

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

To: Kylie Calhoun, Assistant Secretary,
Environment Assessments West (WA, SA, NT) Branch (for decision)

Referral Decision Brief: Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B,
5km south Burra SA (EPBC 2021/8957)

Timing: 1 October 2021 (statutory timeframe)

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	Goyder Wind Farm 1B Pty Ltd ACN: 649 965 944												
Controlling Provisions triggered or matters protected by particular manner	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="width: 50%; border: none;">National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Migratory Species (s20 & s20A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 2; See <u>Attachment E</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: Minister for Agriculture, Drought and Emergency Management; Minister for Energy and Emissions Reduction; Minister for Indigenous Australians; South Australian Minister for Environment and Water; See <u>Attachment F</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Preliminary Documentation Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment C</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / ~~Not agreed~~

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / ~~Not agreed~~

5. Agree the action be assessed on Preliminary Documentation under Division 4 of Part 8 of the EPBC Act.

Agreed / ~~Not agreed~~

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the Departmental briefing package as the basis for your decision.

Accepted / ~~Please discuss~~

7. Agree to the designated proponent.

Agreed / ~~Not agreed~~

8. Agree to the fee schedule with justifications (Attachment G1) and that the fee schedule be sent to the person proposing to take the action.

Agreed / ~~Not agreed~~

9. Note the letter notifying the person proposing to take the action of your referral and assessment approach decisions will include an invoice for Stage 1 assessment fees. A letter requesting further information under section 95A(2) of the EPBC Act will be prepared for your signature within 10 business days of the Stage 1 payment.

Noted / ~~Please discuss~~

10. Sign the notice at Attachment A (which will be published if you make the recommended decision).

Signed / ~~Not signed~~

11. Sign the letters at Attachment B.

Signed / ~~Not signed~~

Date: 1 October 2021

Kylie Calhoun
Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

Comments:

KEY ISSUES:

- The proposed action is a component of a larger action, namely the Goyder South Hybrid Renewable Energy Facility, and three additional referrals (EPBC 2021/8958, 2021/8959 and 2021/8960) are being considered concurrently.
- The proponent has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to likely impacts on listed threatened species and communities.
- The Department considers that the proposed action is likely to result in significant impacts to the endangered Pygmy Blue-tongue Lizard (*Tiliqua adelaidensis*) as a result of habitat clearance and degradation.
- In the absence of further detailed information and of a broader assessment of the occurrence and potential direct, indirect and cumulative impacts as a result of the proposed action, and on a precautionary basis, significant impacts are considered possible in relation to 10 threatened flora species, 1 threatened reptile species and 5 bird species listed as threatened and/or migratory.

BACKGROUND:**Pre-referral meetings**

On 27 January 2021, a pre-referral meeting was held with Neoen Australia Pty Ltd (Neoen) to discuss the proposed Goyder South Hybrid Renewable Energy Project (Goyder South Project). At that meeting, Neoen proposed that the project would be referred to the Department as four separate actions given the financial constraints of the project. Neoen sought advice from the Department of the acceptability of four referrals. The Department advised that a split referral of the larger project would likely be acceptable given the financial constraints of the project.

On the 25 June 2021, following handover of the project to the SA/NT Section, a second pre-referral meeting was held, at the request of the Department, to better understand the likely impacts to protected matters across all four referrals. The Department also advised that the decision to accept a split referral is at the discretion of the Minister (delegate) under section 74A of the EPB Act, and that in order to accept a split referral, the decision maker must be satisfied that the splitting of the project does not reduce the ability to achieve the objectives of the Act.

Description of the referral

A valid referral was received on 2 September 2021. The action was referred by Goyder Wind Farm 1B Pty Ltd (the proponent; and a subsidiary of Neoen), which has stated its belief that the proposal is a controlled action for the purposes of the EPBC Act.

Description of the proposal (including location)

The proposed action (hereafter 'Wind Farm 1B') is to construct and operate 37 wind turbine generators and associated infrastructure as part of the Goyder South Hybrid Renewable Energy Facility, approximately 5 km south of Burra, South Australia.

Wind Farm 1B has a project area of approximately 4,209 ha and a disturbance footprint of approximately 237 ha. The action is related to other components of the Goyder South Project which are subject to separate referrals under the EPBC Act, namely:

- EPBC 2021/8958 – Wind Farm 1A

- EPBC 2021/8959 – Overhead Transmission Line and Substation
- EPBC 2021/8960 – Battery Storage Facility

Figure 1 below illustrates the footprint of the Goyder South Project and the spatial location of the referrals noted above and their key infrastructure components.

The following components are part of the Wind Farm 1B development (subject of this referral):

- construction and operation 37 wind turbine generators (WTGs) with maximum height of 240 m (200 for three WTGs near Burra), maximum blade length of 80 m, maximum rotor diameter of 160 m and maximum hub height of 160 m;
- establishment of access tracks (maximum width of 10 m) to accommodate construction activities and cranes and, where required, stormwater drainage such as open swale drains;
- installation of underground cables for electrical transmission and communications via trenching (500 mm wide and 1.2 m deep); and
- construction of a temporary compound area of approximately 200 m by 420 m containing a site office, staff facilities, workshop, carpark and laydown/storage area.

State assessment

The Goyder South Hybrid Renewable Energy Facility (development application 422/V009/20 R1) was assessed by the South Australia Government under the *Planning, Development and Infrastructure Act 2016 (SA)* as ‘Crown Development – Public Infrastructure’ and approved on 7 June 2021 with 41 conditions (Attachment C9).

Description of the environment

The 26,559 ha Goyder South Project Area (Figure 1) is located in the eastern portion of the northern Mount Lofty Ranges within the Interim Biogeographical Regionalisation of Australia (IBRA) Associations of Burra Hill, Fillorieton, Hansen and Sutherlands. The area is dominated by ridges, plains and undulating hills.

The north-western and central-southern extents of the Goyder South Project Area occur within the Burra Creek Catchment. Burra Creek flows north-south through the northern section of the project area, continues south outside of the project area, and then flows from west to east through the southern extent of the project area. A number of water bodies (lagoons, dams and creeks) and ephemeral floodplains are located within 10 km of the project area.

Land use is predominantly agricultural (grazing for sheep and cattle) and native vegetation is dominated by grasslands with small pockets of woodlands. Patches of *Enneapogon avenaceus* grassland comprise most of the area, with small pockets of Iron-grass (*Lomandra* spp.) to the west of the area. Woodland vegetation is generally located to the east and south of the site as elevation becomes lower and primarily comprised of *Eucalyptus brachycalyx*/*E. gracilis* mallee woodland. A small pocket of Peppermint Box (*E. odorata*) is situated northwest of the site.

