

Cobbora Solar Farm

Application Number: **01190**Commencement Date: **06/05/2022**Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Cobbora Solar Farm

1.1.2 Project industry type *

Energy Generation and Supply (renewable)

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

1/01/2024

1.1.4 Estimated end date *

1/06/2026

1.2 Proposed Action details

1.2.1 Provide an overview of the proposed action, including all proposed activities. *

The Cobbora Solar Farm is a proposed large scale solar photovoltaic (PV) generation facility with associated infrastructure (the project). It is situated within Central West NSW, around 55 km east of Dubbo in the locality of Cobbora.

The project will have an indicative capacity of approximately 700 MW and include a centralised 200 MW/200 MWh Battery Energy Storage System (BESS). The project area will cover approximately 3,300 hectares (ha) and the indicative disturbance footprint containing all project infrastructure will cover approximately 2,700 ha.

Marble Energy are investigating different options to connect to EnergyCo's proposed CWO REZ transmission link, which currently has a corridor under investigation that passes through the southern portion of the project area.

In addition to the infrastructure described above, the project will also require:

- Staff office, operations and control room, meeting facilities, amenities and car parking
- A temperature controlled spare parts storage facility
- Supervisory control and data acquisition (SCADA) facilities
- A workshop and associated infrastructure
- A number of new internal roads to facilitate access within the project area to allow for construction and ongoing maintenance
- Fencing and landscaping.

Temporary infrastructure during the construction phase of the project, including laydown, storage areas and a site compound, would also be required.

The area being considered for this project covers part of what was the Cobbora Coal Project holdings, an open-cut coal mine proposed by Cobbora Holding Company Pty Limited (CHC), which was a state owned entity. The assessments undertaken for the Cobbora Coal Project and documented in the EIS provide useful baseline information on the existing environment and have been consulted when preparing this referral.

1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? *

Environmental Planning and Assessment Act 1979 (EP&A Act) and State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

Part 4 of the EP&A Act relates to development assessment and consent; Part 4, Division 4.7 relates to the assessment of development deemed to be significant to the State (or SSD).

Section 4.36(2) of the EP&A Act states that a:

...State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

The SRD SEPP identifies development that is SSD. Clause 8 of the SRD SEPP states:

(1) Development is declared to be State significant development for the purposes of the Act if:

(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and

(b) the development is specified in Schedule 1 and 2.

The project meets both these requirements; it requires development consent, and is a development specified in Schedule 1 of the SRD SEPP.

The project meets the definition of "electricity generating works" under the Standard Instrument – Principal Local Environmental Plan (Standard Instrument) as it is a building or place used for the purpose of electricity storage. The project will also have a capital investment value of more than \$30 million. Consequently, the project is SSD pursuant to item 20 under Schedule 1 of the Planning Systems SEPP.

Biodiversity Conservation Act 2016 (BC Act)

As the project is classified as SSD, the project triggers entry into the NSW Biodiversity Offset Scheme (BOS) under the BC Act and consequently a Biodiversity Development Assessment Report (BDAR) is required. This will be prepared in accordance with the Biodiversity Assessment Method 2020 (the BAM).

The Bilateral Agreement (made under section 45 of the Environment Protection and Biodiversity Conservation Act 1999 [EPBC Act]) between the Commonwealth of Australia and the State of NSW allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process in assessing actions under the EPBC Act. For the Cobbora Solar Farm project, this would be in the form of a BDAR as part of the Environmental Impact Statement (EIS).

1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. *

Marble Energy has been in consultation with neighbouring property owners since early 2020 including all residents within a 3 km radius of the project. They have also conducted engagement with Dubbo Regional Council and Warrumbungle Shire Council and this will be continued as the project is further refined.

During the EIS phase of the project, the proposed consultation method will involve a combination of face to face/videoconference meetings, email and telephone correspondence, briefing letters, newsletters and fact sheets, community drop-in sessions, website feedback forms and a project information line. All relevant stakeholders will be consulted including DPE, TfNSW, Warrumbungle Shire Council, Dubbo Regional Council, TransGrid, NSW Environment Protection Authority, State MPs, associated landholders and non-project related nearby neighbours, the wider community, Aboriginal community, local service providers and special interest groups.

