

# Planning and Development (Battery Energy Storage Facility, Blocks 1634 and 1635 Belconnen) Scoping Document 2021

**Notifiable instrument NI2021–594**

made under the

**Planning and Development Act 2007, s 212 (Scoping of EIS)**

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## **1 Name of instrument**

This instrument is the *Planning and Development (Battery Energy Storage Facility, Blocks 1634 and 1635 Belconnen) Scoping Document 2021*.

## **2 Commencement**

This instrument commences on the day after its notification day.

## **3 Scoping of EIS**

Under section 212 of the Act, the planning and land authority has prepared the scoping document in the schedule.

George Cilliers  
Delegate of the planning and land authority  
30 September 2021


**ACT**  
Government

 Environment, Planning and  
Sustainable Development

## Scoping Document

 Under Division 8.2.2 of the *Planning and Development Act 2007*

<b>APPLICATION NUMBER:</b> 202100027		<b>DATE OF THIS NOTICE:</b> 17 September 2021
<b>DATE LODGED:</b> 6 August 2021		
<b>PROJECT:</b> Territory Battery Energy Storage System (BESS) involving construction and operation of a large-scale battery energy storage system of up to 300 megawatts and associated infrastructure and underground cabling connecting the BESS substation to the TransGrid Stockdill Substation.		
<b>IMPACT TRACK TRIGGER:</b> Schedule 4, Part 4.3, Item 1 and Item 2, of the <i>Planning and Development Act 2007</i>		
<b>BLOCK:</b> 1634 & 1635	<b>SECTION:</b> N/A	<b>DISTRICT:</b> Belconnen
<b>ADDRESS:</b> Stockdill Drive Belconnen, ACT		
<b>PROPONENT/APPLICANT:</b> Neoen Australia Pty Ltd		
<b>LESSEE OF BLOCK 1634:</b> Graeme and Glenis Trevaskis		
<b>LESSEE OF BLOCK 1635:</b> Electricity Transmission Ministerial Holding Corporation (c/o TransGrid)		

### SCOPING DOCUMENT

The planning and land authority (the Authority) within the Environment, Planning and Sustainable Development Directorate received your application under section 212(1) of the *Planning and Development Act 2007* (the PD Act) for Scoping of an Environmental Impact Statement (EIS) for the above proposed development. Pursuant to section 212(2) of the PD Act, the Authority has:

- Identified the matters that are to be addressed by an EIS in the relation to the development proposal; and
- Prepared this written notice (the **scoping document**) of the matters.

On 22 March 2021, a delegate of the Commonwealth Minister for Agriculture, Water and the Environment determined the proposed action to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

At the time of the controlled action decision, it was also determined that the assessment would be undertaken in accordance with Schedule 1 of the Bilateral agreement made under section 45 of the EPBC Act relating to environment assessment (2014).

This will enable the Authority to assess the EIS under both Commonwealth and ACT Legislation. The EIS will require approval from the Authority and Commonwealth Minister for Agriculture, Water and the Environment under part 9 of the EPBC Act before it can proceed.

**NB:** The EIS must conform to the requirements of this scoping document. This document does not indicate approval or support in any way, nor does it indicate approval in principle.



**ACT**  
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Environment, Planning and  
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## Scoping Document

Under Division 8.2.2 of the *Planning and Development Act 2007*

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### TERM OF SCOPING DOCUMENT

Pursuant to section 213(2) of the PD Act, the proponent must give the draft EIS to the Authority 18 months from the day the Authority gives this scoping document to the applicant.

### FORM AND FORMAT OF EIS

The Authority requires that the proponent engage a suitably qualified independent consultant to prepare an EIS, OR the proponent submits, with the draft EIS, an independent review of the draft EIS undertaken by a suitably qualified consultant. The EIS must be in the following form and format:

- The EIS must be prepared in accordance with section 50 of the *Planning and Development Regulation 2008*.
- The EIS must be written in plain English and avoid the use of jargon as much as possible.
- The EIS is required to be provided in the same structure as described in this Scoping Document as closely as possible.
- A table that cross-references the EIS to the scoping document must be included in the EIS submission.
- The report must reference any figures or supporting information used to the supporting appendix and page number, table or figure.
- Additional technical detail, including relevant data, technical reports and other sources of the EIS analysis must be provided in appendices.
- A redacted version (in addition to the full version) of any reports containing restricted or sensitive information must be provided for public notification, such as a Cultural Heritage Assessment report.
- Maps, diagrams and other illustrative material should be included in the EIS to assist readers to interpret information.
- The EIS document must be sized A4 with maps and drawings in A4 or A3 format.
- The proponent must supply a copy of all draft EIS and revised EIS documents in electronic formats for circulation and web posting. These are to be supplied by email, USB, or another agreed method.
- Digital files must not exceed 20 MB each.

### COST OF PREPARATION OF EIS

The proponent is responsible for the preparation of the draft and revised EIS and any related applications and associated costs. This includes additional copies of the draft and revised EIS and other associated documents as required by the Authority from time to time.

### NEXT STEPS

The proponent is now required to prepare a document (a **draft EIS**) that addresses each matter raised in the scoping document for the proposal within 18 months from the day the Authority gives the scoping document to the applicant. Once the draft EIS has been accepted for lodgement, a public notification fee is payable in order for notification, referrals and assessment to commence. After the notification period has closed, the Authority will provide comments and any public representations received for the proponent to address in a **revised EIS**, and any further instructions on the application.



**ACT**  
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**Environment, Planning and  
Sustainable Development**

## Scoping Document

Under Division 8.2.2 of the *Planning and Development Act 2007*

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If you have any queries about the requirements outlined in this scoping document, please contact Frances Jacomb to arrange a suitable time to discuss.