Wind Farm 1B will be located across 4,209 ha of land that contains native vegetation (3,364 ha), cropping areas (426 ha) and exotic grassland (110 ha).

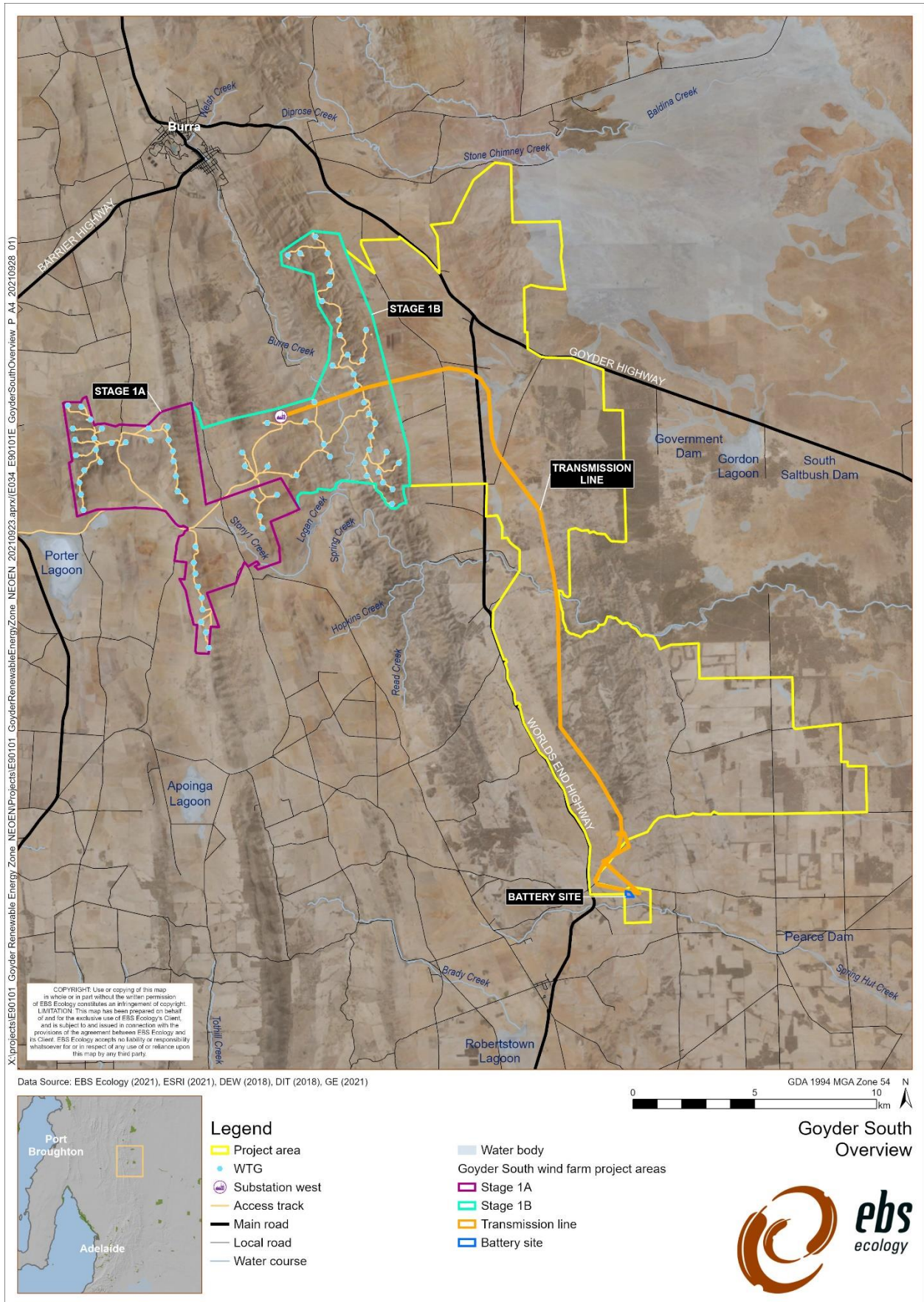


Figure 1: Goyder South Project Area and spatial location of the referrals EPBC 2021/8957 (Stage 1B: this referral), EPBC 2021/8958 (Stage 1A), EPBC 2021/8959 (Transmission line) and EPBC 2021/8960 (battery site).

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

The referral states that the proposed Wind Farm 1B is a component of Neoen’s Goyder South Project and one of a set of four referrals that represent the proposed construction staging. The referral states that the Goyder South Project will total up to \$3 billion in investment and that in order to achieve financing on such a large project, each stage has its own construction contracts and financing packages and that these are likely to involve separate groups of lenders which do not wish to be exposed to ‘cross-default’ on approval conditions by other stages of the project.

Consequently, Neoen has elected to make several EPBC Act referrals for the Goyder South Project with separate legal entities established for each component. These ‘Special Purpose Vehicles’ (SPVs) are subsidiaries of Neoen, but as noted, will obtain finance from different sets of lenders.

The four referrals and associated SPVs are listed below:

- Goyder Wind Farm 1 Pty Ltd has referred a proposal to construct and operate one cluster of 38 wind turbine generators and associated infrastructure, mostly access roads and underground cables (3811 ha) – EPBC 2021/8958.
- Goyder Wind Farm 1B Pty Ltd has referred a proposal to construct and operate a second cluster of 37 wind turbine generators and associated infrastructure, mostly access roads and underground cables (4209 ha) – EPBC 2021/8957 (this referral).
- Goyder Wind Farm Common Asset Pty Ltd has referred a proposal to construct and operate an overhead transmission line and substation (i.e. all ancillary assets where ownership and control must be shared between the respective financiers of Goyder Wind Farm 1 and 1B) (13.56 ha) – EPBC 2021/8959.
- Neoen Australia Pty Ltd has referred a proposal to construct and operate a large lithium-ion battery facility and associated electrical equipment (8 ha) – EPBC 2021/8960.

According to the referral, aside from the four project elements above, the remainder of Goyder South’s wind and solar assets are not currently commercially viable due to the limited size of the SA electricity market, depressed electricity wholesale pricing and a glut of rooftop solar. There is currently no immediate prospect of these stages proceeding to construction.

Given the above, the Department considers that the referred action (EPBC 2021/8957) and the activities described in the referrals EPBC 2021/8958, 2021/8959 and 2021/8960 form a larger action proposed to be undertaken by the same person.