An expression of interest has also been published within the Dubbo Liberal newspaper (29 April 2022) to identify Registered Aboriginal Parties (RAPs). In addition, letters have been issued to relevant stakeholders as per the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (DECCW 2010).

A summary of the stakeholder engagements undertaken is attached.

1.3.1 Identity: Referring party**Privacy Notice:**

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

By completing and submitting this form, you consent to the collection of all personal information contained in this form. If you are providing the personal information of other individuals in this form, please ensure you have their consent before doing so.

The Department of Climate Change, Energy, the Environment and Water (the department) collects your personal information (as defined by the Privacy Act 1988) through this platform for the purposes of enabling the department to consider your submission and contact you in relation to your submission. If you fail to provide some or all of the personal information requested on this platform (name and email address), the department will be unable to contact you to seek further information (if required) and subsequently may impact the consideration given to your submission.

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Confirm that you have read and understand this Privacy Notice *

1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details	
ABN	20093846925
Organisation name	AECOM AUSTRALIA PTY LTD
Organisation address	Level 21, 420 George Street, Sydney, NSW 2000
Referring party details	
Name	Liam
Job title	
Phone	
Email	liam.buxton@aecom.com
Address	

1.3.2 Identity: Person proposing to take the action

1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? *

No

1.3.2.2 Is Person proposing to take the action an organisation or business? *

Yes

Person proposing to take the action organisation details	
ABN	11649803798
Organisation name	Marble Energy Pty Ltd

Organisation address	Level 12, 111 Elizabeth Street, Sydney, NSW, 2000
Person proposing to take the action details	
Name	Tim Kirk
Job title	Head of Development
Phone	0403857079
Email	tim.kirk@marbleenergy.com.au
Address	Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

No

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

Marble Energy is a private, Australian owned and operated large-scale renewable development company focused on acquisition, development, and long-term management of large-scale solar, wind and storage projects. Marble has been developing renewable energy projects across Australia since 2018, committed to being a positive community member and building relationships with landowners and communities that has established a diversified portfolio in excess of 1 Gigawatt (GW) across New South Wales, Victoria and Queensland. Marble Energy was previously Marble Solar, however due to its inclusion of other renewable energy technologies in its development pipeline, it was rebranded to Marble Energy in 2021.

Marble Energy does not currently have any proceedings against it regarding Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources.

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details	
ABN	11649803798
Organisation name	Marble Energy Pty Ltd

