



Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the **EPBC Act**) provides for the protection of the environment, especially matters of national environmental significance (**NES**). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Commonwealth Environment and Energy Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Commonwealth Environment and Energy Minister or the Minister's delegate.) To obtain approval from the Minister, a proposed action must be referred. The purpose of a referral is to enable the Minister to decide whether your proposed action will need assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made by the person proposing to take an action if the person thinks that the action for actions that has, will have, or is likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A);
- National Heritage places (sections 15B and 15C);
- wetlands of international importance (sections 16 and 17B);
- listed threatened species and communities (sections 18 and 18A);
- listed migratory species (sections 20 and 20A);
- protection of the environment from nuclear actions (sections 21 and 22A);
- Commonwealth marine environment (sections 23 and 24A);
- Great Barrier Reef Marine Park (sections 24B and 24C);
- a water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E);
- the environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions taken outside Commonwealth land that are likely to have a significant impact on the environment of Commonwealth land;
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- the environment, if the action is taken by the Commonwealth (section 28); and
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C).

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from the Department's website:

- Submitting a referral under the EPBC Act – A fact sheet for a person proposing to take an action
<http://www.environment.gov.au/epbc/publications/factsheet-environment-assessment-process>

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance> Additional sectoral guidelines are also available.
- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-12-actions-or-impacting-upon-commonwealth-land-and-actions>
- the Policy Statement titled Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources <http://www.environment.gov.au/resource/significant-impact-guidelines-13-coal-seam-gas-and-large-coal-mining-developments-impacts>
- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location) <http://www.environment.gov.au/epbc/pmst/index.html>

Can I refer part of a larger action?

In certain circumstances, **the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act)**. If you wish to make a referral for a staged or component referral contact the Referrals Gateway (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975 (GBRMP Act)*. If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB of the GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (**the Authority**) for the Authority to commence its permit processes as required under the *Great Barrier Reef Marine Park Regulations 1983 (GBRMP Regulations)*. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43 of the EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379

Townsville QLD 4810

AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

www.gbrmpa.gov.au

What information do I need to provide?

Please complete all parts of this form to assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal, please enter N/A.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in blue text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the proposed action and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below five megabytes (5mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referrals Gateway (email address below) for advice. Attachments larger than five megabytes (5mb) may delay processing of your referral.

Note: The Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence. If you believe that your referral contains information that is commercial-in-confidence, you must clearly identify such information and the reason for its confidentiality at the time of making the referral. The Minister cannot be satisfied that particular information included in a referral is commercial-in-confidence unless a person demonstrates to the Minister that:

- release of the information would cause competitive detriment to the person; and
- the information is not in the public domain; and
- the information is not required to be disclosed under another law of the Commonwealth, a State or a Territory; and
- the information is not readily discoverable.

How do I pay for my referral?

From 1 October 2014, the Australian Government commenced cost recovery arrangements for environmental assessments and some strategic assessments under the EPBC Act. If an action is referred on or after 1 October 2014, then cost recovery will apply to both the referral and any assessment activities undertaken. Further information regarding cost recovery can be found on the Department's website at:

<http://www.environment.gov.au/epbc/publications/cost-recovery-cris>

If you are an individual or a small business, you may be exempt from paying the referral fee. See Part 9 of this form for further details.

You may apply for all or part of a fee to be waived. See Part 9 of this form for further details.

Payment of the referral fee can be made using one of the following methods:

- **EFT Payments can be made to:**

BSB: 092-009

Bank Account No. 115859

Amount: \$6577

Account Name: Department of the Environment and Energy.

Bank: Reserve Bank of Australia

Bank Address: 20-22 London Circuit Canberra ACT 2601

Description: The reference number provided (see note below)

- **Cheque** - Payable to "Department of the Environment and Energy". Include the reference number provided (see note below), and if posted, address:

The Referrals Gateway

Environment Assessment Branch

Department of the Environment and Energy

GPO Box 787

Canberra ACT 2601

- **Credit Card**

Please contact the Collector of Public Money (CPM) directly (call (02) 6274 2930 or 6274 20260 and provide the reference number (see note below).

Note: an invoice will be raised and forwarded to you upon submission of your referral which will include the EPBC reference number for your referral.

How do I submit a referral?

Referrals may be submitted by mail or email.

Mail to:

Referrals Gateway
Environment Assessment Branch
Department of Environment and Energy
GPO Box 787
CANBERRA ACT 2601

- If submitting via mail, please also provide electronic copies of documentation (on CD/DVD or by email).

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral in a suitable electronic document format (e.g. Microsoft Word and, if possible, PDF).
- If submitting via email, please also mail a hardcopy of the referral including copies of any attachments or supporting reports.

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment. Any person may give the Minister comments on the referral within 10 business days of publication on the Department's website.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

For more information

- call the Department of the Environment and Energy Community Information Unit on 1800 803 772, or
- visit the web site <http://www.environment.gov.au/epbc>

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

Referral of proposed action

Edify Energy - Gannawarra Solar Farm Development

Proposed action title:

1 Summary of proposed action

NOTE: In addition to completing the fields below, you must also attach a map of the area affected by the action that includes the following features (if relevant): the location of the action; the approximate boundary of the areas and habitat mentioned in items 3.1 and 3.2; and to the extent practicable and relevant, the tenure of the project area of the proposed action (e.g. freehold, leasehold etc.).

It is the Department's preference that maps are provided in A4 size and that the geographic information system (GIS) vector (shapefile) dataset associated with the maps is also provided.

1.1 Short description

Use 2 or 3 sentences to uniquely identify the proposed action and its location. It is important clearly describe the scope of the action accurately because this description lays the basis for the assessment and approval decision-making processes. For the purposes of the EPBC Act, an action includes:

- a project; and
- a development; and
- an undertaking; and
- an activity or series of activities; and
- an alteration of any of the above.

An action does not include:

- a decision by a government body to grant a governmental authorisation for another person to take an action; and
- grant funding from a government body,

where, a government body is the Commonwealth, a Commonwealth agency, a State or self-governing Territory; an agency of a State or a self-governing Territory or an authority established by a law applying in a Territory that is not a self-governing Territory.

The description should refer, as appropriate, to relevant maps.

You should obtain your own advice on whether the action you propose to refer constitutes an 'action' for the purposes of the EPBC Act.

The proposed action relates to a proposed solar power (PV) facility. The applicant, Edify Energy Pty Ltd (and its subsidiaries, including Whitsunday Solar Farm Pty Ltd) (**Applicant**) is developing a solar farm to be located west of the rural Victorian town of Kerang.

The solar farm will be constructed in stages, with an eventual total capacity of up to 300MW. The site is located in an area extensively cleared of native vegetation and been used for many decades under heavy plough for cropping – predominantly for wheat - and sheep grazing (refer Attachment A).

The project will include the construction and assembly of modular sections, trenching electrical and control cabling to the electricity grid and control room.

The solar farm with solar photovoltaic (PV) modules could cover an area up to 535 hectares, including site offices and electrically cabinetry.

1.2 Latitude and longitude

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds

The Protected Matters Search Tool may provide assistance in determining the coordinates of the project area of the proposed action.