**Delegate of the planning and land authority**

George Cilliers  
Executive Group Manager  
Statutory Planning Division  
Environment, Planning and  
Sustainable Development Directorate

**Contact**

Frances Jacomb  
Development Assessment Officer  
Impact Assessment  
Environment, Planning and  
Sustainable Development Directorate  
E: frances.jacomb@act.gov.au  
T: (02) 6205 7248

**GENERAL REQUIREMENTS FOR THE EIS****1. Cover Page**

The cover page must clearly display the following:

- The name of the proposal (project title)
- The block identifier(s) and street address for the proposal
- The date of the preparation of the document
- Full name and postal address of the designated proponent
- Full name and postal address of the designated applicant
- Name and contact details of the person/organisation who prepared the documents (if different to the above)

**2. Glossary**

Provide a glossary of technical terms, acronyms and abbreviations used in the EIS.

**3. Executive Summary**

Provide a non-technical summary of the EIS including a description of the proposal, key findings and recommendations.

**4. Introduction**

Summarise the proposal background and justification for the proposal.

**5. Proposal Details****5.1. Project Description**

Provide a description of the proposal, including:

- a) The objectives and justification for the proposal;
- b) The location of the land to which the proposal relates, including detailed maps;
- c) The division and/or district names and block and/or section numbers of the land under the *Districts Act 2002*;
- d) If the land is leased – the lessee’s name;
- e) If the land is unleased or public land – the custodian of the land;
- f) The purposes for which the land may be used;
- g) A clear identification of all lands subject to direct disturbance from the proposal and associated infrastructure and geomorphic features such as waterways and wetlands. This is to be supported by a map showing all affected lands;
- h) An outline of any developments that have been, or are being, undertaken by the proponent, or other person(s) or entities, within the proposal area and broadly in the region. Describe how the proposal relates to these developments;
- i) A description of all the components of the proposal, including the proposal specifications, the predicted timescale for implementation (design, approvals, construction and decommissioning) and project life;

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- j) A plan/description of the precise location of any works to be undertaken, structures to be built or elements of the proposal that may have relevant impacts; and
  - k) A description of the construction methodologies for the proposal.

**5.2. Alternatives to the proposal**

Provide details of any alternatives to the proposal considered in developing the proposal including a description of:

- a) Any alternatives to the proposal and provide reasons for selecting the preferred option with an analysis of site selection as an attachment to the EIS;
- b) The criteria used for assessing the performance of any alternative considered;
- c) Any matters considered to avoid or reduce potential impacts prior to the selection of the preferred option; and
- d) Details of the consequences of not proceeding with the proposal.

**6. Legislative and Strategic Context**

A description of the EIS process including any statutory approvals obtained or required for the proposal, and how the proposal is aligned with strategic priorities for the ACT.

**6.1. Statutory requirements**

The description must include information on statutory requirements for the preparation of an EIS:

- *Planning and Development Act 2007 (including confirmation of relevant Schedule 4 triggers based on impacts identified in the scoping document and any studies undertaken in preparing the draft EIS)*
- *Planning and Development Regulation 2008*
- *Environment Protection Act 1997*
- *Environment Protection Regulation 2005*
- *Nature Conservation Act 2014*
- *Tree Protection Act 2005*
- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Environment Protection and Biodiversity Conservation Regulations 2000 (Commonwealth)*
- Related statutory approvals.

**6.2. Climate change**

The EIS must include information on how the proposal will reduce the risks from climate change impacts and include proposed adaptation measures to reduce vulnerability and increase resilience of the community and the Territory, particularly in relation to the extreme events of heatwaves, droughts, storms with flash flooding and bushfires. The information must address impacts on the local microclimate and how it will avoid contribution to urban heat and positively contribute to urban cooling measures.

Additionally, the EIS must address the contribution the proposal will make to reducing greenhouse gas emissions and meeting the legislated target for a net zero emissions Territory (by 2045 at the latest).

Preparation of the EIS must consider the relevant sections of the following ACT Government policies:

- ACT Climate Change Strategy 2019-2025
- Canberra's Living Infrastructure Plan: Cooling the City

**6.3. Other requirements**

The description must also include information on how each of the following has been considered in the preparation of the EIS and the development of the proposal:

- Territory Plan 2008
- ACT Planning Strategy
- National Capital Plan
- Relevant Environment Protection Policies and Separation Distance Guidelines for Air Emissions (<https://www.environment.act.gov.au/about-us/legislation-policies-guidelines>)
- Plans of Management for any public land
- Any relevant Master Plan
- Other relevant planning and environmental guidelines, action plans and management plans.

**6.3.1. Ecologically sustainable development (ESD)**

Provide a description of how the proposed development demonstrates ESD. This is to include long-term and short-term considerations related to economic development, social development and environmental protection at local, regional and national scales. The proponent should ensure that the EIS adequately addresses the ESD principles as defined by section 9 of the PD Act.

**6.3.2. Territory Plan strategic directions**

A statement must be provided regarding the proposal's consistency with the principles in the Statement of Strategic Directions in the Territory Plan 2008 (Section 2.1 - Strategic Direction).

**7. Risk Assessment****7.1. Risk Assessment Methodology**

Provide a risk assessment in accordance with the Australian and New Zealand Standard for risk management AS/NZS ISO 31000:2009 *Risk Management – Principles and guidelines*. The proposed criteria for determining which risks are potentially significant impacts must be described.

-Assessment guide-			
Provide a table with the headings below to describe the risks identified and the original risk rating without any mitigation strategies in place. This table format is one option, however alternative formats can be used provided the methodology is clearly described and in accordance with AS/NZS ISO 31000:2009 <i>Risk Management – Principles and guidelines</i>			
Risk	Likelihood	Consequence	Risk rating

The Preliminary Risk Assessment (PRA) submitted as part of the request for a scoping document must be revised to include, but not be limited to, the risks identified by the Authority in Table 1 below. The risks identified in Table 1 are based on the scoping document application, assessment by the Authority and comments received from entities on the application. All of these risks are considered potentially significant (i.e. a medium risk level or above), and must be addressed in the EIS. Should any risk levels change during the preparation of the EIS or any new risks become apparent, these must be assessed and included with a justification in the EIS, and where relevant, state the residual risk.

