink-tailed Worm-lizard (*Aprasia parapulchella*)

Impact

The Proposed Action Area contains rocky areas that may provide habitat for the Pink-tailed Worm-lizard (*Aprasia parapulchella*) (PTWL). The Proposed Action will be strategically located to avoid direct impacts to the potential PTWL habitat. In addition, the EMP will include outcomes-based principles and requirements for the management of the Proposed Action Area to minimise potential indirect impacts to the species.

The Proposed Action is considered unlikely to have a significant impact on PTWL.

Species or threatened ecological community

Natural Temperate Grassland of the South Eastern Highlands



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Impact

The ecological assessment conducted by Umwelt (Appendix D) confirmed that Natural Temperate Grassland of the South Eastern Highlands (NTG) is unlikely to be present in the Proposed Action Area, given the presence of remnant woodland trees in and around the Proposed Action Area, evidence of past tree clearing, the landscape position of the site relative to the known historic extent of NTG, and the prevalence of box gum woodland in areas surrounding the site.

As a result, the Proposed Action is considered unlikely to have a significant impact on NTG.

Species or threatened ecological community

Threatened bird species:

- Regent Honeyeater (*Anthochaera phrygia*)
- Australasian Bittern (*Botaurus poiciloptilus*)
- Curlew Sandpiper (*Calidris ferruginea*)
- Grey Falcon (*Falco hypoleucos*)
- Painted Honeyeater (*Grantiella picta*)
- White-throated Needletail (*Hirundapus caudacutus*)
- Swift Parrot (*Lathamus discolor*)
- Eastern Curlew (*Numenius madagascariensis*)
- Superb Parrot (*Polytelis swainsonii*)
- Australian Painted Snipe (*Rostratula australis*)

Impact

The Proposed Action Area is located outside of vegetated river corridors which support extensive habitat for threatened woodland bird species. The Proposed Action Area contains one large remnant hollow-bearing tree which occurs as an isolated paddock tree (and which will not be cleared as part of the Proposed Action). No woodland or forest structure is present, and an understorey shrub structure is absent. The site therefore provides limited habitat features suitable for threatened bird species.

As a result, the Proposed Action is considered unlikely to have a significant impact on any threatened bird species.

Species or threatened ecological community

Threatened fish and frog species:

- Trout Cod (*Maccullochella macquariensis*)
- Murray Cod (*Maccullochella peelii*)
- Macquarie Perch (*Macquaria australasica*)
- Green and Golden Bell Frog (*Litoria aurea*)
- Booroolong Frog (*Litoria booroolongensis*)
- Yellow-spotted Tree Frog (*Litoria castanea*)

Impact

Aquatic vegetation and permanent rivers suitable for threatened fish and amphibian species are absent within the Proposed Action Area.

As a result, the Proposed Action is considered unlikely to have a significant impact on any threatened fish or frog species.

Species or threatened ecological community

Golden Sun Moth (*Synemon plana*)

Impact

The Golden Sun Moth (GSM) is considered unlikely to occur in the Proposed Action Area due to the lack of nearby recorded sightings and the unfavourable slopes of the site (steeper southerly aspects versus the preferred northerly aspects). Although GSM is increasingly being observed in derived native grasslands in the ACT such as those present in the Proposed Action Area, GSM is usually associated with NTG which does not occur in the Proposed Action Area.

As a result, the Proposed Action is considered unlikely to have a significant impact on GSM.

Species or threatened ecological community

Threatened mammal species:

- Large-eared Pied Bat (*Chalinolobus dwyeri*)
- Spot-tailed Quoll (*Dasyurus maculatus maculatus*) (south eastern mainland population)
- Greater Glider (*Petauroides volans*)



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- Brush-tailed Rock-wallaby (*Petrogale penicillata*)
- Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT)
- Grey-headed Flying-fox (*Pteropus poliocephalus*)

Impact

There is limited habitat available for threatened mammal species in the Proposed Action Area. Large remnant hollow-bearing trees may provide habitat and foraging resources for hollow-dependant fauna species, but there is an absence of woodland forest structure and habitat features such as shrub layers and logs.