If the area is less than 5 hectares, provide the location as a single pair of latitude and longitude references. If the area is greater than 5 hectares, provide bounding location points.

There should be no more than 50 sets of bounding location coordinate points per proposed area.

Bounding location coordinate points should be provided sequentially in either a clockwise or anticlockwise direction.

If the proposed action is linear (e.g. a road or pipeline), provide coordinates for each turning point.

Also attach the associated GIS-compliant file that delineates the proposed referral area. If the area is less than 5 hectares, please provide the location as a point layer. If greater than 5 hectares, please provide a polygon layer. If the proposed action is linear (e.g. a road or pipeline) please provide a polyline layer (refer to GIS data supply guidelines at [Attachment A](#)).

Do not use AMG coordinates.

Point	Latitude	Longitude
1	-35.723131	143.742852
2	-35.723399	143.788863
3	-35.735001	143.788884
4	-35.734931	143.746555
5	-35.733927	143.746519
6	-35.733899	143.742968

1.3 **Locality and property description**

Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).

The site is located approximately 12.5km west of the township of Kerang (see Attachment A for location map). Access is from the turn off on the Murray Valley Highway at Kerang along the Kerang-Quambatook Road, which in turn leads to the Lalbert-Kerang Road. The project site consists of three adjoining cropping paddocks totalling 535 hectares (1,323 acres).

The project site itself has been extensively cleared of native vegetation and is used for continual cropping and grazing. The project site is positioned in a rural setting with similar land uses occurring in the wider area. Existing infrastructure including sealed road network, high voltage overhead powerline, reticulated water service and some rural shedding occur in the area.

The land topography is generally flat to undulating sandplain with no drainage lines or areas of erosion.

1.4	Size of the development footprint or work area (hectares)	Stage 1 action is 230ha, with the balance of the of the 535hectare site being utilised in 2 to 4 stages
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1.5	Street address of the site	Lalbert – Kerang Road, Bael Bael VIC, 3579
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1.6 **Lot description**

Describe the lot numbers and title description, if known.

Includes:

- Lot 20 TP776638;
 - Lot 3 LP215526; and
 - Lot 2 LP215526.
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- 1.7 **Local Government Area and Council contact (if known)**
 If the project is subject to local government planning approval, provide the name of the relevant council contact officer.
 Gannawarra Shire Council Ph 03 5450 9333, Roger Griffith (Manager Economic Development and David Pietsch (Manager Planning).

- 1.8 **Time frame**
 Specify the time frame in which the action will be taken including the estimated start date of construction/operation.

Construction for stage 1 is planned to commence in February 2017, with an approx. 9 month construction period, and a similar period for stage 2 commencing sometime in the future. The timing of future phases will depend on:

- (a) when the Applicant can secure long term commercial power purchase off take agreements (PPAs) to support the funding and build out of each phase;
- (b) the assessment at that time of the ability to export electricity into the national grid from the site;
- (c) the economics of the project at the time and the availability of capital to build out the phase of the project.

It is very difficult to predict when these conditions will be met given the uncertainty of government policy and a very competitive electricity market.

The existing planning permit expires on 21 November 2018.

1.9	Alternatives to proposed action Were any feasible alternatives to taking the proposed action (including not taking the action) considered which are not proposed?	X	No
			Yes, please also complete section 2.2
1.10	Alternative time frames, locations or activities Does the proposed action include alternative time frames, locations or activities?	X	No
			Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3 and 5 (where relevant).
1.11	Commonwealth, State or Territory assessment Is the action subject to other a Commonwealth, State or Territory environmental impact assessment?	X	No
			Yes, please also complete section 2.5
1.12	Component of larger action Is the proposed action a component of a larger action?	X	No
			Yes, please also complete section 2.7
1.13	Related actions/proposals Is the proposed action related to other actions or proposals in the region?	X	No
			Yes, provide details:
1.14	Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake the proposed action?	X	No
			Yes, please also complete section 2.8
1.15	Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park?	X	No
			Yes, please also complete section 3.1 (h), 3.2 (e)

2 Detailed description of proposed action

NOTE: You **must** complete each of the sections below. Please ensure that the description is complete and includes all components and activities associated with the action. If relevant, each of the matters below need to be addressed in respect of each alternative location, time frame, or activity that is identified as part of the description. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

2.1 Description of proposed action

Please provide a detailed description outlining all activities and aspects of the proposed action and reference figures and/or attachments, as appropriate.

The proposal involves the establishment of a large scale solar power PV facility at the subject site. At maximum capacity, the total facility will be capable of generating up to approximately 350 Megawatts (MW) of clean energy that will be grid-connected through the existing high voltage overhead powerlines that traverse through the site (managed by Powercor Australia and AusNet) for transmission to the National Energy Market.

The subject site was chosen for this proposed facility as it links directly to the national energy grid. Establishment of a renewable power generation facility adjacent to the is significant grid infrastructure will enable vast areas of the region to have connection to a renewable power source, thus reducing the need to rely on current coal fired power generated sources which contribute to green house gas emissions and the resulting impact on climate change. The subject site also has optimal broadacre surrounds and receives good solar irradiation levels and very little rainfall (on average approx. 315mm annually).

The majority of the site can be used and has been extensively cleared of native vegetation. Existing surrounding native vegetation will be managed and excluded from impact as outlined in the Landscape Management Plan (Appendix D).

The solar photovoltaic modules, trackers, inverters and site office will be transported to the site in containers for assembly. The Traffic Management Plan will identify the on-site and on road routes to be used for the construction and operation phase of the project. On site construction will conform to the following Australian Standards:

- AS/NZS 3000:2007 Electrical installations (known as the Australian/New Zealand Wiring Rules);
- AS/NZS 3017:2007 Electrical installations – Verification guidelines;
- AS/NZS 3000:2007/Amdt 1:2009 Electrical installations (known as the Australian/New Zealand Wiring Rules);
- AS 1428.1-2009/Amdt 1-2010 Design for access and mobility – General requirements for access – New building work;
- AS/NZS 1170.2.2011 Structural design actions – wind actions; and
- AS/NZS 3000:2007/ADMT 2:2012 Electrical installations (known as the Australian/New Zealand Wiring Rules).

Construction on-site will be limited the unloading and joining together of the panels to the horizontal single axis trackers, pile driving of piers for the trackers, trenching electrical and control cabling to the electricity grid and control room. The proposed project will consist of installing the following components:

- An array of solar photovoltaic (PV) modules arranged in a series of long rows (typically 85m) typically no higher than 2.1m above the ground and supported by a steel and/or aluminium mounting structure including framing, piles which are either screwed or driven into the ground.
- A series of inverters and kiosk transformers distributed throughout the solar array.
- Electrical connections between PV arrays, associated monitoring and protection equipment and central inverters via underground or frame secured cabling.
- A tracker actuation system.
- Network interconnection facilities to connect the project to either or both of the 66KV distribution system via a new terminal or an overhead transmission line to Kerang substation or the 220KV transmission network, including a main power transformer, switchgear, protection, metering and communications equipment.
- Site office and operations and maintenance facilities.
- Site entry road, internal access tracks and car park.
- Site fencing and associated security equipment.

Refer to Attachment A for layout details.