Organisation address Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

Proposed designated proponent details

Name Tim Kirk

Job title Head of Development

Phone 0403857079

Email tim.kirk@marbleenergy.com.au

Address Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

1.3.4 Identity: Summary of allocation

Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN 20093846925

Organisation name AECOM AUSTRALIA PTY LTD

Organisation address Level 21, 420 George Street, Sydney, NSW 2000

Representative's name Liam

Representative's job title

Phone

Email liam.buxton@aecom.com

Address

Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN 11649803798

Organisation name Marble Energy Pty Ltd

Organisation address Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

Representative's name Tim Kirk

Representative's job title Head of Development

Phone 0403857079

Email tim.kirk@marbleenergy.com.au

Address Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? *

No

1.4.3 Has the department issued you with a credit note? *

No

1.4.5 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? *

No

1.4.7 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A? *

No

1.4.8 Would you like to add a purchase order number to your invoice? *

No

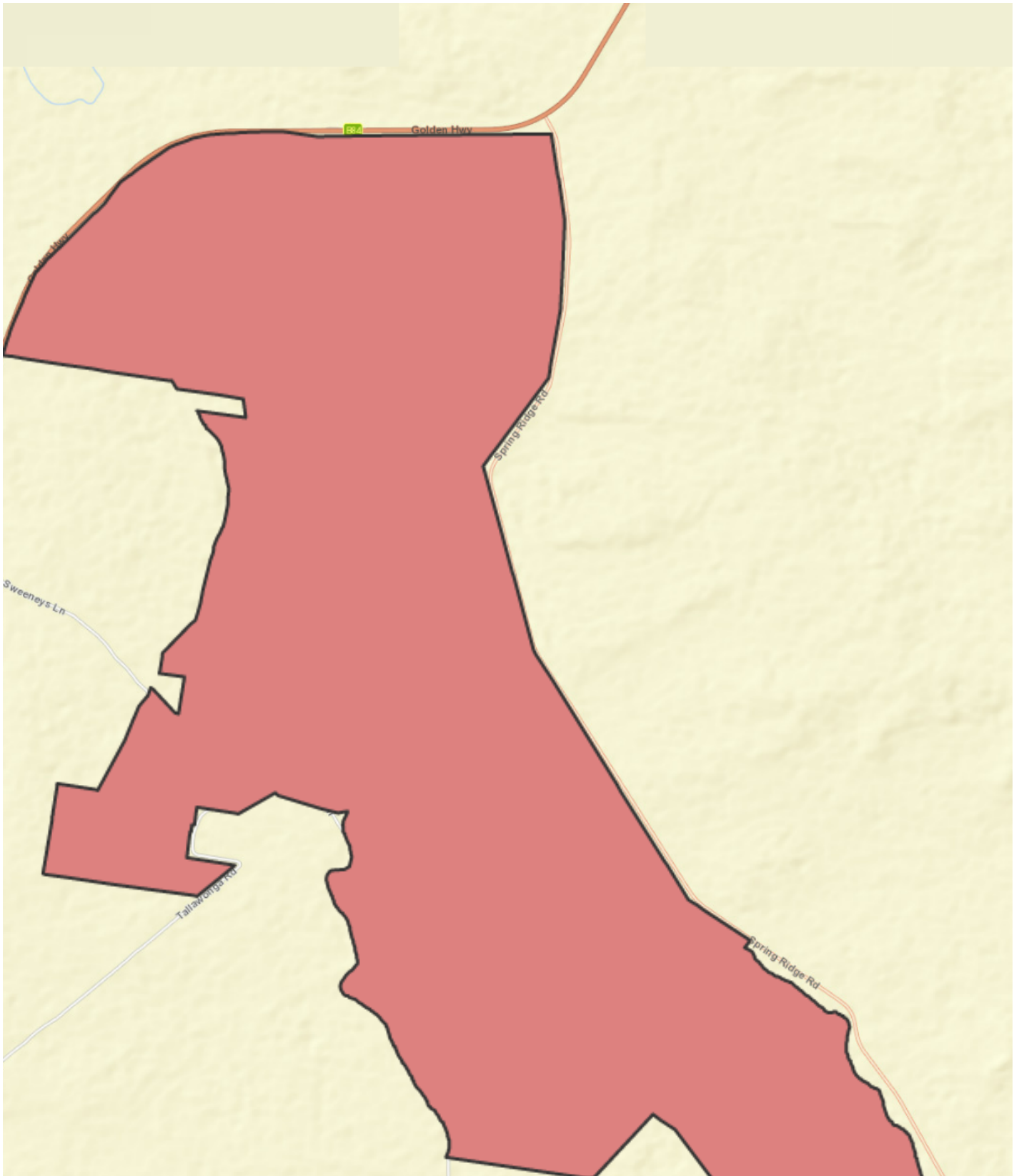
1.4 Payment details: Payment allocation

1.4.10 Who would you like to allocate as the entity responsible for payment? *

Person proposing to take the action

2. Location

2.1 Project footprint



2.2 Footprint details

2.2.1 What is the address of the proposed action? *

Sandy Creek Road Cobbara

2.2.2 Where is the primary jurisdiction of the proposed action? *

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

Freehold land

3. Existing environment

3.1 Physical description

3.1.1 Describe the current condition of the project area's environment.

The Site is located approximately 20 kilometres south west of Dunedoo and 55 kilometres east of Dubbo in Central West NSW. The Site spans two local government areas (LGAs): Warrumbungle Shire Council and Dubbo Regional Council. Within these LGAs the Site also spans three suburbs: Dunedoo, Elong Elong and Cobbora, though is predominantly within the suburb of Cobbora. To the north the Site is bordered by the Golden Highway and to east the Site is bordered by Spring Ridge Road.