As a result, the Proposed Action is considered unlikely to have a significant impact on any threatened mammal species.

Species or threatened ecological community

Threatened flora species:

- Yass Daisy (*Ammobium craspedioides*)
- River Swamp Wallaby-grass (*Amphibromus fluitans*)
- Black Gum (*Eucalyptus aggregata*)
- Basalt Pepper-cress (*Lepidium hyssopifolium*)
- Hoary Sunray (*Leucochrysum albicans* subsp. *tricolor*)
- Pale Pomaderris (*Pomaderris pallida*)
- Tarengo Leek Orchid (*Prasophyllum petilum*)
- Button Wrinklewort (*Rutidosia leptorhynchoidea*)
- Small Purple-pea (*Swainsona recta*)
- Austral Toadflax (*Thesium australe*)

Impact

Threatened flora species are considered unlikely to occur in the Proposed Action Area due to the past grazing history of the site and the absence of flora species sensitive to grazing. In addition, all threatened shrubs such as the Pale Pomaderris, and readily detectable species such as the Hoary Sunray, have been confirmed absent from the site (see the Ecological Investigation report at Appendix D).

As a result, the Proposed Action is considered unlikely to have a significant impact on any threatened flora species.

Species or threatened ecological community

Striped legless lizard (*Delma impar*)

Impact

The Striped Legless Lizard (SLL) is considered unlikely to occur in the Proposed Action Area due to the lack of suitable habitat. It is associated with NTG on fertile plains, which does not occur in the Proposed Action Area.

As a result, the Proposed Action is considered unlikely to have a significant impact on SLL.

2.4.2 Do you consider this impact to be significant?

☒ Yes ☐ No

2.5 Is the proposed action likely to have any direct or indirect impact on the members of any listed migratory species or their habitat?

☐ Yes ☒ No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

☐ Yes ☒ No



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2.7 Is the proposed action likely to be taken on or near Commonwealth land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.9 Is the proposed action likely to have any direct or indirect impact on a water resource from coal seam gas or large coal mining development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.10 Is the proposed action a nuclear action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.11 Is the proposed action to be taken by a Commonwealth agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.12 Is the proposed action to be undertaken in a Commonwealth Heritage place overseas? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.13 Is the proposed action likely to have any direct or indirect impact on any part of the environment in the Commonwealth marine area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



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Section 3

Description of the project area

3.1 Describe the flora and fauna relevant to the project area

The Proposed Action Area comprises cleared agricultural land. The vegetation was mapped as either low quality or moderate quality derived native grasslands in Block 1634, and exotic grassland in Block 1635. Vegetation at the proposed location of the access road on Block 1634 has not been mapped. For the purposes of this referral, the vegetation is assumed to be derived native BGW grasslands. Moderate quality derived native grassland is distributed throughout much of the Proposed Action Area, whilst low quality derived native grassland is primarily restricted to small areas associated with drainage lines (see Figure 3 in Appendix C). One remnant hollow-bearing tree is present in the Proposed Action Area with two others located adjacent to the area, including one Yellow Box (*Eucalyptus melliodora*) and two Blakely's Red Gum (*E. blakelyi*). Their presence in the Proposed Action Area and surrounding landscape indicates that the landscape formerly supported the vegetation community ACT16 *Eucalyptus melliodora* – *E. blakelyi* Tableland Grassy Woodland. On this basis, the vegetation in the Proposed Action Area in Block 1634 is considered to be ACT16 *Eucalyptus melliodora* – *E. blakelyi* Tableland Grassy Woodland derived native grassland.

The low-quality box gum woodland derived native grassland is characterised by low diversity groundcover dominated by disturbance-tolerant perennial native grasses with annual exotic forbs. The dominant native grass is Weeping Grass (*Microlaena stipoides*), with a minor component of native Spear Grasses (*Austrostipa* spp.). There is a notable cover of Saffron Thistle (*Carthamus lanatus*) and Hare's-foot Clover (*Trifolium arvense*). No native forbs were observed.