Proposed activities to be undertaken include:

Stage	Activities	Time frame
Pre-mobilisation	Site fencing.	3 weeks
	Laydown of temporary offices and facilities.	2 weeks
Construction	Pile driving or screwing mounting pylons.	4 months
	Trenching or underground cabling	2 months

Stage	Activities	Time frame
	connecting PV.	
	Mounting pre constructed PV modules.	4 months
	Network interconnection.	1 week
	Establishing revegetation as screening.	1-2 years
Commissioning	Testing of PV system prior to connection to network.	2 month

2.2 Feasible alternatives to taking the proposed action

If you have identified that alternatives to taking the action were considered, but are not proposed (in section 1.9), please complete this section. Please provide a detailed description outlining any feasible alternatives to taking the proposed action (including not taking the action) that were considered but are not proposed. (Please note that these do not include any proposed alternative locations, time frames, or activities that form part of the proposed action which are to be discussed below at section 2.3).

Not applicable.

2.3 Alternative locations, time frames or activities that form part of the referred action

If you have identified that the proposed action includes alternative time frames, locations or activities (in section 1.10), please complete this section. Please describe any alternatives related to the physical location of the action, time frames within which the action is to be taken and alternative methods or activities for undertaking the action. For each alternative location, time frame or activity identified, please also complete (where relevant) the details in sections 1.2-1.9, 2.4, 2.7, 3 and 5. Please note, if the action that you propose to take is determined to be a controlled action, any alternative locations, time frames or activities that are identified here may be subject to environmental assessment and a decision on whether to approve the alternative.

Not applicable.

2.4 Context, including any relevant planning framework and state/local government requirements

Please explain the context in which the action is proposed, including any relevant planning framework at the state and/or local government level (e.g. within scope of a management plan, planning initiative or policy framework) and social and economic context including as population size, economic opportunities and employment information. Describe any applicable Commonwealth or state legislation or policies (other than those related to other environmental impact assessment which are to be discussed below at section 2.5).

The *Planning and Environment Act 1987* (PE Act) provides the legal framework for the operation of Victoria's planning system. It sets the objectives, rules and principles for planning in Victoria. The main parts of the planning system established by the Act include:

- The system of planning schemes that sets out how land may be used and developed.
- The Victoria Planning Provisions that sets out the template for the construction and layout of planning schemes.
- The procedures for preparing and amending the Victoria planning provisions and planning schemes.
- The procedures for settling disputes, enforcing compliance with planning schemes, and other administrative procedures.

On 21 November 2013, a [Development Permit (Negotiated) for a Material Change of Use – Major Utility (solar power PV facility)] was granted by the Gannawarra Shire Council. A copy of this approval is included in **Attachment C**.

The following table outlines the applicable legislation.

Jurisdiction	Legislation	Details
Commonwealth	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	From a preliminary meeting between the Proponent and the Council on 24 May 2013 it was understood that there are no threatened flora or flora issues relevant to the Proposed Site.
Victorian	<i>Aboriginal Heritage Act 2006</i>	From a preliminary meeting between the Proponent and the Council on 24 May 2013 it was understood that there are no archaeological or Aboriginal heritage issues relevant to the Proposed Site, particularly as the only areas to be used for the solar farm are those that have been subject to wheat farming and heavy machinery for many decades.

Jurisdiction	Legislation	Details
Victorian	<i>Flora and Fauna Guarantee Act 1988</i>	From a preliminary meeting between the Proponent and the Council on 24 May 2013 it was understood that there are no threatened flora or flora issues relevant to the Proposed Site.
Victorian	<i>Planning and Environment Act 1987</i>	Gannawarra Shire Council Planning Permit has been granted with conditions. A permit to remove, lop or destroy native vegetation has may be required should paddock trees be removed (which is not the case for the solar farm development).

2.5 Environmental impact assessments under Commonwealth, State or Territory legislation

If you have identified that the proposed action will be, is being or has been subject to a Commonwealth, State or Territory environmental impact statement (in section 1.11), please complete this section. Please describe any environmental assessment of the relevant impacts of the proposed action that has been, is being, or will be carried out under Commonwealth, State or Territory legislation. Specify the type and scope of the assessment (for example, whether the assessment relates to part or the whole of the proposed action, or the proposed action, as a component of a larger action), the relevant legislation and the current status of any assessments or approvals. Where possible, provide contact details for the relevant assessment contact officer. Further, please describe or summarise any public consultation undertaken, or to be undertaken, during the assessment. Attach copies of relevant assessment documentation and outcomes of public consultations (if available).

Not applicable. No Environmental Impact Assessment is required or being undertaken under Commonwealth, State or Territory legislation. The development application was assessed in accordance with the *Planning and Environment Act 1987*.

2.6 Public consultation (including with Indigenous stakeholders)

Your referral must include a description of any public consultation that has been, or is being, undertaken. Where Indigenous stakeholders are likely to be affected by your proposed action, your referral should describe any consultations undertaken with Indigenous stakeholders. Identify the relevant stakeholders and the status of consultations at the time of the referral. Where appropriate include copies of documents recording the outcomes of any consultations.

Public consultation by Council was undertaken as part of the planning permit process. A public notification period has held and applicable State Government Agencies were notified of the proposal. Due to the site being continually cropped, it was determined that no additional approvals or Cultural Heritage Management Plan (CHMP) was required under the *Aboriginal Heritage Act 2006*.

For completeness, the Applicant is confirming that position and has engaged Spinifex Pty Ltd (<http://spinifexconsulting.com.au/>) who are currently completing an Aboriginal Heritage Review under the *Aboriginal Heritage Act 2006*.

2.7 A staged development or component of a larger action

If you have identified that the proposed action is a component of a larger action (in section 1.12), please complete this section. Please provide information about the larger action and details of any interdependency between the stages/components and the larger action. You may also provide justification as to why you believe it is reasonable for the referred action to be considered separately from the larger action (e.g. the referred action is 'stand-alone' and viable in its own right, there are separate responsibilities for component actions or approvals have been split in a similar way at the state or local government levels).

This referral relates to the action covering all of the project area. The project will progress in stages based on:

- when the Applicant can secure long term commercial power purchase off take agreements (PPAs) to support the funding and build out of each phase;
- the assessment at that time of the ability to export electricity into the national grid from the site;
- the economics of the project at the time and the availability of capital to build out the phase of the project.

It is very difficult to predict when these conditions will be met given the uncertainty of government policy and a very competitive electricity market.

2.8 Related actions

If you have identified that the proposed action has related actions (in section 1.13), please complete this section. Please provide information about the related actions including, as appropriate:

- the nature, scope and location of the related action;
- the nature and scope of the assessment under the relevant legislation;
- a statement confirming how the action relates to the Proposed Action;

- the key documents produced as part of the assessment, by whom and when (using active statements), and the extent to which the assessment of the action is relevant to the assessment of the impacts of the Proposed Action on the matters protected by the Controlling Provisions of the EPBC Act and the related findings of this Report. Please cross reference to the analysis of the impacts of the Proposed Action below;
- public consultation during the assessment including the extent (i.e. duration and means) and results; and
- if available, the conclusion of the assessment and final decision following assessment, i.e. approval, approval subject to conditions or refusal.