After assessing the likely impacts on matters of national environmental significance (MNES) of the four referrals noted above, the Department considers that the splitting of the referrals is not likely to reduce the ability to achieve the objects of the EPBC Act because:

- the referrals were made at the same time and assessed in parallel and, therefore, the cumulative impacts to MNES arising from all four referrals are being considered;
- the risk of important impacts arising from the separate actions being overlooked, underestimated or unable to be controlled through approval conditions is small;
- the cumulative impacts across the project (all four referrals) do not warrant a 'Clearly Unacceptable' decision; and
- there is precedent for projects of this scale and nature being referred and accepted without compromising the objectives of the EPBC Act.

For these reasons, the Department considers that while the referred action is clearly part of the larger action, consistent with the *Policy Statement Staged Development – Split referrals: Section 74A of the EPBC Act*, it is recommended that the referral be accepted.

The Department notes that subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The Department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment B1](#)).

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action.

In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A)
- Listed migratory species (section 20 & section 20A)

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & s18A)

The Department's Environment Reporting Tool (ERT) dated 20 September 2021 ([Attachment D1](#)) identified 3 bird species, 2 reptile species, 10 plant species and 2 communities that are 'likely' or 'known' to occur within 10 km of the project area.

The EPBC Species and Ecological Communities Update (Species Update) dated 24 September 2021 ([Attachment D2](#)) has been consulted and there is one upcoming decision relating to the listing of the *Mallee Bird Community of the Murray Darling Depression Bioregion ecological community – Endangered* that may be of relevance to this proposed action. The Species

Update notes that the Threatened Species Scientific Committee provided advice to the Minister on 30 July 2021 and a decision brief (MS21-005772) was provided on 9 September 2021. A decision on the listing of this community is due on 7 December 2021. Under provision 158A of the EPBC Act, the approval process decision is not affected by listing events that happen after a section 75 decision is made.

Based on the location, size and nature of the action and likely habitat present in the area, the Department considers that impacts potentially arise in relation to the following matters.

- Pygmy Blue-tongue Lizard (*Tiliqua adelaidensis*) – endangered

Species information

Detailed information about the Pygmy Blue-tongue Lizard (PBTL) is available in the species' Recovery Plan (Attachment D3).

The PBTL is known from 31 small, isolated sites located on private agricultural land in the mid-north area of South Australia. The species had been considered extinct until it was rediscovered near Burra in 1992, the first record for 33 years, and it has been subject to a recovery program since then.

The PBTL is omnivorous, feeding mainly on medium-sized arthropods which they capture by ambush. The PBTL uses empty spider burrows as refuges, basking sites and as ambush points. The abundance of lizards within grasslands is dependent on the availability of deep spider burrows in well-draining soils. All known habitat is considered habitat critical to the survival of the species and all known populations are considered important.

The PBTL is considered to be extremely sensitive to both movement and noise and the main known and potential threats include changed land use, particularly by agricultural activities (ploughing and ripping), inappropriate grazing regimes as well as urban, industrial and infrastructure developments. Other threats include weeds, pesticides, herbicides, inappropriate fire regimes, habitat fragmentation, planting, predators, fertilisers, poaching and climate change.

Proposed action area

Two known location sites of PBTL (no. 5 and no. 31) identified in the species Recovery Plan (Attachment D3) are within, or in close proximity to, the proposed action area.

The referral notes that across both autumn and spring 2019 surveys (Attachment C5), approximately 1,076 spider burrows were inspected for PBTL along 59 transects across the Goyder South Project Area and 24 individuals were observed.

The referral also notes that, overall, 450 ha of 'possible' or 'potential' habitat and 47 ha of 'likely' PBTL habitat occur within the Goyder South Project Area, the majority of which is confined to the foot slopes of the two ridges in the north-western extent of the area. One of these ridges is located within the proposed action area of Wind Farm 1B, (Attachment C20).

In addition, the referral also notes that a targeted field survey undertaken between 9 and 11 March 2021 within specific areas where the proposed infrastructure intercepts 'likely' or 'potential' PBTL habitat (Attachment C14), identified further 13 individuals (10 adults and 3 juveniles).

Potential impacts

The referral notes that the proposed action would directly impact on 1.16 ha of 'likely' PBTL habitat, 1.45 of 'potential' PBTL habitat and at least one individual through the clearing and/or disruption of soil and/or vegetation during construction (Attachment C16).

The SA Department for Environment and Water (DEW), which commented on the referral on behalf of the South Australia Minister for Environment and Water (Attachment F4), noted that while PBTL surveys were undertaken at the appropriate time of the year, the identification of a single individual is unlikely to represent the extent of the population impacted at the site. The DEW considers that there is a high likelihood that more individuals are present at the impacted site, given that PBTLs occur in patches.

The referral also notes other potential direct and indirect impacts to PBTLs, including:

- injury or death during construction works, particularly excavation works (including trenching), and from vehicle strikes;
- habitat degradation due to an increase in weeds, exacerbated by soil disturbance during construction and increased movement of vehicles;
- habitat degradation due to dust deposition during construction, and due to altered grazing regimes;
- habitat degradation due to erosion and sedimentation as a result of increased stormwater runoff near infrastructure such as turbines and access tracks;
- fragmentation of PBTL population(s) by infrastructure such as access tracks; and
- disturbance to PBTL populations(s) located close to wind turbines caused by noise and vibration during construction and operation, and as a result of turbine blade shadow flicker during operation.

Avoidance and mitigation measures

The referral notes that the project design and location of infrastructure was guided by early ecological assessment to avoid and protect PBTL habitat and individuals, and that the proposed action will avoid, where possible, areas where PBTL have been identified and those areas mapped as 'likely' or 'potential' PBTL habitat in the survey at Attachment C15. Where areas cannot be entirely avoided, locations of wind turbines and associated infrastructure will be 'micro-sited' prior to construction to minimise the impacts to the species.

The referral also indicates that the proponent is committed to developing and implementing Construction and Operational Environmental Management Plans (CEMP and OEMP) to identify potential environmental issues associated with the project and the management measures that will be implemented to avoid, minimise and/or mitigate potential impacts during construction and operation of the project.

A preliminary PBTL offset proposal is included with the referral (Attachment C17). The potential environmental gains of the measures noted in the referral to offset impacts on the PGTL have not been taken into consideration by the Department when preparing this recommendation.

Conclusion

The proposed action will directly impact at least 2.61 ha of PBTL habitat and at least one PBTL individual. However, a significant larger number of individuals is likely to be impacted either

directly or indirectly. A number of other impacts, such as those resulting from shadow flicker, are not adequately addressed in the referral and may extend the area and the quantum of impact.