Extending over approximately 40 land parcels, the Site covers approximately 3,300 hectares. All 40 land parcels are zoned as RU1 Primary Production within the respective Local Environmental Plan, namely *Dubbo Regional Local Environmental Plan 2011* (Dubbo LEP 2011) and *Warrumbungle Local Environmental Plan 2013* (Warrumbungle LEP 2013). No zoning changes are proposed as part of the Project.

The project site is predominantly cleared and used for sheep and cattle grazing with scattered rural residences. Vegetation here is likely to be predominantly exotic and in low condition. Areas of native vegetation are present within and surrounding the project area in the form of patches of intact vegetation along ridgelines and creeklines as well as paddock trees. It is anticipated that the vegetation along the ridgelines is in higher condition and subject to less disturbance. Further information is provided in the attached Scoping Report.

Road access to the Site is via the Golden Highway and Sandy Creek Road or Spring Ridge Road. These roads are graded roads which carry minimal traffic, with their use being generally limited to access routes for rural properties. These roads would remain open and available for public use during the construction and operation and decommissioning of the Project.

3.1.2 Describe any existing or proposed uses for the project area.

The majority of the project area is currently cleared and is used as grazing for agriculture.

The area being considered for this project covers part of what was the Cobbora Coal Project (CCP) holdings, an open-cut coal mine proposed by Cobbora Holding Company Pty Limited (CHC), which was a state owned entity. The project was approved but subsequently deemed not viable and the land was sold to private buyers following the NSW Government's decision to abandon plans for the open cut coal mine.

Marble is proposing to establish a large scale solar photovoltaic (PV) generation facility (and associated infrastructure) with an indicative capacity of approximately 700 MW. The indicative disturbance footprint will cover approximately 2,700 ha.

3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

The project area is located to the west of Tuckland State Forest, and approximately 5.5 km southwest of Cobbora State Conservation Area. These areas are known habitat of several threatened species.

The proposed project area is predominantly cleared grazing land, however several threatened species and ecological communities have been recorded, or are considered likely to occur, in the project area. Hollow-bearing trees are also likely to be present.

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

The elevation of the proposed site ranges from 350 – 430 m above sea level, with an average gradient of 5-10%. The site is undulating, comprised of low lying farming land, and multiple east-west ridgelines. It has an overall north-west aspect.

3.2 Flora and fauna

3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

Previous surveys in 2012 recorded a high number of native plant species and low number of exotic species within a range of vegetation types. This included four flora species listed as threatened under the BC and/or EPBC Act within or nearby the Cobbora Solar Farm project area. These were *Acacia ausfeldii*, *Zieria ingramii*, *Homoranthus darwinioides* and *Tylophora linearis*.

The 2012 surveys recorded high diversity of bird and amphibian species and suitable habitat for a range of fauna species, including hollow bearing trees, rocky outcrops and bush rock, fallen timber and watercourses. Seventeen bird species and five bat species listed as threatened under the BC and/or EPBC Act were recorded within or nearby the Cobbora Solar Farm project area.

3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

The assessment for the Cobbora Coal Project found that the project area is within an agricultural region that is dominated by grazing land with large tracts of remnant vegetation on the less fertile slopes and ridges. Much of the area within the indicative disturbance footprint for the Cobbora Solar Farm was considered to be improved pasture or disturbed land.

The State Vegetation Type Mapping for the Central West/Lachlan Region (DPIE, 2015) indicates there are 16 different Plant Community Types (PCTs) within the project area. Approximately 629 hectares of non-native vegetation has also been mapped. Nine of the PCTs are associated with three different Threatened Ecological Communities (TECs). These are:

- Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (referred to as Inland Grey Box Woodland). Listed as endangered under the BC Act and EPBC Act;
- Fuzzy Box Woodland on alluvial Soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions (referred to as Fuzzy Box Woodland). Listed as endangered under the BC Act;
- White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions (referred to as Box-Gum Woodland). Listed as critically endangered under the BC Act and EPBC Act.