Not applicable.

3 Description of environment & likely impacts

Note: If you have identified alternatives in relation to location, time frames or activities as part of the proposed action at section 1.10 and 2.3, please complete this section in relation to each of the alternatives identified.

3.1 Matters of national environmental significance

Describe the affected area and the likely impacts of the proposed action on the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest.

For each matter protected by the EPBC Act, provide a description of the matter including, as appropriate:

- a brief description of the matter (for example, for threatened species, the population size, habitat, breeding, diet and life cycle etc);
- the status, extent and condition of the matter within the affected area and also more broadly in the region; and
- the key threats and threatening processes and beneficial actions and processes for the Protected Matter(s) excluding those from the proposed action, for example, under relevant approved conservation advices, recovery plans or threat abatement plans, management plans or other strategic plans, management principles or obligations under International Conventions.
- Having identified the relevant matters protected under the EPBC Act, identify the impacts the proposed action will or is likely to have on these matters (e.g. light, noise, biodiversity loss, water quality etc). For each type of impact, provide a concise description of the likely nature, scope and consequences of the impact on the Protected Matter(s). In doing so, consider factors such as, as appropriate: whether the impact is a direct or indirect impact - **note that, even if your proposed action will not be taken in a World Heritage area, Ramsar wetland, Commonwealth marine area, the Great Barrier Reef Marine Park or on Commonwealth land, it could still impact upon these areas (for example, through downstream impacts) by its indirect impacts;**
- the timing and duration of the likely impact, for example, one-off, re-occurring or ongoing, short term or long term;
- the extent of the impact, for example, uncertain or certain, permanent/irreversible or temporary/ reversible, and localised or broad-scale;
- the likely consequence of the impact on the Protected Matter(s), including both adverse and beneficial impacts and any related social and economic impacts;
- the likelihood of the impact affecting the Protected Matter(s); and
- whether there are any measures available to prevent and avoid, or mitigate and repair the consequences of, the impact.

Your assessment of likely impacts should refer to the following resources (available from the Department's web site):

- specific values of individual World Heritage properties and National Heritage places and the ecological character of Ramsar wetlands;
- profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;
- *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*; and
- Associated sectoral and species policy statements available on the web site, as relevant.

Your assessment of likely impacts should also consider whether a bioregional plan is relevant to your proposed action. The Minister has prepared four marine bioregional plans (**MBP**) in accordance with section 176 of the EPBC Act. It is likely that the MBPs will be more commonly relevant where listed threatened species, listed migratory species or a Commonwealth marine area is considered.

3.1 (a) World Heritage Properties

Description

The Protected Matters Search (Attachment B) did not identify any World Heritage Properties within a 5km buffer of the site.

Nature and extent of likely impact

Address any impacts on the World Heritage values of any World Heritage property.

The proposed action will not directly or indirectly impact on World Heritage Properties.

3.1 (b) National Heritage Places

Description

The Protected Matters Search (Attachment B) did not identify any national Heritage Places within a 5km buffer of the site.

Nature and extent of likely impact

[Address any impacts on the National Heritage values of any National Heritage place.](#)

The proposed action will not directly or indirectly impact on National Heritage Places.

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

The Protected Matters Search (Attachment B) did identify four Wetlands of International Importance (Ramsar Wetlands) within a 5km buffer of the site, these include:

- Banrock Station Wetland Complex 470km downstream
- Coorong and Lakes Alexandrina and Albert 470km downstream
- Kerang Wetlands with the nearest wetland 1km north
- Riverland 430km downstream

Nature and extent of likely impact

[Address any impacts on the ecological character of any Ramsar wetlands.](#)

The site is situated approximately 1km south of Lake Bael Bael which is a Ramsar site of international importance and a wetland of national importance under the Directory of Important Wetlands of Australia (DIWA). This wetland was listed as a Ramsar site as part of a larger wetland complex (Kerang Wetlands) and the following Ramsar criteria applied to the Lake Bael Bael section of the wetland at the time of listing (Kellogg, Brown & Root Pty Ltd 2011):

- 1a: regularly supports 10 000 ducks, geese and swans, or 10 000 coots or 20 000 waders.
- 2b: is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna.
- 3: is a particularly good example of a specific type of wetland characteristic of its region.

The Ecological Character Description for the Ramsar site estimates that Lake Bael Bael received some water in early 2000 and was then recorded as continuously dry until 2010. In February 2011, Lake Bael Bael was inundated by flood water. There have only been two recorded colonial nesting waterbird breeding events at this Ramsar site between 1980 and 2003 (Kellogg, Brown & Root Pty Ltd, 2011). Direct impacts on the Ramsar wetland are not expected due to the type of activity occurring (solar farm development and little ground disturbance nor impacts on migratory flight paths) at the site and its proximity to the wetland.

3.1 (d) Listed threatened species and ecological communities

Description

The Protected Matters Search (Attachment B) did identify 16 listed threatened species and four listed ecological communities, within a 5km buffer of the site. These species along with their type of presence within the site of the activity are shown in the tables below.

Ecological Community	Status	Type of presence (PMST)
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions	Endangered	Community may occur within area
Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community may occur within area
Natural Grasslands of the Murray Valley Plains	Critically endangered	Community likely to occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically endangered	Community may occur within area

Species name	Common name	Conservation status	Type of presence (PMST)
<i>Botaurus poiciloptilus</i>	Australasian Bittern	Endangered	Species or species habitat likely to occur within area
<i>Calidris ferruginea</i>	Curlew Sandpiper	Critically endangered	Species or species habitat known to occur within area
<i>Grantiella picta</i>	Painted Honeyeater	Vulnerable	Species or species habitat likely to occur within area
<i>Lathamus discolor</i>	Swift Parrot	Endangered	Species or species habitat likely to occur within area
<i>Leipoa ocellata</i>	Malleefowl	Vulnerable	Species or species habitat may occur within area
<i>Pedionomus torquatus</i>	Calibri	Critically endangered	Species or species habitat likely to occur within area
<i>Rostratula australis</i>	Australian Painted Snipe	Endangered	Species or species habitat likely to occur within area
<i>Craterocephalus fluviatilis</i>	Murray Hardyhead	Endangered	Species or species habitat may occur within area
<i>Maccullochella peelii</i>	Murray Cod	Vulnerable	Species or species habitat may occur within area
<i>Macquaria australasica</i>	Macquarie Perch	Endangered	Species or species habitat may occur within area
<i>Litoria raniformis</i>	Growling Grass Frog	Vulnerable	Species or species habitat likely to occur within area
<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	Vulnerable	Species or species habitat likely to occur within area

Species name	Common name	Conservation status	Likelihood of occurrence (PMST)
<i>Austrostipa wakoolica</i>	Astrostipa	Endangered	Species or species habitat likely to occur within area
<i>Lepidium monoplacoides</i>	Winged Pepper-cress	Endangered	Species or species habitat likely to occur within area
<i>Maireana cheelii</i>	Chariot Wheels	Vulnerable	Species or species habitat likely to occur within area
<i>Swainsona murrayana</i>	Slender Darling-pea	Vulnerable	Species or species habitat likely to occur within area

Nature and extent of likely impact

Address any impacts on the members of any listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat.