Given the above and considering the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (Significant Impact Guidelines 1.1; Attachment D4), the Department considers that the proposed action could fragment a known existing population, reduce the area of occupancy of the species and adversely affect habitat critical to the survival of the species. For these reasons, a significant impact to the Pygmy Blue-tongue Lizard is considered **likely**.

Other species and communities that may be significantly impacted

Noting the information available to the Department, including the ERT (Attachment D1) which suggests the 'likely' or 'known' presence of the following species and communities within 10 km of the proposed action area, and without further detailed assessment of potential impacts (direct, indirect and/or cumulative), the Department considers that there is a real chance or possibility that the proposed action will significantly impact on the following additional threatened species and communities.

Threatened Ecological Communities (TEC):

- Peppermint Box (*Eucalyptus odorata*) Grassy Woodland (PBGW) of South Australia – critically endangered

The referral notes that one 38.9 ha patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland, which has potential to be the PBGW TEC, occurs within the Goyder South Project Area. This patch is located in the north-western extent of Wind Farm 1B (EPBC 2021/8957) and is part of a larger patch that extends further north, outside of the project area. No infrastructure is proposed within or immediately adjacent to the patch, and the referral notes that no direct impacts on the PBGW TEC are anticipated.

The referral notes that potential indirect impacts to this patch of potential PBGW TEC include: (i) dust deposition during construction and/or the operation and maintenance phase, (ii) erosion and/or sedimentation as a result of construction of infrastructure and (iii) an increase in weed species and/or coverage exacerbated by soil disturbance during construction and increased movement of vehicles. The referral indicates that measures will be put in place to mitigate these indirect impacts, such as watering tracks to suppress dust, limiting speed limits, using stormwater drainage control measures. However, no detailed information and assessment of the effectiveness of these measures have been provided.

Considering the Significant Impact Guidelines 1.1 (Attachment D4), and on a precautionary basis, the Department considers that significant impact to the PBGW TEC as a result of the proposed action is **possible**.

Birds:

- Grey Falcon (*Falco hypoleucos*) – vulnerable
- Painted Honeyeater (*Grantiella picta*) – vulnerable

The referral's Flora and Fauna Assessment (Attachment C5) notes that targeted bird surveys were conducted using point counts (25 sites during the autumn and spring 2019 surveys using a 5 ha/30 min point count methodology) with additional opportunistic observations at Porter's Lagoon (approximately 2 km from the western boundary of the Goyder South Project Area). A total of 587 birds were recorded from 57 different species, none of which is listed under the EPBC Act.

Noting that some of the major threats posed by wind farms to the environment are bird (and bat) mortality as a result of collision with wind turbines and the degradation of habitat as a result of clearance, noise and vibration (*EPBC Act Policy Statement 2.3 – Wind Farm Industry, Attachment D5*), the Department considers that a broader survey of bird species and population assessment in the vicinity of the project area, as well as an assessment of long-term and cumulative impacts (direct and indirect) on these potential present bird species is required before significant impacts could be ruled out.

Considering the Significant Impact Guidelines 1.1 (*Attachment D4*), and on a precautionary basis, the Department considers that significant impact to the species listed above as a result of the proposed action is **possible**.

Reptiles:

- Flinders Ranges Worm-lizard (*Aprasia pseudopulchella*) – vulnerable

The referral's Flora and Fauna Assessment (*Attachment C5*) notes that an area consisting of *Austrostipa* sp. (Spear-grass) grassland with flat surface rocks appeared to be suitable habitat for the Flinders Ranges Worm-lizard. However, the grassland was recorded on a ridgeline to the north-west, outside the project area. While direct impacts from clearance of habitat appear unlikely based on the available information, the Department notes that no assessment of indirect impacts as a result of the proposed action have been undertaken.

Considering the Significant Impact Guidelines 1.1 (*Attachment D4*), and on a precautionary basis, the Department considers that significant impact to the Flinders Ranges Worm-lizard as a result of the proposed action is **possible**.

Flora:

- Hairy-pod Wattle (*Acacia glandulicarpa*) – vulnerable
- Spiller's Wattle (*Acacia spilleriana*) – endangered
- Greencomb Spider-orchid (*Caladenia tensa*) – endangered
- Slender Bell-fruit (*Codonocarpus pyramidalis*) – vulnerable
- Trailing Hop-bush (*Dodonaea procumbens*) – vulnerable
- Spalding Blown Grass (*Lachnagrostis limitanea*) – endangered
- Silver Daisy-bush (*Olearia pannosa subsp. pannosa*) – vulnerable
- Peep Hill Hop-bush (*Dodonaea subglandulifera*) – endangered
- Superb Groundsel (*Senecio megaglossus*) – vulnerable
- Yellow Swainson-pea (*Swainsona pyrophila*) – vulnerable

The referral notes that both the Spiller's Wattle and the Peep Hill Hop-bush were identified in a survey in 2013 (*Attachment C1*), but that none of the species were identified during the more recent autumn and spring 2019 survey (*Attachment C5*). However, as noted in the Flora and Fauna Assessment (*Attachment C5*, page 90), not all flora species within the project area were recorded due to the size of the area, the broad scope of the survey and, particularly, due to the poor conditions during the survey period as a result of drought and compounding grazing pressures.

Considering the Significant Impact Guidelines 1.1 (*Attachment D4*), and on a precautionary basis, the Department considers that significant impact to the species listed above as a result of the proposed action is **possible**.

Other species and communities unlikely to be significantly impacted

The Department has considered the location, size and nature of the proposed action when assessing the potential impacts to the other listed threatened species identified in the ERT report (Attachment D1).

The following factors were also considered: (i) the listing status of the species (e.g. vulnerable or endangered); (ii) whether nearby records of the species exist and the species distribution; (iii) whether surveys identified evidence of species use of the project area; (iv) the location of identified important populations of the species; (v) the habitat/vegetation typically associated with the species; (vi) the species ecology; (vii) the soil types; (viii) the existing vegetation communities; (iv) landform (topography, hydrology); and (x) current land use.

Taking into account the Significant Impact Guidelines 1.1 (Attachment D4), and on the basis of the considerations above and information contained in the referral documentation and the Department's Species Profile and Threats (SPRAT) Database, the Department considers it **unlikely** that the other listed threatened species and communities would be significantly impacted by the proposed action.