The moderate-quality box gum woodland derived native grassland is characterised by clear dominance of native perennial grasses, a moderate diversity of native forbs, and a low cover of exotic annual species. Exotic perennial species are sparse to absent. The groundcover is dominated by Corkscrew Grasses, Wallaby Grasses (*Rytidosperma* spp.), Redleg Grass (*Bothriochloa macra*) and Kangaroo Grass (*Themeda triandra*). Fourteen native forb species were identified including species typical of box-gum woodlands, such as:

- Common Sunray (*Triptilodiscus pygmaeus*)
- Slender Tick-trefoil (*Desmodium varians*)
- Wattle Matt-rush (*Lomandra filiformis* subsp. *coriacea*)
- Spoon Cudweed (*Stuartina muelleri*)
- Bluebell (*Wahlenbergia* sp.)
- Early Nancy (*Wurmbea dioica* subsp. *dioica*)
- Poison Rock Fern (*Cheilanthes sieberi*)
- Common Everlasting (*Chrysocephalum apiculatum*)
- Australian Bindweed (*Convolvulus angustissimus*).

Exotic annual grasses such as Delicate Hairgrass (*Aira elegantissima*) and Rat's Tail Fescue (*Vulpia* spp.) were widespread, along with clovers, particularly Hare's-foot Clover. Perennial exotic grasses including African Lovegrass (*Eragrostis curvula*) were present but sparse.

No listed threatened flora species were identified. All threatened shrubs (e.g. Pale Pomaderris) and readily detectable species (e.g. Hoary Sunray) identified in the Protected Matters Search report (Appendix G) were confirmed absent from the Proposed Action Area.

Refer to the Ecological Investigation report at Appendix D for more information on the flora species identified in the Proposed Action Area.

Fauna

The large remnant hollow-bearing tree that remains in the Proposed Action Area provides habitat and foraging resources for hollow-dependant fauna species, including local woodland birds. It also provides potential habitat for listed threatened hollow-dependent fauna species such as the Superb Parrot. It does not represent a significant feeding resource for nectar or lerp dependent species in the context of the surrounding landscape.

The box gum woodland derived native grasslands may also provide habitat for listed fauna species. In addition, rocky areas present along the eastern and south-eastern edges and near the north-western corner of the Proposed Action Area are potential PTWL habitat. There is no woodland or forest structure present in the Proposed Action Area, and habitat features such as a shrub layer or logs which can provide habitat for threatened mammals are absent.

No targeted surveys have been undertaken for listed threatened fauna species, and none were observed during the Ecological Investigation field surveys (see Appendix D).

3.2 Describe the hydrology relevant to the project area (including water flows)

The Proposed Action Area drains generally to the south and west into the Molonglo River, which is located approximately 0.7 km west of the site. From there the Molonglo River flows generally northward until it joins the Murrumbidgee River approximately 2 km north of the Proposed Action Area.

No marked waterbodies occur in the Proposed Action Area, but there are some minor drainage lines that correspond with low-quality box gum woodland derived native grassland. There are several watercourses on Block 1634, including an unnamed first order stream located approximately 50 m east of the eastern boundary of the Proposed Action Area. Farm dams are also located on Block 1634.



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3.3 Describe the soil and vegetation characteristics relevant to the project area

Reference to the 1:100 000 Geological Series Sheet for Brindabella indicates that the Proposed Action Area is underlain by Walker Volcanics, which comprise Late Silurian extrusive volcanic rocks (dacite ignimbrite, bedded tuff, andesite), with some volcanoclastic sediment and limestone. No known geological or soil investigations of the Proposed Action Area have been undertaken.

As described in Section 3.1, the Proposed Action Area is vegetated by low- and moderate-quality box gum woodland derived native grasslands and exotic grasslands.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area

The Proposed Action Area contains up to 5 ha of derived native grassland that corresponds with the BGW threatened ecological community listed under the EPBC Act and ACT NC Act. In addition, potential habitat for the PTWL is present in the Proposed Action Area. Direct impacts to the large remnant hollow-bearing trees and potential PTWL habitat will be avoided. Refer to Section 4 for information on avoidance and mitigation measures.