The project area is predominantly situated within the Lahey's Creek and Dapper Hill soil landscapes, with a small area of the site also within the Mitchell Creek soil landscape (DPIE, 2022). The project area is also situated within the Goonoo Slopes NSW (Mitchell) Landscape and in the west extends slightly into the Talbragar - Upper Macquarie Terrace Sands and Gravels Landscape (DPIE, 2016).

3.3 Heritage

3.3.1 Describe any Commonwealth heritage places overseas or other places recognised as having heritage values that apply to the project area.

There are no Commonwealth heritage places overseas, or other places recognised as having heritage values that apply to the project area.

The closest heritage items to the project area are Elong Elong General Cemetery approximately 9 km west of the project area and Cobbora cemetery, courthouse, police station, gaol, former public school and residence approximately 6 km north-east of the project area.

3.3.2 Describe any Indigenous heritage values that apply to the project area.

An Aboriginal cultural heritage assessment (ACHA) will be prepared for the project.

An Aboriginal Heritage Information Management System (AHIMS) search covering the project area returned 103 AHIMS registrations within and immediately surrounding the project area. They are primarily associated with Laheys Creek, Sandy Creek, unnamed tributaries of these waterways and the elevated ridge lines of the project area. As the indicative disturbance footprint is largely cleared, it is anticipated that unobtrusive site types such as artefact scatters and isolated finds are most likely to be identified within this area. However, scarred trees and grinding groove sites may also be present.

3.4 Hydrology

3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. *

The project area falls within the Macquarie catchment. There are multiple ephemeral and perennial tributaries that flow through the project area. These include Laheys (4th order stream) and Sandy Creek (5th order stream), which flow north-west through the majority of the project area toward the Talbragar River.

4. Impacts and mitigation

4.1 Impact details

Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	No	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth heritage places overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No World Heritage properties are located within 10 km of the project area.

4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No National Heritage places are located within 10 km of the project area.

4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The nearest RAMSAR wetlands are the macquarie marshes and Hunter estuary wetlands, both located 150-200 km upstream from the project area. The project would not impact upon these, or any other RAMSAR wetlands.

4.1.4 Threatened Species and Ecological Communities

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Threatened species

Direct impact	Indirect impact	Species
Yes	No	Androcalva procumbens
No	Yes	Anthochaera phrygia
Yes	No	Aprasia parapulchella
Yes	No	Botaurus poiciloptilus
Yes	No	Calyptrorhynchus lathamii
Yes	No	Chalinolobus dwyeri
Yes	No	Dichanthium setosum
No	Yes	Grantiella picta
Yes	No	Homoranthus darwinioides
No	Yes	Lathamus discolor
Yes	No	Nyctophilus corbeni
Yes	No	Phascolarctos cinereus
Yes	No	Polytelis swainsonii
No	Yes	Pteropus poliocephalus
Yes	No	Tylophora linearis
Yes	No	Zieria ingramii

Ecological communities

Direct impact	Indirect impact	Ecological community
Yes	No	Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia
Yes	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

Inland Grey Box Woodland is listed as an endangered ecological community under the EPBC Act and is associated with one of the PCTs that has been mapped within the project area; Western Grey Box - cypress pine shrub grass shrub tall woodland in the Brigalow Belt South Bioregion (PCT 81). Following surveys in June 2022, the presence of this PCT was confirmed. There is approximately 25.31 ha of PCT 81 mapped within the indicative disturbance footprint that is consistent with the Inland Grey Box Woodland TEC and may be directly affected by the project. However, as the project is a solar farm, full clearing of this entire area is not required and therefore impacts are likely to be reduced.

There is approximately 19.13 ha of PCT 281 and PCT 403 mapped within the indicative disturbance footprint that is consistent with the Box-Gum Woodland TEC and may be directly affected by the project. However, as the project is a solar farm, full clearing of this entire area is not required and therefore impacts are likely to be reduced.

The Australasian Bittern has been recorded within the project area during surveys in 2012 for the Cobbora Coal Project. Foraging or breeding habitat for the species is likely to be present within the project area which may be directly or indirectly affected as a result of the project. Surveys will be undertaken in 2022 which will confirm the area of potential habitat to be affected.