**Table 1 – Identified impacts and requirements to be addressed in the EIS**

Environmental Theme	Risk identified	See section/s below for further detail
Soils and Geology	<ul style="list-style-type: none"> <li>Impact due to contamination of soil from construction and operation</li> </ul>	8.2.1
Water Quality and Hydrology	<ul style="list-style-type: none"> <li>Impact from changes to surface water flow</li> <li>Impacts to water quality of surface water or groundwater</li> </ul>	8.2.2
Biodiversity and Conservation Values	<ul style="list-style-type: none"> <li>Impacts from removal of native vegetation</li> <li>Impacts to flora during construction</li> <li>Impacts to Fauna during construction</li> </ul>	8.2.3
Heritage	<ul style="list-style-type: none"> <li>Impact to unknown heritage sites during construction</li> </ul>	8.2.4
Hazard and Risk	<ul style="list-style-type: none"> <li>Impacts from fire at the facility (creating bushfire)</li> <li>Impact of bushfire to the facility (bushfire prone)</li> <li>Impact of potentially toxic chemical/fumes if the facility catches on fire</li> <li>Impact of hazardous waste during construction, operation/maintenance and decommissioning</li> </ul>	8.2.5
Utilities	<ul style="list-style-type: none"> <li>Impacts to existing/adjacent utilities</li> </ul>	8.2.6

## 8. Assessment of Impacts

Sufficient information is required to provide the Authority with an adequate understanding of the environmental impacts associated with the proposal.

Each potentially significant risk identified in Table 1 and in the proponent's PRA must be addressed, and structured, as set out in sections 8.1 and 8.2 below.

### 8.1 Standard requirements

#### 8.1.1. *Environmental conditions and values*

Describe the environmental conditions and values for the environmental themes identified in Table 1. This section should discuss the baseline conditions for the area.

#### 8.1.2. *Investigations*

Identify the findings and results of any environmental investigation in relation to the land to which the proposal relates.

#### 8.1.3. *Impacts*

Describe the environmental impacts associated with the construction and operation for the environmental themes identified in Table 1 and in the proponent's risk assessment (including cumulative, consequential and indirect effects) on physical and ecological systems and human communities.



Particular emphasis should be placed on the potentially significant impacts identified in the risk assessment and Table 1 of this scoping document. Include a discussion of the timeframes of impacts i.e. short or long term, their nature and extent and whether they are reversible or irreversible, unknown or unpredictable. Include an analysis of the significance of the relevant impacts. Information must include any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

#### **8.1.4. Avoidance, mitigation and offsetting**

Discuss the proposed safeguards and mitigation measures that will be implemented to reduce the potentially significant impacts identified in Table 1 and the proponent's risk assessment. This is to include:

- a) A description and an assessment of the proposed impact avoidance, mitigation or offsetting measures to deal with the environmental impact of the proposal, along with which stage the mitigation measures will be adopted
- b) Any statutory or policy basis for the mitigation measures
- c) An outline of an environmental management plan (EMP) that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing
- d) The frequency, duration and objectives of monitoring proposed
- e) The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program
- f) Any corrective actions should the mitigation measures fail
- g) A description of the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

Offsets should directly contribute to the ongoing viability of protected matters impacted by the project and deliver an overall conservation outcome that improves or maintains the viability of protected matters as compared to what is likely to have occurred under the status quo, that is if neither the action nor the offset had taken place.

The offset package must provide compensation for any unavoidable impacts arising from the proposal on listed threatened species and communities. The offset package must include, but not be limited to, measures to address the long-term protection and management of relevant listed threatened species and communities at offset sites in the ACT (or surrounding area) and may also include management measures to improve the ecological values. Further information on the provision of Commonwealth offsets is detailed in the *EPBC Offsets Policy (2012)* available from: <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>

Describe the cost effectiveness of environmental mitigation or rehabilitation measures proposed and the expected or predicted effectiveness of those measures.

*Note: Any EMP in relation to this project is to be made publicly available on the proponent's website if the project is subsequently approved under the EPBC Act.*

#### **8.1.5. Residual risk**

Provide a table that details the residual risk for potentially significant impacts identified in Table 1 and the proponent's risk assessment. A residual risk assessment is only required where the impact is identified in Table 1 or significance of impact is determined as medium or above.

The calculation of the residual risk should take into account the implementation of mitigation or offsetting measures. A discussion of how the calculations were determined should also be included, including the expected or predicted effectiveness of the mitigation measures.

-Assessment Guide-				
Provide the residual risk assessment as set out in the table below.				
Risk identified in Section 7	Original risk rating from items identified in 7	Residual likelihood	Residual consequence	Residual risk rating

## 8.2. Detailed requirements

The following matters relate to Table 1 and must be addressed in detail in the EIS. Please note this is not an exhaustive list of matters that may be required to accurately detail the assessment scenarios.

### 8.2.1. Soils and Geology

- Describe the soil and geology features of the area.
- Describe the controls required to prevent spillage or leakage into the surrounding soil from hazardous materials on site.
- Describe how the site will be remediated if required.
- Describe impacts from clearing of vegetation in relation to erosion and sedimentation and measures to reduce the impacts.

### 8.2.2. Water Quality and Hydrology

- Describe the current water flow and impacts from the proposal on water flow both on site and in the surrounding area/catchment.
- Describe the current surface water and groundwater quality and measures proposed to maintain and monitor water quality.
- Provide information on stormwater/wastewater management both during construction and operation including any on site detention, treatment systems and water quality protection measures. This should include consideration of any chemicals into the receiving environment.
- Include the controls required to prevent spillage or leakage of hazardous materials into the surrounding groundwater and the mitigation measures to prevent the contamination of stormwater systems.

