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CONSERVATION COUNCIL ACT REGION

Referrals Gateway
Department of Climate Change, Energy, the Environment and Water

Re. Swallow Tail BESS (EPBC 2026/10416)

Friends of Grasslands (**FOG**) and the Conservation Council ACT Region (**Council**) (together, '**we**'[1]) are generally supportive of proposals that promote *renewable* energy sources. At the same time, we observe that some renewable energy projects can result in harms to nature, including fragmentation of critical habitat and biodiversity loss.

We recommend the Swallow Tail BESS proposal is determined to be a controlled action as it is likely to result in significant impacts to an ecological community that is listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), i.e., White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland (**BGW**).

We believe the proposal will result in significant impacts to more than 2.56 ha of BGW. While the referral states 2.56 ha of BGW will be impacted, it appears the 56 ha development footprint shown in Figure 1 overlaps with and will therefore directly impact more than 2.56 ha of BGW. The proposed action will almost certainly indirectly impact every patch of the remaining BGW shown within the Project Area, e.g., by causing new or exacerbating existing fragmentation. Given the proponent's note further studies are needed (see section 1.2.1), we consider it likely there is additional BGW in the Project Area (and potentially the Development footprint) that is yet to be identified.

The scale of the proposal's impacts is unclear for an additional reason. The proposal includes and seeks the flexibility to implement various options including shifting the development footprint if desired. For example: The development footprint is "approximately 56 ha". The proposal is for "overhead or underground transmission lines connecting to the existing substation" (both section 1.2.1). "Refinement of the access route(s) and relevant upgrades required would be discussed as part of the EIS phase" (section 3.1.1).

Reading the justifications for the location of the project (section 1.2.1), none of which relate to avoiding BGW, we are not convinced this proposal avoids unnecessary harm.

We are not convinced by the referral's assertions that there will be no significant impacts on individual species. We cite in support the fact the description of the existing environment is general in nature, and (again) the proponent's statement that further studies are needed.

The referral states the Project Area and surrounds are highly fragmented. The point is made in a manner that suggests the proponent is unaware BGW has undergone a "**very severe** decline in

[1] For information about our organisations, see Table 1

geographic distribution"[2] and that an estimated 92 per cent of its original extent has been cleared[3]. Remnants are *known* to be "highly fragmented, occurring in small isolated patches within a cleared environment, or within a landscape of other disturbed woodlands."[4] Further fragmentation is the opposite of what is needed to achieve nature repair.

If the proposal is found to be a controlled action, we recommend an appropriate level of detail be published when comment is invited on draft assessment documents. To this end, our reading of many assessment documents prepared to satisfy regulatory requirements in NSW lack sufficient explanation of how the required number of biodiversity offset credits (under the NSW Biodiversity Offsets Scheme) to compensate for the associated impacts.

For instance, if the proponent is required to retire 10 credits to compensate for the loss of 0.732 ha of Class A BGW with 'Good quality understorey and mature overstorey both present' (see section 3.2.2), how many hectares of BGW does 10 credits protect and retain or restore? The public need to see this level of detail to understand how the regulatory system is operating in NSW. The proponent should be required to explain, in the assessment documents accepted for EPBC Act approval purposes:

- **if the credit area start quality is less than the impact site quality**, at what point in the future will the credit area attain the quality of the impact site? What is the evidence base and/or predictive modelling used to predict this outcome? What strategies will be implemented across the credit area to achieve this timebound outcome? How and by whom will the credit area be monitored to detect attainment of that future quality, and who enforces that outcome?
- **if the credit area start quality is the same or greater than the impact site quality**, using the same assessment method as at the impact site, what will be the future quality of the site in 10 and 20 years? What is the evidence base and/or predictive modelling used to predict this outcome? What strategies will be implemented across the credit area to achieve this timebound outcome? How and by whom will the credit area be monitored to detect attainment of that future quality, and who enforces that outcome?

Yours sincerely,

SIGNED

Jamie Pittock
President, Friends of Grasslands

8 April 2026

SIGNED

Dr Simon Copland
Chief Executive, Conservation Council ACT Region

8 April 2026

[2] Threatened Species Scientific Committee (registered 17 May 2006) *Commonwealth Listing Advice on White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* http://www.environment.gov.au/biodiversity/threatened/communities/box-gum.html, section 6; Department of Environment, Climate Change and Water NSW (2010). *National Recovery Plan for White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland*, http://www.environment.gov.au/biodiversity/threatened/recovery-plans/white-box-yellow-box-blakelys-red-gum-grassy-woodland-and-derived-native-grassland-national, p. 4

[3] Threatened Species Scientific Committee n 2, Table 5

[4] Threatened Species Scientific Committee n 2, section 5 under the heading 'Overall'

Table 1: About the signatories

FOG	is a community group dedicated to the conservation of grassy ecosystems in south-eastern Australia - natural temperate grasslands and grassy woodlands. FOG advocates, educates and advises on matters to do with the conservation of these ecosystems, and carries out surveys and on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public. www.fog.org.au
Council	is the leading environmental advocacy organisation in Canberra and hub for over 40 community groups. Our mission is to protect nature and safeguard ecosystems in the ACT and region. We support broader initiatives to counter regional and global climate change. The Council is a non-profit, non-government organisation that runs campaigns, promotes and upskills local groups, undertakes research, advocates passionately, and engages and informs our community. https://conservationcouncil.org.au/