The Glossy Black-Cockatoo has not been recorded in close proximity to the project area however there is potential habitat present which may be directly or indirectly affected as a result of the project. Surveys for the species will be undertaken in 2022 to determine the presence of any breeding habitat.

The Superb Parrot has been recorded within the project area during surveys in 2012 for the Cobbora Coal Project. Foraging or breeding habitat for the species is likely to be present within the project area which may be directly or indirectly affected as a result of the project. Surveys will be undertaken in 2022 which will confirm the area of potential habitat to be affected.

Large-eared Pied Bat has been recorded approximately 5 km east of the project area. Foraging habitat for the species is likely to be present within the project area which may be directly or indirectly affected as a result of the project. If any potential cave roosts are present within the project area it is unlikely they would be affected by the project. Targeted surveys for the species will be undertaken during their survey period in 2022 which will confirm whether the species is present and the area of suitable habitat to be affected.

There is approximately 79.23 ha of potential habitat for the koala within the indicative disturbance footprint in the form of associated PCTs. Targeted surveys for the species will be undertaken during their survey period in 2022 which will determine presence of species and area of suitable habitat to be affected.

A summary of other direct/ and or indirect species (including, reagent honeyeater, painted honeyeater, swift parrot, Corbens Long-Eared Bat, Grey headed flying fox, *Androcalva procumbens*, *Dichanthium setosum*, *Homoranthus darwinioides*, *Tylophora linearis*, *Zieria ingramii* and Pink-tailed Legless Lizard) that were identified as part of historic surveys and baseline assessment has been provided in the attached Protected Matters Search Tool Report Assessment.

4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

Yes

4.1.4.5 Describe why you consider this to be a Significant Impact. *

As a precautionary approach, impacts to Inland Grey Box Woodland and Box-Gum Woodland are considered to be significant. This is because surveys in 2022 may find greater areas of these TECs which are within the indicative disturbance footprint and likely to be affected. Due to the already highly reduced areas of these TECs in the locality as a result of historic clearing, further impacts to the TECs may be considered significant. This would likely be due to reducing their extent and causing fragmentation of the TECs.

Impacts to *Zieria ingramii*, *Homoranthus darwinioides* and *Tylophora linearis* may also be considered significant depending on the results of targeted surveys in 2022 and the proximity of individuals to the indicative disturbance footprint. Removal of habitat and individuals may fragment the population size, reduce their area of occupancy and lead to a long-term decrease in population size.

4.1.4.7 Do you think your proposed action is a controlled action? *

Yes

4.1.4.8 Please elaborate why you think your proposed action is a controlled action. *

Impacts to threatened species and ecological communities are considered likely to be significant. This is largely due to the high level of clearing required which would likely result in reducing the extent of the TECs and threatened species habitat. Based on a precautionary approach, the project is considered likely to be a controlled action.

4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

Exclusion areas have been proposed within the project area which contain more intact, higher condition native vegetation and are likely to also contain higher biodiversity values including threatened species and TECs. Following surveys in June 2022, the indicative disturbance footprint will be refined to avoid, as far as practicable, areas of MNES. Furthermore, full clearing of the indicative disturbance footprint would not be required and will allow for avoidance of important habitat features such as hollow bearing trees. Further avoidance and mitigation measures will be investigated during the preparation of the BDAR.

4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

Offsetting for the project will be undertaken in accordance with the BAM and outlined in the BDAR. No offset areas have been proposed at this stage.

4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.5.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No migratory species have been recorded within the project area to date. One migratory species, White-throated Needletail, has been recorded within 10km of the project area. While migratory species may occasionally flyover or briefly utilise the project area, it is unlikely to constitute important habitat for the species and therefore the species is unlikely to be affected by the project.