### 8.2.3. Biodiversity and Conservation Values

- Describe biodiversity values on the project site and surrounding area including:
  - Distribution and condition of threatened ecological communities.
  - Distribution of endangered species and their habitat and habitat condition.
- Describe direct and indirect impacts of the development on these values including but not limited to impacts from:
  - Removal of native vegetation and ecological communities including Verge Trees (outside the block boundary)
  - Noise and vibration during construction
  - Weed introduction and spread
  - Erosion and sedimentation
  - Contamination of land and water
  - Waste

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- Describe/address the impacts on matters of National Environmental Significance (matters of NES) and the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
  - Describe measures for avoidance and mitigation of these impacts.
  - Where avoidance and mitigation are not possible, offsets may be considered if demonstrated that the chosen offset site is suitable and the most appropriate option for the whole proposal, that the offset complies with the ACT and Commonwealth offsets policies and that there are long term protection measures.
  - Outline alternative design options have been explored to avoid or reduce the impact.
  - Provide detail on the residual impacts.

**8.2.4. Heritage**

- Include a Cultural Heritage Assessment (CHA) covering the whole project footprint including any access roads and cabling infrastructure, with adequate Representative Aboriginal Organisation (RAO) consultation in line with ACT Heritage Council Requirements.
- If Aboriginal places or objects are identified on site, design changes and/or management controls to avoid heritage impacts should be considered.
- Where impacts are unavoidable a Statement of Heritage Effect (SHE) approved under s 61H of the *Heritage Act 2004* will be required.

**8.2.5. Hazard and Risk**

- Include details of all hazardous material to be used on site.
- Describe potential impacts from spillage and/or leakage of hazardous material, cross referencing other sections of the EIS as required.
- Consider the impact of bushfire on the proposed facility, including details of potential contamination of land, water or air.
- Consider the impact of fire spread from a fire or explosion from the proposed facility.
- Emergency management and response procedures to be provided.
- Provide a bushfire risk assessment that considers/addresses risks from bushfire and risks on the surrounding development from the proposal causing fire, for each stage of the development. The assessment must consider access for emergency vehicles/personnel to and around the development and suitable separation for each component.
- Provide considerations around toxic plume modelling and potential impact on the urban area.

**8.2.6. Utilities**

- Describe the existing utilities located on the land subject to this proposal and in the surrounding area.
- Describe any new utilities, removal or realignments required as a result of this development.
- Consider the impact of the proposal on utilities in the surrounding area (in particular the Lower Molonglo Water Quality Control Centre, including undertaking consultation with Icon Water) and describe mitigation measures as required.
- Describe how the proposal will be designed, constructed and maintained in accordance with the relevant Australian and International Standards.

**8.3. Commonwealth Government Requirements**

The EIS must address the requirements of the Commonwealth Government Department of Agriculture, Water and the Environment (DAWE) provided in Attachment A. Where requirements overlap with other sections in the EIS, this must be cross referenced.

**8.4. Entity requirements**

The EIS must address the entities comments provided in Attachment A. If the issues raised by entities have been addressed in other sections of the EIS, this must be cross referenced.

**9. Community and stakeholder consultation**

The intention of the consultation in this scoping document is to ensure significant proposals include meaningful engagement with the community in the early stages of the project and provide clear expectations and an understanding of the actual development proposed. Consultation also provides an opportunity for the community to contribute in the design of the proposal and to resolve any major concerns early in the planning stages.

**9.1. Consultation must be undertaken with:**

- Lease holders and land managers of land potentially impacted by the proposal;
- Any recreational groups which may be affected by the proposal;
- Any volunteer conservation, landscape management or land care groups active in the area who may be affected by the proposal; and
- The local community and community groups including local business owners and employees.

**9.2. Consultation methods**

- Describe the community consultation undertaken (methodology and criteria for identifying stakeholders and the communication methods used). Details and plans must be provided showing potential impacts on the local and wider community to justify how stakeholders were identified. A variety of communication methods must be adopted to ensure all stakeholders are engaged appropriately, such as face to face, email/letters, community meetings and information sessions and website notifications.
- Provide details on the information provided during the community consultation process. A plain English statement explaining the proposal and conceptual drawings must be made available to the community and stakeholders.
- Consultation must occur as early as possible and avoid, or make allowances for public holidays, school holidays and the summer holiday (Christmas) shutdown period.

**9.3. Consideration of community feedback**

- Provide a summary of how the community and stakeholders responded to the proposal and the main comments raised. Evidence must be provided demonstrating that consultation has been undertaken with each relevant group/person including specific detail on how these concerns were addressed.
- Describe how any concerns have been considered and identify any changes that have been made to the proposal.

**9.4. Consideration of public representations from Draft EIS notification**

- The revised EIS must include a consultation report outlining the representations received, issues raised in the representations and a response to the issues and values identified. The summary response must clearly identify the representation(s) to which the responses relate.

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**10. Recommendations**

Provide a summary of any commitments to impact avoidance, mitigation measures, offsetting measures and other actions within the EIS. Describe the monitoring parameters, monitoring points, frequency, data interpretation and reporting proposals.

**11. Other relevant information**

The proponent may wish to include issues outside the scope of the EIS as a separate section of the EIS. This allows the proponent to identify matters not required to be addressed in the EIS, but that would be subject to development assessment consideration and notification. This can provide additional context for members of the public regarding management of environmental issues, by ensuring that the public is aware that these issues will be addressed in the detailed design of the proposal.

**12. References**

A reference list using standard referencing systems must be included.

**13. Required Appendices****13.1. Scoping document for the EIS**

A copy of the scoping document should be included in the EIS. Where it is intended to bind appendices in a separate volume from the main body of the EIS, the scoping document should be bound with the main body of the EIS for ease of cross-referencing.

**13.2. Scoping Document Reference**

Include a table that cross-references the EIS to the scoping document. If the EIS addresses the scoping document in multiple places then this must be also referenced.

**13.3. Proponent's Environmental History**

Provide details of any proceedings under a Commonwealth 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
- For an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, then provide details of the corporation's environmental policy and planning framework. Enough information is required to satisfy s136(4) of the EPBC Act.