3.5 Describe the status of native vegetation relevant to the project area

As described in Section 3.1, the Proposed Action Area contains up to 5 ha of low- and moderate-quality box gum woodland derived native grasslands and 0.3 ha of exotic grasslands. The derived native grasslands meet the criteria for the EPBC Act listed BGW CEEC. Up to 5 ha of box gum woodland derived native grassland would be cleared as part of the Proposed Action.

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area

The Proposed Action Area generally slopes to the west and drains into the Molonglo River. It ranges in height from approximately 555 to 595 m above sea level.

3.7 Describe the current condition of the environment relevant to the project area

The Proposed Action Area and surrounding landscape are highly disturbed, having been cleared for agricultural purposes. As described in Section 3.1, the Proposed Action Area is vegetated by low- and moderate-quality box gum woodland derived native grasslands and exotic grassland. The low-quality box gum woodland derived native grassland is characterised by low diversity groundcover dominated by disturbance-tolerant perennial native grasses with annual exotic forbs. The moderate-quality box gum woodland derived native grassland is characterised by clear dominance of native perennial grasses, a moderate diversity of native forbs, and a low cover of exotic annual species. Exotic perennial species are sparse to absent. No threatened flora species were observed during the Ecological Investigation field surveys (see Appendix D).

Threatened fauna species were also not observed during the Ecological Investigation field surveys. However, the Proposed Action Area is likely to support common native and exotic species such as Eastern Grey Kangaroo (*Macropus giganteus*), Red Fox (*Vulpes vulpes*), cats (*Felis catus*), European Rabbit (*Oryctolagus cuniculus*) and rodents (Black Rat, *Rattus rattus*; and House Mouse, *Mus musculus*).

3.8 Describe any Commonwealth Heritage places or other places recognised as having heritage values relevant to the project

The Proposed Action Area does not contain any listed places or objects protected under the ACT Heritage Act 2004 or Commonwealth Heritage Register.

No Aboriginal artefacts or archaeological sites have been identified within the Proposed Action Area (refer to the Cultural Heritage Assessment letter at Appendix E).

3.9 Describe any Indigenous heritage values relevant to the project area

The proponent engaged NOHC to undertake a cultural heritage assessment of the Proposed Action Area. A site survey was conducted by two NOHC archaeologists along with representatives of two RAOs. No Aboriginal artefacts or archaeological sites were identified. The attached Cultural Heritage Assessment letter (Appendix E) provides a summary of the assessment undertaken and guidance on protocols to implement in the event that unrecorded or unanticipated Aboriginal or non-Aboriginal archaeological material is encountered.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area

The land tenure (or titling) system in the ACT is managed through Crown Leases, issued either by the Commonwealth (Department of Finance) or the Territory (EPSDD).

Block 1634 is currently under private lease. The Proponent has a sublease agreement for using Block 1634, which will remain in place for the duration of the project. The titleholder for Block 1635 is TransGrid.

3.11 Describe any existing or any proposed uses relevant to the project area

The Proposed Action Area comprises cleared agricultural land. The Proponent does not propose to use the Proposed



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Action Area for agricultural purposes once the BESS is operational, e.g. the land will not be grazed by livestock.



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Section 4

Measures to avoid or reduce impacts

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action

Measures to avoid impacts:

Siting of the BESS within Block 1634 has been strategically located to avoid impacts to ecological values where possible. The Proposed Action will avoid direct impacts to the large remnant hollow-bearing trees that provide habitat and foraging resources for hollow-dependant fauna species, including local woodland birds. In addition, rocky areas throughout Blocks 1634 and 1635, which are potential PTWL habitat, will be avoided, resulting in no significant impact to the species.