Listed migratory species (s20 & s20A)

The Department's ERT (Attachment D1) identified 3 migratory bird species that are likely or known to occur within 10 km of the project area, namely:

- Fork-tailed Swift – *Apus pacificus* (marine)
- Satin Flycatcher – *Myiagra cyanoleuca* (terrestrial)
- Sharp-tailed Sandpiper – *Calidris acuminata* (wetland)

The referral does not consider that the proposed action would result in impacts to migratory species (Attachment C1) given that no migratory bird species was recorded during surveys conducted as part of the Goyder South Project.

However, the Department notes that the proponent's Flora and Fauna Assessment (Attachment C5) indicates that the Hopkins Creek Conservation Park (CP), situated just outside of the project area, conserves important riparian and flood plain habitats for Hopkins and Reed creeks, and two other conservation parks, Mimbara CP and Red Banks CP, are located approximately 4 km and 5 km east of the southern and northern extents of the project area. In addition, the Burra Creek Gorge Reserve and World's End Gorge are situated just outside the project area and further additional water bodies and potential ephemeral flood plains occur within reasonable proximity of the proposed development (see Figure 1).

Given the threats posed by wind farm development to birds (strikes) and bird habitats (clearance and noise and vibration disruptions) (Attachment D5), the Department considers that a broader survey of bird species and population assessment in the vicinity of the project area, as well as an assessment of long-term and cumulative impacts (direct and indirect) on these potentially present migratory bird species is required before significant impacts could be ruled out.

Considering the Significant Impact Guidelines 1.1 (Attachment D4), and on a precautionary basis, the Department considers that sections 20 & 20A should be controlling provisions given that significant impacts to migratory birds as a result of the proposed action are **possible**.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Ramsar wetlands (s16 & 17B)

The Department's ERT ([Attachment D1](#)) identified one wetland of international importance (Ramsar wetland) 150-200 km downstream from the project area.

The Coorong, and Lakes Alexandrina and Albert Wetland

Given the information contained in the referral documentation, the nature and scale of the proposed action and its distance to the Ramsar site, the Department considers that the proposed action is **unlikely** to impact on the character ecological character of the Coorong, and Lakes Alexandrina and Albert Wetland.

For these reasons, the Department considers that sections 16 and 17B are not controlling provisions for the proposed action.

National Heritage places (s15B & 15C)

The Department's ERT dated 20 September 2021 ([Attachment D1](#)) identified one National Heritage place within 10 km of the project area.

Australian Cornish Mining Sites (ACMS): Burra

The ACMS Burra comprises the Burra Mines State Heritage Area, including the Burra mine area and the surrounding collection of small historic town settlements associated with the Burra mine. The ACMS Burra is National Heritage listed under criterion 'a' (Events, Process) and criterion 'f' (Creative or technical achievement). Further details can be found at [Attachment D6](#).

On 17 September 2021, the Department's Cultural Heritage Section (CHS) provided advice on the likely nature and significance of impacts of the proposed action on the National Heritage listed values of the ACMS Burra ([Attachment D7](#)). The advice noted that:

- The ACMS Burra has an outstanding ability to tell the stories of the origins of Australia's base metal mining industry and the demonstration of Cornish mining technology and the achievement of its introduction in the Australian setting.
- The attributes of ACMS Burra that demonstrate its National Heritage listed values under criteria 'a' and 'f' comprise significant heritage fabric, their relationships and layout within the boundary of the place, with an emphasis on the remnants of the mining operations, mining technology and the buildings and layout of the former villages.
- The proposed WTGs will be visible in the distance from some vantage points within the ACMS Burra. However, the values and attributes of the place that express them are unlikely to be adversely impacted, either directly or indirectly, by the minimal visual disruption that would result from the proposed WTGs.
- The views of the surrounding landscape from the ACMS Burra place are not mentioned in the place's official National Heritage listed values but, nevertheless, the proponent has considered the potential impacts to the heritage values that could be caused by the disruption of views to the surrounding landscape and incorporated early heritage advice into their design option.

The CHS advice concluded that the minimal visual disruption of distant WTGs is unlikely to damage or significantly obscure the National Heritage listed values of the place, reduce the

ability of the place to tell the story of the origin of base metal mining industry, or to demonstrate Cornish mining technology, skills and culture.

Taking into account the referral documentation, the CHS advice and the Significant Impact Guidelines 1.1 ([Attachment D4](#)), the Department considers the proposed action is unlikely to cause the National Heritage listed values of the ACMS Burra to be either lost, degraded, damaged, notably altered, modified, obscured or diminished. Therefore, significant impacts as a result of the proposed action are **unlikely**.

<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT (Attachment D1) did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the Department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the Department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason the Department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the Department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
<p>Nuclear action (s21 & 22A)</p>	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason the Department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
<p>Great Barrier Reef Marine</p>	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p>

Park (s24B & 24C)	Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park. For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason the Department considers that sections 27B and 27C are not controlling provisions for the proposed action.
A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)	The proposed action is not a coal seam gas or a large coal mining development. For these reasons the Department considers that sections 24D and 24E are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the Department's website on 2 September 2021 and public comments were invited until 16 September 2021. Two public submissions were received on the referral ([Attachment E](#)). The submissions raised concerns in relation to:

- Impacts on the Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia TEC, Iron-grass Natural Temperate Grassland of South Australia TEC, Pygmy Blue-tongue Lizard and other listed threatened and migratory species.
- The inadequacies of the ecological survey and assessment in accounting for the seasonal changes, particularly in relation to species (including migratory birds) that utilise the number of conservation parks and areas (e.g. lagoons, creeks) within or near the project area.
- Permanent changes to the topography as result of engineering works required at the site and impacts on the ecosystems, including degradation and fragmentation of habitat to fauna and flora and water run-off.
- The pitfalls of using renewable energies to mitigate global warming and the impacts of wind farms on the environment.

The Department has considered the comments when assessing the impacts of the proposed action on listed threatened species and communities and on listed migratory species (above). The comment in relation to technology choices to mitigate climate change is not a matter that can be considered within the scope of the EPBC Act.

Comments from Commonwealth Ministers

By letter dated 2 September 2021, the following ministers were invited to comment on the referral:

- The Hon David Littleproud MP, Minister for Agriculture, Drought and Emergency Management

A delegate of the minister responded on 16 September 2021 ([Attachment F1](#)). The delegate noted the nature of the proposed action and indicated that he had no comments from an agricultural perspective on whether it may have significant impact(s) on any MNES.

- The Hon Angus Taylor MP, Minister for Energy and Emissions Reduction

A nil response from the minister was received on 16 September 2021 ([Attachment F2](#)).