**13.4. Information Sources**

For information given the following must be stated:

- The author or any reports or studies
- The publication date
- The source of the information
- How recent the information is (i.e. when a study was conducted or when primary sources were produced)
- How the reliability of the information was tested
- What uncertainties (if any) are in the information.

**13.5. Study team**

The qualifications and experience of the study team and specialist sub-consultants and expert reviewers must be provided.

**13.6. Specialist studies**

All reports generated based on specialist studies undertaken as part of the EIS are to be included as appendices.

**13.7. Research**

Any proposals for researching alternative environmental management strategies or for obtaining any further necessary information should be outlined in an appendix.

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## GLOSSARY

**Controlled Action (EPBC):** An action defined under the EPBC Act, s 67.

**Development application (DA):** Application for development as defined under the PD Act.

**Environment:** As defined under the *Planning and Development Act 2007* (the PD Act), each of the following is part of the environment:

- (a) the soil, atmosphere, water and other parts of the earth;
- (b) organic and inorganic matter;
- (c) living organisms;
- (d) structures, and areas, that are manufactured or modified;
- (e) ecosystems and parts of ecosystems, including people and communities;
- (f) qualities and characteristics of areas that contribute to their biological diversity, ecological integrity, scientific value, heritage value and amenity;
- (g) interactions and interdependencies within and between the things mentioned in paragraphs (a) to (f);
- (h) social, aesthetic, cultural and economic characteristics that affect, or are affected by, the things mentioned in paragraphs (a) to (f).

**Environmental Impact Statement (EIS):** As defined under the PD Act.

**EPBC Act:** *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

**Impact Track:** An assessment track that applies to a development proposal defined under the PD Act, s 123.

**Long term:** Greater than 15 years duration.

**Medium term:** Greater than three (3) years to 15 years duration.

**MNES:** Matters of National Environmental Significance as defined under the EPBC Act.

**PD Act:** *Planning and Development Act 2007* (ACT)

**Regulated waste:** waste defined under the *Environment Protection Act 1997*

**Scoping:** The process of identifying the matters that are to be addressed by an EIS in relation to the development proposal - see the PD Act, s 212 (2).

**Short term:** Zero to three (3) years duration.

**Socio-economic:** Involving both social and economic factors.

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**ATTACHMENT A****A1. COMMONWEALTH GOVERNMENT REQUIREMENTS**

The Commonwealth Department of Agriculture, Water and the Environment has the following requirements. If the requirements below have been addressed in other sections of the EIS, this must be cross referenced in this section.

**Description of the project**

*The environment impact statement (EIS) must include:*

- *The title of the action and the full name and postal address of the designated proponent.*
- *The location, boundaries, size (in hectares) of the proposed action area and the disturbance footprint, including the underground cabling connecting the BESS to the TransGrid Stockdill Substation across Block 1634 and Block 1635, and the access road from Stockdill drive.*
- *A description of all components of the proposed action, including the anticipated timing and duration of all construction, operational and (if relevant) decommissioning components of the action, and their precise locations.*

**Feasible Alternatives**

*Any feasible alternatives to the action to the extent reasonably practicable, including:*

- *if relevant, the alternative of taking no action.*
- *a comparative description of the impacts of each alternative on listed threatened species and communities, and listed migratory species.*
- *sufficient detail to make clear why any alternative is preferred to another.*
- *Short, medium and long-term advantages and disadvantages of the options must be discussed.*

**Matters of National Environmental Significance (MNES)**

*The EIS must provide information of the impacts to any MNES identified as potentially being significantly impacted by the proposed action, including:*

- *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived native Grassland Ecological Community (Box Gum Woodland) – critically endangered*
- *Natural Temperate Grassland of the South Eastern highlands – critically endangered*
- *Golden Sun Moth (*Synemon plana*) – critically endangered*
- *Pink-Tailed Worm-Lizard (*Aprasia parapulchella*) – vulnerable*
- *Superb parrot (*Polytelis swainsonii*) – vulnerable*

*Note: The above list may not be a complete list of listed threatened species and ecological communities that will or are likely to be impacted by the proposed action. It is the proponent's responsibility to ensure that any listed threatened species and ecological communities at the time of the controlled action decision, which will or are likely to be impacted by the project, are assessed for the Minister's consideration. Any listing events (e.g. the listing or up-listing of a species) that occur after the controlled action decision do not affect the assessment and approval process*



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*For each MNES the following information must be provided:*

- *A description of any potential MNES or their habitat (including but not limited to those above) that occur in the proposed action area and adjacent areas.*
- *Provide details of the scope, methodology, timing, and effort of field surveys (which must be undertaken by qualified species experts with demonstrated experience in detecting the listed threatened species and ecological communities) including:*
  - *how surveys were undertaken in accordance with relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys; and*
  - *if relevant, the justification for divergence from relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys.*
- *For listed threatened species and ecological communities that have the potential, or are likely, to be present at and in the vicinity of the proposed action area, including but not limited to those listed above, this section must provide the following:*
  - *Information on the abundance, distribution, ecology and habitat preference of the species or communities.*
  - *Quantification of the extent of habitat and (if known) the number of individuals present, or historical patterns of use on, and surrounding, the development footprint (including maps identifying known or potential habitat).*
  - *Assessment of the quality and importance of known or potential habitat for the species or communities within the proposed action area and surrounding areas.*
  - *Information detailing known populations or records within at least five kilometres of the development footprint and, if known, the size of these populations.*
  - *This habitat assessment must consider the information in the [Species Profile and Threats \(SPRAT\) Database](#) and relevant departmental documents, or justification where it might deviate from those documents. At a minimum, it should identify specific habitat requirements for the species or ecological communities, discuss relevant existing threats, and consider the regional context of habitat within the broader landscape.*