Due to the history of the site (continual cropping under heavy plough for multiple decades and grazing) it is considered that habitat features on site do not provide suitable habitat features could support these species. The nature of the action is unlikely to have a direct or indirect impact on these species and no vegetation clearing is proposed.

Under the Significant Impact Guidelines (DoE 2015), a significant impact on a listed threatened species may be defined as any impact that will or is likely to:

Significant Impact Criteria	Level of impact
Lead to a long-term decrease in the size of an important population of a species.	<p><u>Low</u></p> <p>An 'important population' is a population that is necessary for a species' long-term survival and recovery. This may include populations identified as such in recovery plans, and/or that are:</p> <ul style="list-style-type: none"> ▪ Key source populations either for breeding or dispersal ▪ Populations that are necessary for maintaining genetic diversity ▪ Populations that are near the limit of the species range <p>No important populations are known from the project site.</p> <p><u>Avoid clearing</u> – The clearing of paddock trees is not proposed as part of the project.</p> <p><u>Retaining and improve shelter habitat</u> – the Landscape Management Plan (RPS, 2015) identifies the location, species and densities for additional plantings to provide habitat and screening of the project site.</p>
Reduce the area of occupancy of an important population	<p><u>Low</u></p> <p>The area of occupancy for any known threatened species will not be reduced. Construction will not involve the disturbance/removal and a subsequent reduction in available habitat.</p>
Fragment an existing important population into two or more populations	<p><u>Low</u></p> <p>The construction will not fragment an existing important population into two or more populations as animal movement into and out of the project area will not be prevented in any way (i.e. no barriers to movement will be created).</p>
Adversely affect habitat critical to the survival of a species	<p><u>Low</u></p> <p>Areas of habitat are being retained through the planning stages of the project and to reduce the environmental impact of the action. No critical habitats are known from the project site.</p>
Disrupt the breeding cycle of an important population	<p><u>Low</u></p> <p>Whilst the breeding cycles of some individuals within the local populations may be disrupted during construction, it considered unlikely that these impacts would extend to the entire population and be for a short period.</p>
Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline	<p><u>Low</u></p> <p>No habitat is proposed to be modified, destroyed or isolated as part of the project.</p>
Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat	<p><u>Low</u></p> <p>Unlikely. Predation by feral species (e.g. feral cat and foxes). The proposed action is unlikely to trigger an increase in the local feral cat or fox populations nor structurally alter habitats to improve foraging success.</p>
Introduce disease that may cause the species to decline	<p><u>Low</u></p> <p>Unlikely. It is considered unlikely that the proposed project will result in the introduction of disease into adjacent retained habitat areas.</p>
Interfere substantially with the recovery of the species.	<p><u>Low</u></p> <p>The action is not considered to interfere with any of the state managed recovery actions in any meaningful way.</p>

3.1 (e) Listed migratory species

Description

The Protected Matters Search (Attachment B) did identify 15 listed migratory species within a 5km buffer of the site; these are listed in the table below along with their type of presence.

Species name	Common name	Conservation status	Likelihood of occurrence (PMST)
<i>Apus pacificus</i>	Fork-tailed Swift	Migratory marine	Species or species habitat known to occur within area
<i>Merops ornatus</i>	Rainbow Bee-eater	Migratory terrestrial	Species or species habitat may occur within area
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	Migratory terrestrial	Species or species habitat known to occur within area
<i>Ardea alba</i>	Great Egret, White Egret	Migratory wetland	Species or species habitat known to occur within area
<i>Ardea ibis</i>	Cattle Egret	Migratory wetland	Species or species habitat known to occur within area
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	Migratory wetland	Species or species habitat known to occur within area
<i>Calidris ferruginea</i>	Curlew Sandpiper	Migratory wetland	Species or species habitat known to occur within area
<i>Calidris melanotos</i>	Pectoral Sandpiper	Migratory wetland	Species or species habitat known to occur within area
<i>Calidris ruficollis</i>	Red-necked Stint	Migratory wetland	Species or species habitat known to occur within area
<i>Charadrius bicinctus</i>	Double-banded Plover	Migratory wetland	Species or species habitat known to occur within area
<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe	Migratory wetland	Species or species habitat known to occur within area
<i>Limosa limosa</i>	Black-tailed Godwit	Migratory wetland	Species or species habitat known to occur within area
<i>Numenius minutus</i>	Little Curlew, Little Whimbrel	Migratory wetland	Species or species habitat known to occur within area
<i>Philomachus pugnax</i>	Ruff (Reeve)	Migratory wetland	Species or species habitat known to occur within area
<i>Tringa stagnatilis</i>	Marsh Sandpiper, Little Greenshank	Migratory wetland	Species or species habitat known to occur within area

Nature and extent of likely impact

Address any impacts on the members of any listed migratory species, or their habitat.

Due to the history of the site (continual cropping and grazing) it is considered that habitat features on site do not provide suitable habitat features could support these species. The proposed action is unlikely to have a direct or indirect impact on the identified listed migratory species.

Under the Significant Impact Guidelines (DoE 2015), a significant impact on a migratory species may be defined as any impact that will or is likely to:

- Substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species;
- Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; and
- Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

As previously mentioned the site does not contain important habitat for the migratory species listed nor is it likely to support an ecologically significant proportion of a migratory species.

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, please complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

The Protected Matters Search (Attachment B) did not identify any Commonwealth marine areas within a 5km buffer of the site.

Nature and extent of likely impact

[Address any impacts on any part of the environment in the Commonwealth marine area.](#)

The proposed action will not directly or indirectly impact on Commonwealth marine areas.

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, please complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land).

Description

If the action will affect Commonwealth land also describe the more general environment. The Policy Statement titled *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* provides further details on the type of information needed. If applicable, identify any potential impacts from actions taken outside the Australian jurisdiction on the environment in a Commonwealth Heritage Place overseas.

The site is not located on or near any Commonwealth Land.

Nature and extent of likely impact

Address any impacts on any part of the environment in the Commonwealth land. Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

The proposed action will not impact any Commonwealth Land.

3.1 (h) The Great Barrier Reef Marine Park

Description

The site is not located on or near the Great Barrier Reef Marine Park.

Nature and extent of likely impact

Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.

Note: If your action occurs in the Great Barrier Reef Marine Park you may also require permission under the *Great Barrier Reef Marine Park Act 1975 (GBRMP Act)*. If so, section 37AB of the GBRMP Act provides that your referral under the EPBC Act is deemed to be an application under the GBRMP Act and Regulations for necessary permissions and a single integrated process will generally apply. Further information is available at www.gbrmpa.gov.au

The proposed action will not directly or indirectly impact on the Great Barrier Reef Marine Park.

3.1 (i) A water resource, in relation to coal seam gas development or large coal mining development

Description

If the action is a coal seam gas development or large coal mining development that has, or is likely to have, a significant impact on water resources, the draft *Policy Statement Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources* provides further details on the type of information needed.

The proposed action is not a coal seam gas development or large coal mining development and is not likely to have a significant impact on water resources.

Nature and extent of likely impact

Address any impacts on water resources. Your assessment of impacts should refer to the draft *Significant Impact Guidelines: Coal seam gas and large coal mining developments—Impacts on water resources*.