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians

The National Indigenous Australian Agency (NIAA) responded on behalf of the minister on 23 September 2021 ([Attachment F3](#)), noting that:

- The proposed sites for the Goyder South Project are on land under the Ngadjuri nation #2 native title claim (SAD304/2011). For freehold land, native title rights and interests have been extinguished.
- The NIAA notes no publicly recorded places of Indigenous heritage value have been identified within, immediately adjacent to or within the vicinity of the sites and that Indigenous heritage has been assessed as part of the SA Government process and that the survey was not made public due to sensitive information.
- The NIAA encourages the proponent to further engage with Ngadjuri before construction commences to put in place any necessary protocols in case of discovery of artefacts, remains or sites of cultural significance during construction, and work with them during the construction phase (in accordance with the *SA Aboriginal Heritage Act 1988*) to address artefacts or sites should they arise.

The NIAA also commented on other matters in relation to the engagement with indigenous communities and business. The Department notes that these matters raised by the NIAA are not relevant to the determination of whether or not the proposed action is a controlled action, however, they are relevant to the progress of the project. For this reason, the Department has included the advice in the letter to the proponent at [Attachment B1](#) and, as appropriate, will request that the matters be considered during the assessment stage, should you agree with the controlled action recommendation.

Comments from State Ministers

By letter dated 2 September 2021, the following State ministers were invited to comment on the referral:

- Mr Andrew Burnell, Coordinator Assessments, Strategic and Impact Assessments Branch, Department for Environment and Water, as delegated contact for the Hon David Speirs MP, South Australian Minister for Environment and Water.

The South Australian Department of Environment and Water responded on 16 September 2021 ([Attachment F4](#)), noting that:

- Neoen’s Goyder South Hybrid Renewable Energy Facility, which incorporates the proposed action considered in this referral, was approved by the SA Minister for Planning and Local Government on 7 June 2021.
- Significant impacts are likely to arise in relation to the Iron-grass Natural Temperate Grassland of South Australia TEC and Pygmy Blue-tongue Lizard.
- Further information may be required in relation to the Trailing Hop-bush to determine whether or not the impact to the species is likely to be significant.
- An assessment on Preliminary Documentation may be appropriate, should the proposed action be determined a controlled action.

The Department has taken these comments into consideration when assessing the impacts on listed threatened species and communities and when recommending the assessment approach below.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The matters for consideration in making a decision on assessment approach are outlined in section 87(3) of the EPBC Act (see the table below).

Under section 87(5) of the EPBC Act, you may decide on an assessment on Preliminary Documentation only if you are satisfied that the approach will enable an informed decision to be made about whether or not to approve the taking of the action.

The Department considers that an assessment on Preliminary Documentation (with further information required) under Division 4 Part 8 of the EPBC Act is adequate to assess the impacts of the proposed action for the following reasons:

- The South Australian Government has already completed its assessment of the project, therefore a bilateral or accredited assessment is no longer possible.
- The South Australian Government’s response to the department’s request for comment stated that, given the scope of potential impacts on MNES and the relatively direct connection between impacts and the footprint, assessment on Preliminary Documentation may be appropriate.
- There are a number of suggested controlling provisions and residual degree of uncertainty regarding impacts which require further assessment.
- Assessment by Preliminary Documentation will ensure that impacts to these controlling provisions are appropriately assessed.

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment C</u> .

Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the Department's advice on relevant impacts contained in this referral decision brief.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	There was one comment received in response to an invitation under s74(2) for this proposal (Attachment F4).
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The Department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment G1](#). The fee schedule (without justifications) at [Attachment G2](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

Electronic approval from s. 22(1)(a)(ii)

s. 22(1)(a)(ii)
 Director
 SA/NT Assessments Section
 Environment Assessments West (WA, SA, NT) Branch
 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)
 SA/NT Assessments Section
 s. 22(1)(a)(ii)

September 2021

ATTACHMENTS as in SPIRE

	QA checklist
A	Referral decision notice FOR SIGNATURE
B	Letters
	B1 To the proponent FOR SIGNATURE
	B2 To the State FOR SIGNATURE
C	Referral documentation
	C1 Referral
	C2 Project layout
	C3 Development Application Package - Report
	C4 Development Application Package - Appendix
	C5 Flora and Fauna Assessment – Unredacted / Sensitive
	C6a Landscape and Visual Assessment - Part 1 of 3
	C6b Landscape and Visual Assessment - Part 2 of 3
	C6c Landscape and Visual Assessment - Part 3 of 3
	C7 Shadow Flicker and Blade Glint Assessment
	C8 Electromagnetic Interference Assessment
	C9 State Approval - Notice
	C10 State Approval - Conditions
	C11 Neoen Sustainability Framework
	C12 Heritage Impact Assessment
	C13 Cumulative Impact Assessment - Unredacted / Sensitive
	C14 Flora and Fauna Assessment Addendum
	C15 Pygmy Bluetongue Lizard Survey - Unredacted / Sensitive
	C16 Justification of Impacts to MNES - Unredacted / Sensitive
	C17 Preliminary Pygmy Bluetongue Lizard Offset Proposal - Unredacted / Sensitive

	C18	Vegetation Associations
	C19	Peppermint Box Grassy Woodland of SA TEC occurrences
	C20	Pygmy Bluetongue Lizard habitat - Unredacted / Sensitive
	C21	Spiller's Wattle occurrences
D	Supporting documentation	
	D1	ERT Report 10 km buffer - 20 September 2021
	D2	EPBC Species update - 24 September 2021
	D3	Recovery plan – Pygmy Blue-tongue Lizard
	D4	EPBC Act Policy Statement 1.1 Significant Impact Guidelines
	D5	EPBC Act Policy Statement 2.3 – Wind Farm Industry
	D6	Australian Cornish Mining Sites: Burra – National Heritage Listing
	D7	Line area advice – Cultural Heritage Section – 17 September 2021
E	Public comments	
F	Ministerial comments	
	F1	Minister for Agriculture, Drought and Emergency Management
	F2	Minister for Energy and Emissions Reduction
	F3	Minister for Indigenous Australians
	F4	South Australian Government
G	Fee schedule	
	G1	With justifications
	G2	Without justifications

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

To: Kylie Calhoun, Assistant Secretary,
Environment Assessments West (WA, SA, NT) Branch (for decision)

Referral Decision Brief: Goyder South Hybrid Renewable Energy Facility – Wind Farm 1A,
10km south Burra SA (EPBC 2021/8958)

Timing: 1 October 2021 (statutory timeframe)

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	Goyder Wind Farm 1 Pty Ltd ACN: 643 229 869												
Controlling Provisions triggered or matters protected by particular manner	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="width: 50%; border: none;">National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Migratory Species (s20 & s20A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td style="border: none;">A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td style="border: none;">C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4; See <u>Attachment E</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: Minister for Agriculture, Drought and Emergency Management; Minister for Energy and Emissions Reduction; Minister for Indigenous Australians; South Australian Minister for Environment and Water; See <u>Attachment F</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Preliminary Documentation Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment C</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / Not agreed

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed on Preliminary Documentation under Division 4 of Part 8 of the EPBC Act.