#### Impacts

- *Describe and assess the impacts (direct and indirect) to listed threatened species and communities giving consideration to the SPRAT Database and relevant departmental policies and guidelines, including the Significant Impact Guidelines 1.1: Environment Protection and Biodiversity Conservation Act 1999 (2013). These guidelines can be found at the following website: <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>.*
- *This must include but not be limited to:*
  - *A detailed assessment of direct and indirect impacts on area of habitat and populations of listed threatened species during pre-construction, construction, and operation.*
  - *A detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts.*
  - *An assessment of the impacts on the site's functionality as a habitat corridor.*

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**Mitigation measures**

- *The EIS must include detailed descriptions of measures proposed to be undertaken by the proponent to avoid, mitigate and manage relevant impacts of all stages of the action on listed threatened species and communities.*
- *Specific and detailed descriptions of proposed measures must be provided and substantiated, based on best available practices, and must include the following elements:*
  - *an assessment of the predicted effectiveness and environmental outcomes of the proposed measures, including details of any baseline data or proposed monitoring required to demonstrate progress towards achieving these outcomes;*
  - *any statutory or policy basis for the proposed measures, including reference to the SPRAT Database and relevant approved conservation advices, and a discussion on whether the proposed measures are consistent with relevant recovery plans and threat abatement plans;*
  - *details of ongoing management, including monitoring programs to support an adaptive management approach and determine the effectiveness of the proposed measures;*
  - *information on the timing, frequency and duration of the measures to be implemented; and*
  - *the name of the agency responsible for endorsing or approving each measure or monitoring program.*

**Cumulative Impacts**

- *The EIS must identify and address cumulative impacts, where potential project impacts are in addition to existing impacts of other activities, (including known potential future expansions or developments by the proponent and other proponents in the vicinity). Where relevant to the potential impact, risk assessment must be conducted and documented. The risk evaluation must include known potential future expansions or developments by the proponent and other proponents in the vicinity.*

**Offsets**

- *After consideration of proposed avoidance, mitigation and management measures, provide an assessment of the likelihood of residual significant impacts on relevant listed threatened species and ecological communities.*
- *The EIS must provide a clear and definitive conclusion of residual significant impacts on relevant listed threatened species and ecological communities to align with the EPBC Act Environmental Offsets Policy (2012).*

**Statutory requirements**

- *Where relevant, the EIS, must discuss how the proponent has had regard to relevant approved conservation advice/s, recovery plan and relevant threat abatement plans.*
- *The following ecologically sustainable development principles, as defined in Part 1, section 3A of the EPBC Act, should be considered in the EIS documentation:*
  - *Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.*
  - *If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

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- *The principle of inter-generational equity – that the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*
  - *The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.*
  - *Improved valuation, pricing and incentive mechanisms should be promoted.*

**Environmental history**

- *The EIS must include the environmental record of the proponent. This must include 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:*
  - *the person's history in relation to environmental matters; and*
  - *if the person is a body corporate—the history of its executive officers in relation to environmental matters; and*
  - *if the person is a body corporate that is a subsidiary of another body or company (the parent body)—the history in relation to environmental matters of the parent body and its executive officers.*

*If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.*

**Information sources provided in the EIS**

*For information given in the EIS, the draft must state:*

- *the source of the information;*
- *how recent the information is;*
- *how the reliability of the information was tested; and*
- *what uncertainties (if any) are in the information.*

**Conclusion**

*An overall conclusion as to the environmental acceptability of the proposal should be provided, including discussion on compliance with principles of ESD and the objects and requirements of the EPBC Act. Reasons justifying undertaking the proposal in the manner proposed should also be outlined.*

*Measures proposed or required by way of offset for any unavoidable impacts on MNES, and the relative degree of compensation, should be restated here.*

**A2. ENTITY REQUIREMENTS**

Where not otherwise identified as a potentially significant impact, provide information in accordance with entity requirements. If the issues raised below have been addressed in other sections of the EIS, this must be cross referenced in this section.

**ACT Emergency Services Agency**

ACT Emergency Services Agency has provided the following advice:

*ACTF&R would like to see the emergency management and response procedures for the proposal addressed to ensure adequate access, water supply and defensible space is provided for emergency operations in and around the development as well as isolation and monitoring procedures.*

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*Considerations around toxic plume modelling and potential impact on the urban area would also be beneficial.*

*Bushfire spread from and to the site is also a consideration and appropriate protection measures will need to be addressed with a bushfire risk assessment.*

*ACTAS, ACTRFS and ACTSES have no comments or concerns for this scoping document.*

#### **ACT Health**

ACT Health has provided the following advice:

*The draft EIS or Development Application undertake further investigation and assessment of the risks identified in the Preliminary Risk Assessment, contained within the report titled, "Application for EIS Scoping Document Supporting Document", by Umwelt Environmental & Social Consultants, dated June 2021.*

*The HPS supports the development and implementation of a Construction Environmental Management Plan, an Environmental Management Plan and an Unexpected Finds Protocol.*

*If the proposed "water tank" is a rainwater tank, the applicant is advised any taps or outlets supplied by the rainwater tank must be clearly and appropriately identified.*

*There are no further public health concerns in relation to the proposed EIS scoping document.*

#### **ACT Heritage Council**

The Heritage Council (the Council) has provided the following advice:

*The Council advises that existing CHA (Cultural Heritage Assessment) letter must be revised to address the previous Council advice issued on the 28 June 2021. The following is required for the EIS:*