Not applicable.

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if the proposed action:

- is a nuclear action;
- will be taken by the Commonwealth or a Commonwealth agency;
- will be taken in a Commonwealth marine area;
- will be taken on Commonwealth land; or
- will be taken in the Great Barrier Reef Marine Park.

Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

3.2 (a)	Is the proposed action a nuclear action?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment			
3.2 (b)	Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment			
3.2 (c)	Is the proposed action to be taken in a Commonwealth marine area?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))			
3.2 (d)	Is the proposed action to be taken on Commonwealth land?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g))			
3.2 (e)	Is the proposed action to be taken in the Great Barrier Reef Marine Park?	X	No
			Yes (provide details below)
If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h))			

3.3 Description of the project area and affected area for the proposed action

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed above). If at Section 2.3 you identified any alternative locations, time frames or activities for your proposed action, please also complete each of the details below (where relevant) for each alternative identified.

3.3 (a) Flora and fauna

The project area is located in a large rectangular paddock that is used for intensive cropping and grazing. Habitat features that could support flora and fauna are limited to non-existent within the project area. The area proposed for the action will not impact on and flora or fauna.

3.3 (b) Hydrology, including water flows

The site is located partly in the Avoca River Basin and partly in the Loddon River Basin. The Avoca River is situated approximately 4.5km to the west of the site, with Lake Bael Bael sitting approximately 1km north. There are no creeks or waterways existing on the site.

3.3 (c) Soil and Vegetation characteristics

The site consists of slightly undulating cleared land and sits primarily in the 'Mallee Dunefield low calcareous dunes' geomorphic landsystem characterised by calcareous clays and earth with moderate to rapidly drained soils, low water erosion and high wind erosion (Rowan *et al.* 2000). It is situated above 1 in 100 year flood levels and the soil is predominantly free of the clay topsoil typical of the floodplain that commences 2km to the east of the site.

The site sits on predominantly cleared land which has been farmed for over a century and is almost exclusively cropped. It sits within the Murray Mallee bioregion and the following Ecological Vegetation Classes (EVCs) are mapped as occurring at the site:

- EVC 96: Ridged Plains Mallee (Endangered bioregion conservation status)
- EVC 824: Woorinen Mallee (Vulnerable bioregion conservation status)

3.3 (d) Outstanding natural features

None other than those mentioned in other sections of this referral.

3.3 (e) Remnant native vegetation

There is currently very little vegetation at the solar farm site however, there is a wide strip of roadside vegetation along Lalbert-Kerang Road and a patch of remnant vegetation (approximately 4 ha) along the northern site boundary which will be retained. There are also a number of scattered paddock trees within the site boundaries that are proposed to be retained.

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

The location of the proposed action is located on predominantly on flat to slightly undulating Mallee dunefield and approximately 86-92m Australian Height Datum (AHD) across the site.

3.3 (g) Current state of the environment

[Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.](#)

The project site is located within a cropped paddock, generally free of vegetation and trees. Once the cereal crops are harvested, occasional grazing by sheep takes place until the crops are replanted.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

There is a historic school sign located at the entrance to the existing site identifying the Korangie school site which must be retained and maintained to the satisfaction of the Council.

3.3 (i) Indigenous heritage values

No Aboriginal heritage issues have been identified within the site, particularly as the land has been subject to clearing, farming and heavy machinery for decades. The areas north and west of the site (beginning at Lake Bael Bael and following the Avoca River) have applicable Aboriginal Heritage Overlays, however these are at least a kilometre away from the site and no works will be undertaken in these areas.

As identified above, for completeness, the Applicant is confirming that position and has engaged Spinifex Pty Ltd who are currently completing an Aboriginal Heritage Review under the *Aboriginal Heritage Act 2006*.

3.3 (j) Other important or unique values of the environment

[Describe any other key features of the environment affected by, or in proximity to the proposed action \(for example, any national parks, conservation reserves, wetlands of national significance etc\).](#)

Not applicable

3.3 (k) Tenure of the action area (e.g. freehold, leasehold)

The land is freehold and is proposed to lease the land to undertake the proposed action.

3.3 (l) Existing uses of area of proposed action

The land is currently used for cropping and grazing.

3.3 (m) Any proposed uses of area of proposed action

In the absence of the proposed solar farm it is expected that the existing use of the site would continue.

4 Environmental outcomes

Provide descriptions of the proposed environmental outcomes that will be achieved for the matters protected by the EPBC Act that are likely to be affected by the proposed action. Include details of the baseline data upon which the outcomes are based, and the confidence about the likely achievement of the proposed outcomes. Where outcomes cannot be identified or committed to, provide explanatory details including any commitments to identify outcomes through an assessment process.

If a proposed action is determined to be a controlled action, the Department may request further details to enable application of the *Outcomes-based Conditions Policy 2016* (<http://www.environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>), including information about the environmental outcomes to be achieved by proposed avoidance, mitigation, management or offset measures, details of baseline data, milestones, performance criteria, and monitoring and adaptive management to ensure the achievement of outcomes. If this information is available at the time of referral it should be included in the description of the proposed measures.

General commitments to achieving environmental outcomes, particularly relating to beneficial impacts of the proposed action, CANNOT be taken into account in making the decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. However, those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, and conditions of approval, if your proposal proceeds to these stages.

The proposed action is unlikely to have an impact on the MNES (listed threatened species and communities, and migratory species and wetlands of international importance), therefore there will be no outcomes based conditions required to be addressed as a result of the proposed action.

5 Measures to avoid or reduce impacts

Note: If you have identified alternatives in relation to location, time frames or activities as part of the proposed action at sections 1.10 and 2.3 please complete this section in relation to each of the alternatives identified.

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

For each proposed measure, specify:

- a concise description of the nature, scope, work plan and consequence of the measure for the relevant impact and any statutory or policy basis for the measure;
- in doing so, include analysis and findings on whether each measure is likely to achieve the environmental outcomes for the matters protected by the EPBC Act which are likely to be affected by the proposed action, including noting:
 - the likely effectiveness of the measure in avoiding or mitigating the relevant impact on the matters protected by the EPBC Act;
 - the level of commitment by the person proposing to take the action to achieve the proposed environmental outcomes and implement the proposed mitigation measures. For example, identify if the measures are preliminary suggestions only that have not been fully researched, or are dependent on a third party's agreement (e.g. council or landowner);
 - any likely residual impacts (being, impacts likely to occur having implemented mitigation and/or avoidance measures) and, if such impacts will or are likely to occur, the measure available to compensate or offset these residual impacts. Please consider the Department's *EPBC Act, the EPBC Environmental Offsets Policy* (October 2012) (and *How to use the Offsets Assessment Guide*) and the *draft Policy Statement on EPBC Act Advanced Environmental Offsets*;
 - the likely consequences for the matters protected by the EPBC Act should the measure not be effective; and
 - any other likely consequences of the measure including both adverse and beneficial, such as efficiency, cost and cost-effectiveness and public acceptability (noting however, beneficial consequences of the measure will not be considered in deciding whether or not the proposed action is likely to have a significant impact on the matters protected by the EPBC Act).