Measures to reduce impacts:

An EMP will be prepared for the Proposed Action. This will describe the avoidance, mitigation and management measures that will be undertaken to manage potential environmental impacts of the Proposed Action. Potential construction impacts will be of particular focus, particularly those associated with noise and dust emissions and construction traffic. The CEMP and EMP will be prepared to meet the specific requirements of the Proposed Action Area to avoid and minimise impacts on MNES, in accordance with best practice.

Measures to compensate for potential significant residual impacts

The Proposed Action will result in the clearance of up to 5 ha of BGW. The Proponent intends to offset this impact by contributing to the NSW Biodiversity Conservation Fund.

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved

The Proponent will prepare an EMP that will include outcomes-based principles to ensure the ongoing protection of matters protected under the EPBC Act. In particular, the Proposed Action will not have any direct impacts on potential PTWL habitat or the remnant hollow-bearing tree present in the Proposed Action Area. Indirect impacts will be minimised through best practice onsite management practices.

In addition, the Proponent intends to offset any significant residual impacts to BGW via contributions to the NSW Biodiversity Conservation Fund.



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Section 5

Conclusion on the likelihood of significant impacts

5.1 You indicated the below ticked items to be of significant impact and therefore you consider the action to be a controlled action

- ☐ World Heritage properties
- ☐ National Heritage places
- ☐ Wetlands of international importance (declared Ramsar wetlands)
- ☒ Listed threatened species or any threatened ecological community
- ☐ Listed migratory species
- ☐ Marine environment outside Commonwealth marine areas
- ☐ Protection of the environment from actions involving Commonwealth land
- ☐ Great Barrier Reef Marine Park
- ☐ A water resource, in relation to coal seam gas development and large coal mining development
- ☐ Protection of the environment from nuclear actions
- ☐ Protection of the environment from Commonwealth actions
- ☐ Commonwealth Heritage places overseas
- ☐ Commonwealth marine areas

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action

N/A



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 6

Environmental record of the person proposing to take the action

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Explain in further detail

Neoen has a large portfolio of solar, wind, and energy storage power plants across Australia, America, Europe and Africa, most of which it owns and operates. Neoen has undertaken several projects under the EPBC Act and has satisfactorily implemented all the conditions of its previous approvals.

Neoen has a Health, Safety and Environment (HSE) policy and is committed to the health and safety of its employees, subcontractors, partners, customers and the environment. This is attached at Appendix H.

Neoen has no existing record of having been the subject of any prosecution or civil proceeding under ACT, State, Territory or Commonwealth environmental or natural resources legislation which is relevant or material to this referral.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application

None are known.

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

☒ Yes ☐ No

6.3.1 If the person taking the action is a corporation, provide details of the corporation's environmental policy and planning framework

Neoen's HSE approach is designed to limit harm to persons, assets and the environment at its places of work, notably on building sites but equally during the development and operating phases of its installations. In the framework of its activities, Neoen is mainly confronted with issues associated with the use of land and the protection of biodiversity. Its power plants benefit from the reduction of impacts which are identified in surveys conducted at the earliest stages of project development.

In accordance with Neoen's commitment to engage in its operations whilst avoiding or limiting, so far as possible, environmental harm other than the visual impacts inherent in each activity, Neoen complies with all applicable statutory and regulatory requirements. It has particular regard for compliance with standards and the constitution of provisions and guarantees for the dismantling of its installations at the end of a project's useful life, in such a way as to leave behind a clean site that can be reused for other renewable energy production plants or for any other type of activity.

Neoen pays particular attention to respect for ecosystems and for the living conditions of the species present in project development areas and throughout their lifecycles. All of Neoen's development, construction and operating teams are trained in environmental protection and respect for biodiversity. Each new project area is rigorously selected on the basis of mapping designed to identify the potential impacts for wildlife and plants, heritage, and archaeological sites. This helps avoid, reduce or compensate for any pressure exercised on the local environment.

A number of commitments in favour of the environment and of are formally made by Neoen, including matters such as:

- Construction phases designed to limit disturbance during periods of reproduction of local species
- Construction of corridors to facilitate the mobility of native fauna species
- Land clearance to combat the spread of fires and facilitate the circulation of fire engines
- Preservation of elements of historical heritage
- Limitation of noise pollution, particularly in the context of wind turbines.