- Survey of the parts of the project area that have not yet been subject to heritage assessment. This is to include any possible footprints for the access road and any cabling infrastructure footprints. The results are to be included in a revised and expanded CHA. Any additional surveys should include a minimum of two weeks' notice to RAOs (Representative Aboriginal Organisations) and follow up phone calls where required;*
- Additional information provided in the revised letter CHA indicated that RAOs were provided with limited notice about the original survey and had not had an opportunity to comment on either version of the letter CHA. The RAOs must be afforded an opportunity to comment on the letter CHA after assessments of the access road and cabling infrastructure footprints have been included. This consultation should, at a minimum, include provision of the revised letter CHA for a two-week period and follow up phone calls if no response is provided;*
- If any Aboriginal places are recorded in subsequent surveys the letter CHA will need to be upgraded to a complete CHA report in line with existing policy requirements, and further consultation with RAOS will be required; and*
- In the event that the revised letter CHA identifies that the proposal may damage Aboriginal places or objects, the applicant should consider design changes and management controls to avoid heritage impacts. Where this is not reasonably practicable, approval for heritage impacts would need to be sought under the Heritage Act 2004, in the form of a Statement of Heritage Effect application.*

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**Conservator of Flora and Fauna**

The Conservator of Flora and Fauna has provided the following advice:

**Stormwater runoff**

- *Further consideration of leaching/runoff of chemicals into the receiving environment is required. Particularly, this risk should be directly evaluated, and advice provided on whether an infrastructure solution to protecting stormwater runoff from contamination is required, noting how close the site is the river.*

**Ecological investigations**

The EIS will need to include:

- *An assessment of the distribution of Yellow Box – Blakely's Red Gum Grassy Woodland (Box-Gum Woodland) endangered ecological community on the site (both Nature Conservation Act and EPBC listings).*
- *An assessment of the distribution and condition of Pink-tailed Worm-lizard (PTWL) habitat and condition.*
- *A survey for Golden Sun Moth (GSM) to determine if this species is present on site, and if so, an assessment of its distribution and abundance. The attached report states that the GSM is considered to be unlikely to occur at the site and therefore the project is unlikely to have an adverse impact on the species. Further and strengthened justification this is required as GSM have been recorded 1.5km east of the site and the site supports key food species, including Austrostipa and Rytidosperma. Targeted surveys should be undertaken to confirm the species status at the site.*
- *An offset proposal for residual impacts on any threatened species or communities; if this involves private land it must address how it will achieve protection in perpetuity.*
- *Recommendations on how the offset area can improve the habitat quality for the other threatened species that use the area but are not deemed to be significantly impacted (Superb Parrot, Little Eagle).*

**Bushfire Management**

- *As identified in the Preliminary Risk Assessment the risk of bushfire during different phases of the development will need to be considered.*
- *This will include the need for Asset Protection Zones around the development to provide an area of advantage for bushfire suppression. This will increase the impact of the development on the local environment including flora and fauna which will need to be considered in those sections. The EIS should outline how these zones will be managed by the proponent; will they arrange to acquire the surrounding land and manage it themselves, or enter into agreement with the Lessee to manage the zones? By what means will assurance be given that APZ's will be appropriately maintained?*
- *The project area on the sketch plans does not reflect the space required for the Asset Protection Zones. This is required to be shown.*
- *The site operations procedures should identify policies for the evacuation of the site personnel during days of significant fire danger or where a threat becomes apparent.*
- *The development could result in bushfire ignition if equipment malfunctions. Details are required on the measures to prevent the spread of fire from the site into the adjacent area.*

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**Previously provided comments**

- *The Proposed Action will require the removal of up to 5 ha of moderate quality derived native grassland associated with critically endangered Box-Gum Woodland. The impact is considered to be significant due to a reduction in extent of the Critically Endangered Ecological Community (CEEC) and increase in fragmentation of the CEEC. Given the significant impact of the proposed development – the proponent must demonstrate that other options (e.g. other sites, layouts and designs) have been explored to avoid this impact.*
- *All connections, including access and infrastructure from Stockdill drive and the substation to the BESS must be considered as part of the assessment.*
- *In addition to moderate and low quality Box-Gum Woodland, the site also supports PTWL habitat and three large, mature eucalypts. The proponent proposes to protect all PTWL habitat and mature trees. If the development is approved - all these values will need to be fenced off with a sufficient buffer. The proposed 2m buffer around the tree in the eastern section of the site is insufficient and the buffer for all mature trees must be equal to the tree length/height. There is a belief that roots tend to stay under a tree's leaf canopy. This seldom happens. Trees have roots reaching well beyond their individual branches and leaves in search of water and nutrients. Studies have shown that roots grow laterally to a distance equal to the height of the tree.*
- *A rigorous weed control program will need to be developed and implemented to target African lovegrass infestations particularly within remaining Box-Gum Woodland, PTWL habitat and surrounding areas.*
- *Potential indirect offset options could include large scale (e.g. 15ha) Box-Gum Woodland understorey restoration project within in degraded Box-Gum Woodland areas of an existing Nature reserve. This would require a minimum of 50kg of native grass and forb seed per ha, site preparation (e.g. weed control and/or scraping and spoil management) and a 5 year maintenance schedule and ongoing maintenance budget. More details can be provided if required.*

**Environment Protection Authority (EPA)**

The Environment Protection Authority has provided the following advice:

*No comments on the scoping request. EPA matters for the proposed development will be able to be adequately addressed at the Development Application stage.*

**EvoEnergy – Electricity**

To date, no comment has been received.

**EvoEnergy – Gas**

No comment.