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

Note, the Minister may decide that a proposed action is not likely to have significant impacts on a protected matter, as long as the action is taken in a particular manner (section 77A of the EPBC Act). The particular manner of taking the action may avoid or reduce certain impacts, in such a way that those impacts will not be 'significant'. More detail is provided on the Department's web site.

For the Minister to make such a decision (under section 77A), the proposed measures to avoid or reduce impacts must:

- clearly form part of the referred action (e.g. be identified in the referral and fall within the responsibility of the person proposing to take the action);
- be must be clear, unambiguous, and provide certainty in relation to reducing or avoiding impacts on the matters protected; and

- must be realistic and practical in terms of reporting, auditing and enforcement.

The site has been chosen due to it not containing habitat that could be impacted on by the action. To further reduce potential impacts the following documents have been developed to manage risks at the site:

Environmental Management Plan

An Environmental Management Plan (EMP) (RPS, 2016) for the action was a condition of the planning approval. The EMP has been developed and approved by council with includes a risk assessment, environmental management and mitigation measures and a construction audit program.

Landscape Management Plan

A Landscape Management Plan (LMP) (RPS, 2015) for the action was a condition of the planning approval. The LMP has been developed and approved by council and includes species proposed for screening, planting locations and densities and implementation and management.

Refer to section 8 of Attachment D for the detailed environmental management and mitigation measures, including objectives and targets for the project.

6 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (i.e. whether you think that significant impacts on the matters protected under Part 3 of the EPBC Act are likely) and the reasons why.

6.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

6.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act by reference to each relevant matter protected by the EPBC Act.

The proposed action for the solar farm is not likely to have a significant impact on matters of National Environmental Significance as defined by the EPBC Act and EPBC Act Policy Statement 1.1 – Significant Impact Guidelines in ‘Matters of National Environmental Significance.’ The assessment of potential impacts provided in Section 3 of this referral and summarised below indicates that significant impacts are unlikely.

The Applicant has sought to minimise environmental impacts through the appropriate siting of infrastructure in existing cleared and modified areas.

6.3 Proposed action IS a controlled action

Type ‘x’ in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The ‘sections’ identified below are the relevant sections of the EPBC Act.)

Matters likely to be significantly impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above by reference to each matter protected by the EPBC Act identified in section 3 above.

Not applicable.

7 Environmental record of the person proposing to take the action

	Yes	No
<p>7.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details</p> <p>The Applicant is an Australian renewable energy development and investment company. Its primary business is the development and delivery of renewable energy facilities, including the solar farm at this location.</p> <p>The Applicant has developed an Environmental Management Plan (RPS, 2016) to manage environmental issues at the project site.</p> <p>The Applicant takes its environmental obligations seriously, rigorously assessing its environmental impacts and executing with integrity, ideally improving biodiversity outcomes in the process.</p> <p>The Founder and Chief Executive of the Applicant, lead the development and delivery of 27 utility scale solar farms in the UK as part of Low Carbon (lowcarbon.com), a business he co-founded.</p> <p>The Applicant has ever been convicted, fined or prosecuted of any environmental breach. The Applicant, and its development Partner, Solar Choice, have shown great leadership in responsible environmental management in the development of this project and gaining the appropriate approvals.</p>	X	
<p>7.2 Provide 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:</p> <p>(a) the person proposing to take the action, or</p> <p>(b) if a permit has been applied for in relation to the action - the person making the application.</p> <p>If yes, provide details</p>		X
<p>7.3 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework and if and how the framework applies to the action.</p> <p>The Applicant's business is focussed on improving environmental outcomes through the generation of electricity from renewable sources, primarily the sun. It has set itself up to deliver the solar farm at this location and had been busy preparing for this and working through the local, state and federal planning framework.</p> <p>The planning framework applies to the action by way of allowing the action to proceed, with all appropriate approvals and consents being gained.</p> <p>The company has developed an Environmental Management Plan (RPS, 2016) to manage environmental issues at the project site.</p> <p>In due course the company will develop an environmental policy reflecting the activities occurring at the site.</p>		X

7.4	<p>Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p>		X
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8 Information sources and attachments

(For the information provided above)

8.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

Gannawarra Solar Farm: Environmental Management Plan (RPS, 2016)

Gannawarra Solar Farm: Landscape Management Plan (RPS, 2015)

8.2 Reliability and date of information

For information in section 3 and the map required by section 1, specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

The information referred to in the above reports is considered reliable and has been undertaken in accordance with relevant legislation in conjunction with the relevant planning authority.

8.3 Attachments

Indicate the documents you have attached. All attachments must be less than three megabytes (3mb) so they can be published on the Department's website. Attachments larger than three megabytes (3mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
You must attach	figures, maps or aerial photographs showing the locality of the proposed action (section 1)	✓	Attachment A - Maps
	GIS file delineating the boundary of the referral area (section 1)	✓	
	figures, maps or aerial photographs showing the location of the proposed action in respect to any matters of national environmental significance or important features of the environments (section 3)	✓	Attachment A - Maps
If relevant, attach	copies of any state or local government approvals and consent conditions (section 2.5)	✓	Attachment C – Planning Permit
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	✓	Attachment D – EMP and LMP
	copies of any flora and fauna investigations and surveys (section 3)		
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3) conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

9 Contacts, signatures and declarations

NOTE: Providing false or misleading information in response to a requirement under Part 7 of the EPBC Act is an offence punishable on conviction by imprisonment and/or fine (section 489 of the EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action.

Proposed action title:

Edify Energy - Gannawarra Solar Farm Development

9.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action. It may be a trustee (either being an individual or a body corporate) acting on behalf of the trust for which they have responsibility (but not the trust).

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the GBRMP Act¹, this is the person requiring the grant of a GBRMP permission.

The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

Name and Title:

Ian Christmas, Head of Engineering and Technical

Organisation: (if
applicable)

Organisation name should match entity identified in ABN/ACN search
Edify Energy Pty Ltd

Trust deed: (if
applicable):

☐ attached; OR
☒ not applicable

ACN / ABN: (if
applicable):

ABN: 85 606 684 995

Postal address:

Level 6, 140 Creek Street
Brisbane, QLD 4000

Telephone:

0447 347 974

Email:

ian.christmas@edifyenergy.com

¹ If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits.

COMPLETE THIS SECTION ONLY IF YOU QUALIFY FOR EXEMPTION FROM THE FEE(S) THAT WOULD OTHERWISE BE PAYABLE

I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

- ☐ an individual; OR
 - ☐ a small business entity – aggregated turnover is less than \$2million for the previous income year (as prescribed within section 328-110 (other than subsection 328-119 (4)) of the *Income Tax Assessment Act 1997*); OR
 - ☐ a small business entity – aggregated turnover for the current financial year is likely to be less than \$2million (note that aggregated turnover for one of the previous two income years must also be less than \$2million) (as prescribed within section 328-110 (other than subsection 328-119 (4)) of the *Income Tax Assessment Act 1997* (Cth)).
- ☒ not applicable.

