



**CONSERVATION  
COUNCIL** ACT REGION

# Submission to Department of Agriculture, Water and the Environment: EPBC Referral 2021/8884: Territory Battery Energy Storage System, Ginninderry, ACT

---

March 2021

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

For further information please contact:

Helen Oakey, Executive Director, [director@conservationcouncil.org.au](mailto:director@conservationcouncil.org.au).

## Introduction

The Conservation Council ACT Region welcomes the opportunity to submit feedback on EPBC referral 2021/8884 regarding the construction and operation of a large-scale battery energy storage system of up to 300 megawatts by Neoen, to be located on a site adjacent to Stockdill Drive near Ginninderry, ACT. We acknowledge that the construction of the large-scale battery will support the electrification in the ACT and drive the uptake of localised, smart-grid technologies, consistent with pursuing net-zero emissions in the ACT. However, locating this on a site of identified critically-endangered habitat is blind to the wider environmental challenges facing us - a global climate crisis and an extinction crisis that is being brought on by urban development driven by habitat destruction. This proposal epitomises the disconnect between these two issues, and we would strongly encourage the proponent to review the location for this development proposal so as to fully integrate strong environmental outcomes on biodiversity and climate change.

## National significance of Box Gum Grassy Woodlands

The remnant mature trees and grassland located at the site has been identified in the ecological assessment as White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland under the EPBC Act. In the ACT, this ecological community is known as Yellow Box–Blakely’s Red Gum Grassy Woodland. Under both ACT and Federal environmental laws, it is listed as critically endangered.

Box-Gum Grassy Woodland were once widespread across south-east Australia prior to European settlement, but have since been significantly fragmented and modified over more than 90% of its distribution.<sup>1</sup> The ecological community faces threats including, but not limited to, clearing, invasive plants, fragmentation, and the effects of climate change.<sup>2</sup> Within the ACT, 50% of Box - Gum Grassy Woodland remains outside conservation areas and are subsequently still at risk from a lack of protection and adequate management.<sup>3</sup>

## The impacts of proposed development

The project area for this development comprises moderate quality derived grasslands that have been minimally impacted by invasive plant species and is highly likely to support Perunga Grasshopper and Pink-tailed Worm-lizard populations. There is 0.47 hectares of identified habitat for the Pink-tailed Worm-lizard (listed as vulnerable under ACT and Federal environment law) and 6.11 hectares of identified habitat for Perunga Grasshopper (listed as vulnerable under ACT environment law).

The vegetation across the entire project area of 6.39 hectares meets the criteria for native vegetation under the ACT’s Nature Conservation Act. The vegetation also meets the criteria for

---

<sup>1</sup> *Nature Conservation (Yellow Box –Blakely’s Red Gum Grassy Woodland) Conservation Advice 2020* (ACT).

<sup>2</sup> Environment, Planning and Sustainable Development Directorate (2019), *Yellow Box–Blakely’s Red Gum Grassy Woodland Endangered Ecological Community Action Plan*, (p.120).

<sup>3</sup> Commissioner for Sustainability and the Environment, (2019). ACT State of the Environment - 2019 Report, (p.206).

both the EPBC Act listed White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community, and the Nature Conservation Act Yellow Box–Blakely’s Red Gum Grassy Woodland critically endangered ecological community.

It should be noted that in the ecological assessment, Yellow Box–Blakely’s Red Gum Grassy Woodland is only identified as endangered under the Nature Conservation Act, though the listing was increased to critically endangered in 2019.

## Opportunity for ecological restoration

Given the quality of this derived grassland, the identified species on the site and the minimal presence of invasive plants, it would be more suitable to allocate this site for protection and restoration. The proponent should identify alternative locations for siting this facility, giving consideration to sites where development impacts have already occurred, possibly as a result of other industrial facilities in the area.

### Recommendations

1. Explore alternative locations for the site that will not impact threatened species or important remnant ecological communities, such as potentially within the existing substation boundary.