**Icon Water**

Icon Water have compiled the following comments:

**Environment team**

- *Bushfire risk from construction, ongoing maintenance and operation has been identified as a significant risk in this report. Icon Water should be provided the bushfire management plan which is to be developed later. LMWQCC is a critical ACT asset and bushfire is a significant risk to the operation of such infrastructure. This will allow Icon Water to assess the risks with*

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*the development and the plant itself. I would also suggest Icon Water be involved in the discussions with ACT Fire and Rescue and the proponent regarding bushfire as Icon Water are a major stakeholder.*

- *Failure of one Lithium cell within battery systems such as the one proposed can cascade into hundreds of each of the individual cells within the larger battery pack. These lead to flammables gasses emitted and potential explosions. Such fires are hard to extinguish as they are gas fires and may take several days to extinguish. Additionally, they have the potential to emit toxic fumes during a fire.*
    - *A recent case study in Victoria; a large scale battery system caught fire (same company proposing this system – Neoen) which could be cause for concern with regards to bushfire and the LMWQCC. The surrounding land is dry grassland which if ignited may lead to rapid fire spread to the LMWQCC.*
- *Contractor to provide specifications about the battery systems (I can only presume they are ‘Tesla Megapacks’ – but Icon Water should know for sure) to be used regarding potential for contamination, leaking of battery acid and potential impacts to the adjacent LMWQCC.*
  - *Australian Standards would dictate that anything like this is bundled completely but we should know the specifications of the battery system to ensure that it is covered.*
- *Follow up with the contractors traffic management plan to ensure compatible with the uses of the LMWQCC; there will be increased traffic along Stockdill Drive. Icon Water should be consulted during this process.*

#### Developer Services

- *There is no sewer main servicing the block and it may not be possible to service the block. There is an existing DN150 water main along Stockdill drive.*

#### Building Approvals

- *Any work(s) that is likely to impact on the Icon Water infrastructure must have Icon Water acceptance prior to any work being undertaken.*

#### Trade Waste

- *All connections to sewer that are classified as Liquid Trade Waste (any non-domestic sewage) must apply to Icon Water for approval before connection to sewer. Further information on acceptance requirements for liquid trade waste can be found on the Icon Water website [www.iconwater.com.au/tradewaste](http://www.iconwater.com.au/tradewaste).*
- *In this circumstance at a minimum Territory Battery will need Icon Water Approval to discharge to sewer, as such a trade waste application must be submitted. A consultation may be required to ascertain the likely discharge and discuss what if any pre-treatment is required or if some waste must be collected for off-site disposal.*
- *Icon Water Liquid Trade Waste team contact information is Email: [trade.waste@iconwater.com.au](mailto:trade.waste@iconwater.com.au) Phone 02 6248 3222.*

#### National Capital Authority

To date, no comment has been received.

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**Transport Canberra and City Services Directorate**

TCCS has provided the following advice:

*TCCS can provide in principle support for this project, however request that the following conditions to be addressed at a later stage of the project:*

- *EIS Scoping Document: Please include Verge Trees (outside the block boundary) as a line item under Construction and Operational Impacts.*
- *The proposed 6m wide access road be routed to avoid existing trees on the verge. All site works will be outside of the Tree Protection Zone (TPZ) and in accordance with AS4970.*
- *TCCS request a formal Tree Assessment of all trees by a certified arborist during the detailed design phase, with all trees numbered for reference.*
- *TCCS expect that trees are managed with strict protocols outlined in a Landscape Management and Protection Plan (LMPP) with Tree Management Notes. LMPP approval must be obtained Development Coordination Branch TCCS. This plan is to be implemented before the commencement of works, including earthwork on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.*
- *A Soil and Erosion Control Plan must be submitted to TCCS to assess any possible impact on the surrounding land uses.*
- *A Construction and Environmental Management Plan must be provided indicating the impact of construction, heavy vehicle movements during the construction, and conflict with vulnerable road users and potential environmental impact as a result*
- *TCCS will assess the access arrangement and traffic issues at DA stage.*

**Utilities Technical Regulation**

Utilities Technical Regulation has provided the following advice:

*UTR have reviewed EIS Scoping Document – EIS202100027 and supporting information.*

*The proposed project is for a large grid scale BESS and associated network type substation. As such, the project proponent needs to outline what standards will be followed for design, construction, operation and maintenance phases eg. compliance with AS 2067 is required; etc.*

*Also appropriate for development and operation of such a large project is commitment to adoption of AS 5577 for identifying and managing safety issues through the conduct of Formal Safety Assessments (FSA).*

*This will help address the following identified deficiencies in the current proposal:*

- *Appendix A – Preliminary Risk Assessment; This has not adequately considered significant issues such as, but not limited to:*
  - *Fire & Explosion events during construction (including during commissioning tests) and operation phases of the project related to the volatile Li-ion batteries and substation transformers. Outline of mitigation measures to be incorporated such as: BESS module segregation, explosion containment, fire suppression and firefighting, monitoring & detection systems for evolving faults and associated auto and manually initiated isolation schemes.*



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- *Impact of Transformer large oil leaks and associated environmental contamination and fires. Mitigation measures such as oil containment are required.*
  - *The issues identified in the Decommissioning Phase under the Waste category, would also be relevant during the Operation phase (eg. recycling of BESS components). Furthermore, the Waste consequence has been assess as Minor but a higher consequence rating is warranted if one considers the consequences of say: abandoned transformer oil (possible fire, leaks causing environmental damage); toxic air pollution from abandoned Li-ion battery fires; etc.*
  - *Safety measures to avoid hazards arising from inadvertent excavation and damage of HV cables external to the site eg. Those connecting to TransGrid substation.*
  - *There is no consideration of Earth Potential Rise (EPR) and associated Step & Touch potential hazards, nor Electromagnetic Induction (EMI) hazards to any nearby long metallic structures eg. pipes, fences, telecommunication circuits, etc. UTR technical codes, relevant Australian and International standards, and industry codes/guidelines need to be observed to avoid these electrical safety hazards (eg. AS 2067, AS EGO, AS EG1, AS/NZS 4853, HB 101 and HB 102, IEEE 80 ).*
  - *The proposed 2.4 m chain wire fence is not considered sufficiently robust /secure and electricity network industry practice is to provide 3m high palisade or equivalent type security fence.*
  - *If the proposed 20,000 litre water tank is intended for firefighting purposes, this alone is unlikely to be adequate for the installation size. Also, what measures are there for ensuring the tank is kept full. Will a suitably sized fire hydrant capacity water main be available onsite.*
  - *In the project outline fig 2.2, it appears that there is no or very limited access between battery/inverter modules due to the high density layout. This is not conducive for limiting fire spread, firefighting access, explosion segregation, maintenance and module replacement access – more information should be provided that addresses these issues.*