Agreed / Not agreed

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the Departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment G1) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note the letter notifying the person proposing to take the action of your referral and assessment approach decisions will include an invoice for Stage 1 assessment fees. A letter requesting further information under section 95A(2) of the EPBC Act will be prepared for your signature within 10 business days of the Stage 1 payment.

Noted / Please discuss

10. Sign the notice at Attachment A (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment B.

Signed / Not signed

Date: 1 October 2021

Kylie Calhoun
Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

Comments:

KEY ISSUES:

- The proposed action is a component of a larger action, namely the Goyder South Hybrid Renewable Energy Facility, and three additional referrals (EPBC 2021/8957, 2021/8959 and 2021/8960) are being considered concurrently.
- The proponent has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to likely impacts on listed threatened species and communities.
- The Department considers proposed action is likely to result in significant impacts to the critically endangered Iron-grass Natural Temperate Grassland of South Australia Threatened Ecological Community and the endangered Pygmy Blue-tongue Lizard (*Tiliqua adelaidensis*) as a result of habitat clearance and habitat degradation.
- In the absence of further detailed information and of a broader assessment of the occurrence and potential direct, indirect and cumulative impacts as a result of the proposed action, and on a precautionary basis, significant impacts are considered possible in relation to 9 threatened flora species, 1 threatened reptile species and 6 bird species listed as threatened and/or migratory.

BACKGROUND:**Pre-referral meetings**

On 27 January 2021, a pre-referral meeting was held with Neoen Australia Pty Ltd (Neoen) to discuss the proposed Goyder South Hybrid Renewable Energy Project (Goyder South Project). At that meeting, Neoen proposed that the project would be referred to the Department as four separate actions given the financial constraints of the project. Neoen sought advice from the Department of the acceptability of four referrals. The Department advised that a split referral of the larger project would likely be acceptable given the financial constraints of the project.

On the 25 June 2021, following handover of the project to the SA/NT Section, a second pre-referral meeting was held, at the request of the Department, to better understand the likely impacts to protected matters across all four referrals. The Department also advised that the decision to accept a split referral is at the discretion of the Minister (delegate) under section 74A of the EPB Act, and that in order to accept a split referral, the decision maker must be satisfied that the splitting of the project does not reduce the ability to achieve the objectives of the Act.

Description of the referral

A valid referral was received on 2 September 2021. The action was referred by Goyder Wind Farm 1 Pty Ltd (the proponent; and a subsidiary of Neoen), which has stated its belief that the proposal is a controlled action for the purposes of the EPBC Act.

Description of the proposal (including location)

The proposed action (hereafter 'Wind Farm 1A') is to construct and operate 38 wind turbine generators and associated infrastructure as part of the Goyder South Hybrid Renewable Energy Facility, approximately 10 km south of Burra, South Australia.

Wind Farm 1A a project area of approximately 3,811 ha and a disturbance footprint of approximately 224 ha. The action is related to other components of the Goyder South Project which are subject to separate referrals under the EPBC Act, namely:

- EPBC 2021/8957 – Wind Farm 1B
- EPBC 2021/8959 – Overhead Transmission Line and Substation
- EPBC 2021/8960 – Battery Storage Facility

Figure 1 below illustrates the footprint of the Goyder South Project and the spatial location of the referrals and their key infrastructure components.

The following components are part of the Wind Farm 1A development (subject of this referral):

- construction and operation 38 wind turbine generators (WTGs) with maximum height of 240 m, maximum blade length of 80 m, maximum rotor diameter of 160 m and maximum hub height of 160 m;
- establishment of access tracks (maximum width of 10 m) to accommodate construction activities and cranes and, where required, stormwater drainage such as open swale drains;
- installation of underground cables for electrical transmission and communications via trenching (500 mm wide and 1.2 m deep); and
- construction of a temporary compound area of approximately 200 m by 520 m containing a site office, staff facilities, workshop, carpark and laydown/storage area.

State assessment

The Goyder South Hybrid Renewable Energy Facility (development application 422/V009/20 R1) was assessed by the South Australia Government under the *Planning, Development and Infrastructure Act 2016 (SA)* as 'Crown Development – Public Infrastructure' and approved on 7 June 2021 with 41 conditions ([Attachment C9](#)).

Description of the environment

The 26,559 ha Goyder South Project Area ([Figure 1](#)) is located in the eastern portion of the northern Mount Lofty Ranges within the Interim Biogeographical Regionalisation of Australia (IBRA) Associations of Burra Hill, Florierton, Hansen and Sutherlands. The area is dominated by ridges, plains and undulating hills.

The north-western and central-southern extents of the Goyder South Project Area occur within the Burra Creek Catchment. Burra Creek flows north-south through the northern section of the project area, continues south outside of the project area, and then flows from west to east through the southern extent of the project area. A number of water bodies (lagoons, dams and creeks) and ephemeral floodplains are located within 10 km of the project area.

Land use is predominantly agricultural (grazing for sheep and cattle) and native vegetation is dominated by grasslands with small pockets of woodlands. Patches of *Enneapogon avenaceus* grassland comprise most of the area, with small pockets of Iron-grass (*Lomandra* spp.) to the west of the area. Woodland vegetation is generally located to the east and south of the site as elevation becomes lower and primarily comprised of *Eucalyptus brachycalyx*/*E. gracilis* mallee woodland. A small pocket of Peppermint Box (*E. odorata*) is situated northwest of the site.

Wind Farm 1A will be located across 3,811 ha of land that is predominantly used for grazing and contains native vegetation (2,215 ha) dominated by *Austrostipa* spp. (Spear Grass) mixed grassland (1,626 ha) as well as a small amount of exotic grassland (240 ha). A significant proportion of the area (1,348 ha) is also used for cropping.