The proper application of compensatory and supportive measures is monitored by an ecological specialist during construction and the greater part of a project's lifecycle and can also be the subject of administrative inspection.

The Proposed Action and associated EPBC Act referral and approval will be subject to Neoen's HSE Policy (Appendix H).

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

☒ Yes ☐ No

6.4.1 EPBC Act No and/or Name of Proposal

2020/8614 Neoen Australia Pty Ltd/Energy Generation and Supply (non-renewable)/680 Ballan Rd, Moorabool/Victoria/Victorian Big Battery

2019/8510 NEOEN AUSTRALIA PTY. LTD./Energy Generation and Supply (renewable)/Between Portland and Nelson, Vic/Victoria/Kentbruck Green Power Hub, Vic

2018/8301 NEOEN AUSTRALIA PTY. LTD./Energy Generation and Supply (renewable)/Lot 36 on DY78; Lot 37 on DY78; Lot 38 on DY85 - near Hopeland, Qld/Queensland/Western Downs Green Power Hub, Hopeland, Qld

2018/8289 NEOEN AUSTRALIA PTY. LTD./Energy Generation and Supply (renewable)/Refer to Kaban Green Power Hub Matters of Environmental Significance Report, Section 1.4./Queensland/Kaban Green Power Hub, Kaban, Qld



Australian Government

Department of Agriculture, Water and the Environment

Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

2015/7460 Bulgana Wind Farm Pty Ltd/Energy generation and supply (renewable)/Stawell/VIC/Bulgana Wind Farm,
Stawell, Victoria
2012/6573 INVESTEC BANK AUSTRALIA LTD/Energy Generation and Supply (renewable)/North of Jamestown/South
Australia/Hornsedale Wind Farm, SA



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 7
Information sources
Reference source
Umwelt (2020) Stockdill Drive BESS Ecological Investigation. Prepared for Neoen.
Reliability
Sound
Uncertainties
None
Reference source
Navin Officer Heritage Consultants (2020) Cultural Heritage Assessment letter. Prepared for Neoen.
Reliability
Sound
Uncertainties
None
Reference source
Department of the Environment (2015) Draft Referral guideline for 14 birds listed as migratory species under the EPBC Act.
Reliability
Sound
Uncertainties
None
Reference source
Commonwealth EPBC Act Protected Matters Search Tool
Reliability
Sound
Uncertainties
Moderate – mapping of some MNES, such as listed threatened species and ecological communities, provides only a general indication of their distribution. Field surveys are often required to verify the map data.
Reference source
WSP Parsons Brinckerhoff (2016) EPBC Act Referral (EPBC 2016/7784)
Reliability
Sound
Uncertainties
Moderate – vegetation mapping to be confirmed during assessment process
Reference source
WSP Parsons Brinckerhoff (2018) ACT and Commonwealth bilateral EIS
Reliability
Sound



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Uncertainties
Moderate – vegetation mapping to be confirmed during assessment process



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 8
Proposed alternatives
Do you have any feasible alternatives to taking the proposed action? Yes <input checked="" type="checkbox"/> No



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Section 9

Person proposing the action

9.1.1 Is the person proposing the action an organisation or business?

☒ Yes ☐ No

Organisation

Organisation name (as registered for ABN/ACN)	NEOEN AUSTRALIA PTY. LTD.
Business name	
ABN	57160905706
ACN	
Business address	6/16 Marcus Clarke St, Canberra, 2600, ACT, Australia
Postal address	
Main Phone number	0400 158 428
Fax	
Primary email address	gina.zheng@neoen.com
Secondary email address	

9.1.2 I qualify for exemption from fees under Regulation 5.23(1)(ii) of the EPBC Regulations because I am:

☐ Small business
☒ Not applicable

9.1.2.2 I would like to apply for a waiver of full or partial fees under Regulation 5.21A of the EPBC Regulations


☐ Yes ☒ No

9.1.3 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)


First name	Gina
Last name	Zheng
Job title	Project Manager
Phone	
Mobile	0400 158 428
Fax	
Email	gina.zheng@neoen.com
Primary address	6/16 Marcus Clarke St, Canberra, 2600, ACT, Australia
Address	

Declaration: Person proposing the action (To be signed by the person at 9.1.3)

I, GINA ZHENG on behalf of NEOEN AUSTRALIA PTY LTD, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity.