## Management of ecological values

If approval for this development is granted, and critically endangered habitat is built over, then the project should at the very least implement measures to protect the ecological values of the site. It would be useful to gain a greater understanding of the species reliant on the area before proceeding by undertaking targeted surveys undertaken to assess threatened fauna species on the site (p.11). It should be noted that targeted surveys have not yet been undertaken to confirm that Golden Sun Moth populations are not present (p.18).

Impacts to Pink-tailed Worm-lizard should also be avoided through the creation of a suitably-sized buffer between the project area and the identified Pink-tailed Worm-lizard habitat, acknowledging that the ongoing impacts of such a facility are likely to be low. Further, the mature hollow-bearing trees on site, of which there are only three, should be protected as refuge for Superb Parrot and other threatened species that move across the site for foraging.

### Recommendations

2. Undertake an analysis of the threatened fauna species onsite before proceeding.
3. Carry out targeted surveys to confirm whether a Golden Sun Moth population is present.
4. Avoid impacting the identified Pink-tailed Worm-lizard habitat by creating a buffer zone between the project area and the identified habitat.
5. Protect the mature hollow-bearing trees onsite.

## Offset Proposal

A review of the offsets in the ACT illustrated that offsets are unlikely to achieve no net loss and their management is not sufficiently transparent.<sup>4</sup> As such, the Conservation Council principally opposes the use of offsets and concurs with the ACT Government position that “*an advance offset may not be considered at all where an action is determined to have an unacceptable impact on a protected matter and the proposed action is refused.*”<sup>5</sup> However, acknowledging that offsets are a mechanism available to proponents to minimise the impact of developments on the environment, there are principles that should take into consideration which this proposal does not include, such as transparency and accountability of environmental benefit.

Neoen has proposed an investment in an offset through payment into NSW’s Biodiversity Conservation Trust. Given that the development area impacts sites within the ACT and there are many areas of moderate to high quality that could be protected in the ACT through this system, this is a missed opportunity to improve local habitat closer to the development site. It is unclear who will take responsibility for funding and ongoing management of the site to ensure accountability and ‘no net loss’.

However, the NSW’s Biodiversity Conservation Trust ‘Wanted credits’ list exemplifies the sparse distribution of Box Gum Grassy Woodlands in south-east Australia, where multiple grassland and grassy woodland species including Pink-tailed Worm-lizard and Striped Legless Lizard are listed. This does not provide any confidence that the proposed offset plan for this site is at all suitable, or will deliver the objective outlined in the ACT Government’s Offsets Policy<sup>6</sup> of delivering the “intended conservation gain for each specific protected matter that the offset is targeting’.

Neoen should engage with the ACT Government and the local community further to identify offset opportunities in the local region that support enhancement and protection of critically endangered White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland. In addition, the offset site should be clearly identified ahead of the development proceeding and listed on the ACT Offset Register.

### Recommendations

6. Review the proposed offset and identify an offset location within the ACT that supports the protection and enhancement of this critically endangered ecological community.
7. Identify the offset site prior to the development proceeding and publish it on the ACT Offsets Register.

---

<sup>4</sup> Connors, B, (2019) A review of biodiversity offsets implemented in the Australian Capital Territory under the *Environment Protection and Biodiversity Conservation Act 1999*, Honours Thesis.

<sup>5</sup> ACT Environmental Offsets Policy 2015, [https://www.environment.act.gov.au/\\_data/assets/pdf\\_file/0009/628758/ACT-Environmental-Offsets-Policy-ACCESS-PDF.PDF](https://www.environment.act.gov.au/_data/assets/pdf_file/0009/628758/ACT-Environmental-Offsets-Policy-ACCESS-PDF.PDF)

<sup>6</sup> ACT Environmental Offsets Policy 2015, [https://www.environment.act.gov.au/\\_data/assets/pdf\\_file/0009/628758/ACT-Environmental-Offsets-Policy-ACCESS-PDF.PDF](https://www.environment.act.gov.au/_data/assets/pdf_file/0009/628758/ACT-Environmental-Offsets-Policy-ACCESS-PDF.PDF)