If you are small business entity you must provide the Date/Income Year that you became a small business entity:

Note 1: Please retain evidence (i.e. tax statements) displaying aggregated turnover for the relevant income year. The Department may request this evidence at any stage of the assessment process. Aggregated turnover, for the purposes of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth)), means:

(1) a company annual turnover for the income year **and**

(11) the annual turnover for the income year of any entity that is connected or affiliated with the company at any time during the income year (see section 328-155 of the *Income Tax Assessment Act 1997* (Cth)).

Note 2: You must advise the Department within 10 business days if you cease to be a small business entity. Failure to notify the Secretary of this is an offence punishable on conviction by a fine (regulation 5.23B(3) *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth)).

COMPLETE THIS SECTION ONLY IF YOU WOULD LIKE TO APPLY FOR A WAIVER

Note: Applications for a waiver must be supported by information in writing setting out the grounds on which the applicant considers that a waiver should be made and the reasons why it should be made. The Minister may, at his or her discretion, waive all or part of a fee that would otherwise be payable in the following circumstances:

- the action's primary objective is to protect the environment, or protect and conserve heritage, in a way that is consistent with the objects of the EPBC Act;
- it is in the public interest to do so; or
- there are other exceptional circumstances justifying the waiver.

The Minister will consider the application within 20 business days.

I would like to apply for a waiver of full or partial fees under regulation 5.21A of the [EPBC Regulations](#). Under regulation 5.21A(5), you must include information

☒ not applicable.

about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made:

Declaration:

I declare that to the best of my knowledge the information I have given on, or attached to this form 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 of or for the benefit of any other person or entity.

Signature:



Date: 27/10/16

9.2 Designated proponent

Individual or organisation who is proposed to be designated as the proponent if the Minister decides that the action is a controlled action and further assessment and approval is required. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent may or may not be the person proposing to take the action.

Name of proposed proponent:

Edify Energy Pty Ltd

If the name of the proposed proponent is not the same person as named at item 1 of section 9.1 above, please complete all of the below fields in section 9.2.

ACN / ABN (if applicable):

ABN: 85 606 684 995

Postal address:

Level 6, 140 Creek Street
Brisbane, QLD 4000

Telephone:

0447 347 974

Email:

Ian.christmas@edifyenergy.com

Declaration by the proposed proponent:

I Ian Christmas, the proposed proponent, consent to the proposed designation of myself as the proponent for the purposes of the action described in this referral.

Signature :



Date: 27/10/16

Declaration by the person proposing to take the action:

I Ian Christmas, the person proposing to take the action, consent to the proposed designation of Ian Christmas as proponent for the purposes of the action described in this referral.

Signature :



Date: 27/10/16.

9.3 Person preparing the referral information (if different from section 9.1)

Individual or organisation who has prepared the information contained in this referral form.

Name: Chris Alderton

Title: Senior Environmental Consultant

Organisation: RPS Manidis Roberts Pty Ltd

ACN / ABN (if applicable):

Postal address: Level 3, 33 Franklin Street, Adelaide, SA 5000

Telephone: 0438 345109

Email: Chris.alderton@rpsgroup.com.au

Declaration: I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence.

Signature:



Date: 27/10/16

REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- ✓ Completed all required sections of the referral form?
- ✓ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ✓ Provided a map showing the location and approximate boundaries of the project area for the proposed action?
- ✓ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ✓ Provided a digital file (preferably ArcGIS shapefile, refer to guidelines at Attachment A) delineating the boundaries of the referral area?
- ✓ Provided complete contact details and signed the form?
- ✓ Provided copies of any documents referenced in the referral form?
- ✓ Ensured that all attachments are less than three megabytes (3mb)?
- ✓ Sent the referral to the Department (electronic and hard copy preferred)

Geographic Information System (GIS) data supply guidelines

If the area is less than 5 hectares, provide the location as a point layer. If the area greater than 5 hectares, please provide as a polygon layer. If the proposed action is linear (eg. a road or pipeline) please provide a polyline layer.

GIS data needs to be provided to the Department in the following manner:

- Point, Line or Polygon data types: ESRI file geodatabase feature class (preferred) or as an ESRI shapefile (.shp) zipped and attached with appropriate title
- Raster data types: Raw satellite imagery should be supplied in the vendor specific format.
- Projection as GDA94 coordinate system.

Processed products should be provided as follows:

- For data, uncompressed or lossless compressed formats is required - GeoTIFF or Imagine IMG is the first preference, then JPEG2000 lossless and other simple binary+header formats (ERS, ENVI or BIL).
- For natural/false/pseudo colour RGB imagery:
 - If the imagery is already mosaiced and is ready for display then lossy compression is suitable (JPEG2000 lossy/ECW/MrSID). Prefer 10% compression, up to 20% is acceptable.
 - If the imagery requires any sort of processing prior to display (i.e. mosaicing/colour balancing/etc) then an uncompressed or lossless compressed format is required.

Metadata or 'information about data' will be produced for all spatial data and will be compliant with ANZLIC Metadata Profile. (http://www.anzlic.org.au/policies_guidelines#guidelines).

The Department's preferred method is using ANZMet Lite, however the Department's Service Provider may use any compliant system to generate metadata.

Privacy and Confidentiality Notice

The Department is required under section 74(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to publish the information (including personal information of the author and/or third parties) provided in this referral on the internet. The information published may include your personal information.

Information including your personal information included in this referral will be used for the purposes of administering the EPBC Act. The information may be provided to various Commonwealth, State and Territory agencies for the purposes of administering the Act or other Commonwealth, State or Territory legislation. For example, if the proposed action (or a component of it) is to be taken in the GBRMP, the Minister is required to provide a copy of your referral to GBRMPA (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits.

The Department will collect, use, store and disclose the personal information contained in this referral in a manner consistent with its obligations under the *Privacy Act 1988* and the Department's privacy policy.

The Department's privacy policy contains details about how respondents may access and make corrections to personal information that the Department holds about the respondent, how respondents may make a complaint about a breach of an Australian Privacy Principle, and how the Department will deal with that complaint.

A copy of the Department's privacy policy is available at: <http://environment.gov.au/privacy-policy>.

The Department is not obliged to publish information that the Minister is satisfied in commercial-in-confidence. If you believe that this referral contains information that is commercial-in-confidence, you must clearly identify such information and the reason for its confidentiality at the time of making the referral. The Minister cannot be satisfied that particular information included in a referral is commercial-in-confidence unless you demonstrate to the Minister (by providing reasons in writing) that:

- release of the information would cause competitive detriment to the person; and
- the information is not in the public domain; and
- the information is not required to be disclosed under another law of the Commonwealth, a State or a Territory; and
- the information is not readily discoverable.

The Department is subject to certain legislative and administrative accountability and transparency requirements of the Australian Government including disclosures to the Parliament and its Committees. While the Department will treat all referral information provided in this referral sensitively, any information contained in or relating to a referral, including information identified by a person as commercial-in-confidence, may be disclosed by the Department:

- to its employees and advisers in order to evaluate or assess a referral;
- to the Parliamentary Secretary;
- within the Department or other agencies where this serves the legitimate interest of the Australian Government;
- in response to a request by a House or Committee of the Parliament of the Commonwealth of Australia;
- where information is authorised or permitted by law to be disclosed; and
- where the information is in the public domain other than by the Department's disclosure of that information.