Signature:  Date: 9 February 2021

I, GINA ZHENG on behalf of NEOEN AUSTRALIA PTY LTD the person proposing the action, consent to the designation of NEOEN AUSTRALIA PTY LTD as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:  Date: 9 February 2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Proposed designated proponent

9.2.1 Is the proposed designated proponent a member of an organisation?

☒ Yes ☐ No

Organisation


Organisation name (as registered for ABN/ACN)	NEOEN AUSTRALIA PTY. LTD.
Business name	
ABN	57160905706
ACN	
Business address	6/16 Marcus Clarke St, Canberra, 2600, ACT, Australia
Postal address	
Main Phone number	0400 158 428
Fax	
Primary email address	gina.zheng@neoen.com
Secondary email address	

9.2.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

First name	Gina
Last name	Zheng
Job title	Project Manager
Phone	0400 158 428
Mobile	
Fax	
Email	gina.zheng@neoen.com
Primary address	6/16 Marcus Clarke St, Canberra, 2600, ACT, Australia
Address	

Declaration: Proposed Designated Proponent

I, GINA ZHENG, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:  Date: 9 February 2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Referring party (person preparing the information)

9.3.1 Is the referring party (person preparing the information) a member of an organisation?

☒ Yes ☐ No

Organisation

Organisation name (as registered for ABN/ACN)

UMWELT (AUSTRALIA) PTY. LTD.

Business name

UMWELT

ABN

18059519041

ACN

Business address

PO Box 6135, 56 Bluebell Street, O'Connor, 2602,
Australian Capital Territory, Australia

Postal address

Main Phone number

1300 793 267

Fax

Primary email address

info@umwelt.com.au

Secondary email address

9.3.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

First name

Keira

Last name

Banks

Job title

Environmental Consultant

Phone

1300 793 267

Mobile

0472 877 972

Fax

Email

kbanks@umwelt.com.au

Primary address

2/99 Northbourne Ave, Turner, 2612, ACT, Australia

Address

Declaration: Referring party (person preparing the information)

I, KEIRA BANKS, declare that
to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and
correct. I understand that giving false or misleading information is a serious offence.

Signature: K. Banks Date: 8/2/2021



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Appendix A	
Attachment	
Document Type	File Name
action_area_images	Appendix A - Figure 1 - Concept plan for works on Block 1634.pdf
action_area_images	Appendix B - Figure 2 - Regional context of the Proposed Action.pdf
action_area_images	Appendix C - Figure 3 - Vegetation mapping on Block 1634.pdf
public_consultation_reports	Published redacted Appendix E - Cultural Heritage Assessment letter.pdf
supporting_tech_reports	Appendix D - Ecological Investigation report.pdf
supporting_tech_reports	Appendix F - EPBC Assessment of Significance.pdf
supporting_tech_reports	Appendix G - EPBC Act Protected Matters report 20201202.pdf
corp_env_policy_docs	Appendix H - Neoen HSW Policy.pdf

Appendix B
Coordinates
Area 1
-35.248607833141,148.98014874074
-35.248724223368,148.98000663435
-35.248788251877,148.97946649537
-35.25010540199,148.97969288393
-35.249840815266,148.98188145861
-35.249369029972,148.98180256779
-35.249265555725,148.98263756389
-35.248340033957,148.98246523645
-35.248589684949,148.98030823866
-35.246810969139,148.97999179614
-35.246873082075,148.97993620887
-35.248600007803,148.98024039266
-35.248607833141,148.98014874074