4.1.6 Nuclear

4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is not a nuclear action

4.1.7 Commonwealth Marine Area

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

There are not Commonwealth Marine Areas in proximity to the project area

4.1.8 Great Barrier Reef

4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is not in proximity to the Great Barrier Reef

4.1.9 Water resource in relation to large coal mining development or coal seam gas

4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is not a coal seam gas or large coal mining development

4.1.10 Commonwealth Land

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is not located on or near Commonwealth Land

4.1.11 Commonwealth heritage places overseas

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

There are no Commonwealth heritage places located within the project area

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

- Threatened Species and Ecological Communities (S18)

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth heritage places overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

The project area has been identified as a suitable location for a solar farm development by Marble Energy due to its location in the CWO REZ, its optimal renewable energy generation potential and the relatively low level of biodiversity constraints present given the historical clearing which has occurred. Suitable alternative locations are limited due to the requirements of surface area, topography, proximity to existing and/or proposed energy infrastructure and available network capacity.

The project area is also situated on part of the approved Cobbora Coal Project, which was subsequently deemed not viable. The possibility of transforming an area previously considered as a source of fossil fuel into a solar farm was appealing to Marble Energy.

Other potential sites for the project were investigated by Marble Energy, including within the Central West region. The project area was selected based on the capacity available in the proposed electricity network for a utility solar PV project, the suitable low topographic relief and relatively low level of environmental constraints present, as well as the relatively few neighbours living in close proximity of the project area and the willingness of landholders to be involved.

Alternative power generation options are economically limited from a private investment standpoint, with solar power generation, along with wind, becoming the cheapest forms of new build electricity in Australia. There are significant constraints for the private sector to invest in other technologies due to their relatively higher costs and higher risks. Replacing retiring coal fired power plants with a combination of wind farms, and solar battery storage systems is the most economically viable option for the foreseeable future.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

#1. Scoping Report

Document

Scoping Report to request SEARs from DPE

1.2.7 Public consultation regarding the project area

#1. Community and Stakeholder Engagement Plan	Document	Community and Statement Engagement Plan which details the consultation activities to occur during the preparation of the EIS
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3.1.1 Current condition of the project area's environment

#1. Scoping Report	Document	The Scoping Report provides defines the battery limits of the Project to provide context of the project that development consent is sought.
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4.1.1.3 (World Heritage) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.2.3 (National Heritage) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.3.3 (Ramsar Wetland) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

#1. Protected Matters Search Tool Report Assessment	Document	Supporting assessment for the Protected Matters Search Tool Report.
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4.1.4.5 (Threatened Species and Ecological Communities) Why you consider the direct and/or indirect impact to be a Significant Impact

#1. EPBC Referral Assessment	Document	Supporting assessment against DAWEs EPBC referral proforma
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4.1.5.3 (Migratory Species) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.6.3 (Nuclear) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.7.3 (Commonwealth Marine Area) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.9.3 (Water resource in relation to large coal mining development or coal seam gas) Why your action is unlikely to have a direct and/or indirect impact

#1.		
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EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.10.3 (Commonwealth Land) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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4.1.11.3 (Commonwealth heritage places overseas) Why your action is unlikely to have a direct and/or indirect impact

#1. EPBC Referral Assessment	Document	DAWE EPBC proforma that provides an assessment against MNES
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5.2 Declarations

Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN 20093846925
Organisation name AECOM AUSTRALIA PTY LTD
Organisation address Level 21, 420 George Street, Sydney, NSW 2000
Representative's name Liam
Representative's job title
Phone
Email liam.buxton@aecom.com
Address

- Check this box to indicate you have read the referral form. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *
- By checking this box, I, **Liam of AECOM AUSTRALIA PTY LTD**, 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. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *

Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN 11649803798
Organisation name Marble Energy Pty Ltd
Organisation address Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

Representative's name	Tim Kirk
Representative's job title	Head of Development
Phone	0403857079
Email	tim.kirk@marbleenergy.com.au
Address	Level 12, 111 Elizabeth Street, Sydney, NSW, 2000

- Check this box to indicate you have read the referral form. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *
- I, **Tim Kirk of Marble Energy 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. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *

Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

- Check this box to indicate you have read the referral form. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *
- I, **Tim Kirk of Marble Energy Pty Ltd**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *
- I would like to receive notifications and track the referral progress through the EPBC portal. *