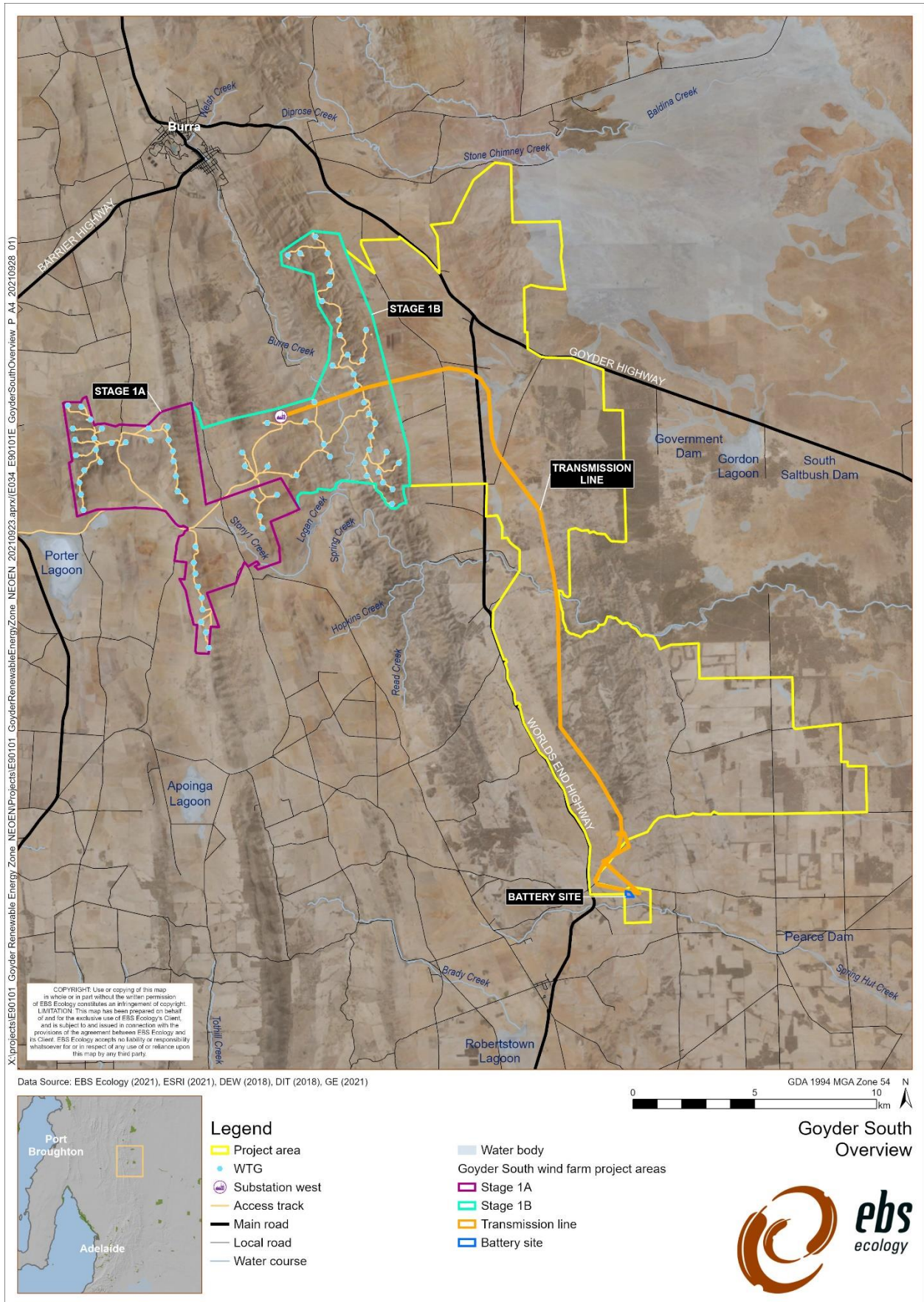


Figure 1: Goyder South Project Area and spatial location of the referrals EPBC 2021/8957 (Stage 1B), EPBC 2021/8958 (Stage 1A; this referral), EPBC 2021/8959 (Transmission line) and EPBC 2021/8960 (battery site).

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

The referral states that the proposed Wind Farm 1A is a component of Neoen’s Goyder South Project and one of a set of four referrals that represent the proposed construction staging. The referral states that the Goyder South Project will total up to \$3 billion in investment and that in order to achieve financing on such a large project, each stage has its own construction contracts and financing packages and that these are likely to involve separate groups of lenders which do not wish to be exposed to ‘cross-default’ on approval conditions by other stages of the project.

Consequently, Neoen has elected to make several EPBC Act referral for the Goyder South Project with separate legal entities established for each component. These ‘Special Purpose Vehicles’ (SPVs) are subsidiaries of Neoen, but as noted, will obtain finance from different sets of lenders.

The four referrals and associated SPVs are listed below:

- Goyder Wind Farm 1 Pty Ltd has referred a proposal to construct and operate one cluster of 38 wind turbine generators and associated infrastructure, mostly access roads and underground cables (3811 ha) – EPBC 2021/8958 (this referral).
- Goyder Wind Farm 1B Pty Ltd has referred a proposal to construct and operate a second cluster of 37 wind turbine generators and associated infrastructure, mostly access roads and underground cables (4209 ha) – EPBC 2021/8957.
- Goyder Wind Farm Common Asset Pty Ltd has referred a proposal to construct and operate an overhead transmission line and substation (i.e. all ancillary assets where ownership and control must be shared between the respective financiers of Goyder Wind Farm 1 and 1B) (13.56 ha) – EPBC 2021/8959.
- Neoen Australia Pty Ltd has referred a proposal to construct and operate a large lithium-ion battery facility and associated electrical equipment (8 ha) – EPBC 2021/8960.

According to the referral, aside from the four project elements above, the remainder of Goyder South’s wind and solar assets are not currently commercially viable due to the limited size of the SA electricity market, depressed electricity wholesale pricing and a glut of rooftop solar. There is currently no immediate prospect of these stages proceeding to construction.

Given the above, the Department considers that the referred action (EPBC 2021/8958) and the activities described in the referrals EPBC 2021/8957, 2021/8959 and 2021/8960 form a larger action proposed to be undertaken by the same person.

After assessing the likely impacts on matters of national environmental significance (MNES) of the four referrals noted above, the Department considers that the splitting of the referrals is not likely to reduce the ability to achieve the objects of the EPBC Act because:

- the referrals were made at the same time and assessed in parallel and, therefore, the cumulative impacts to MNES arising from all four referrals are being considered;
- the risk of important impacts arising from the separate actions being overlooked, underestimated or unable to be controlled through approval conditions is small;
- the cumulative impacts across the project (all four referrals) do not warrant a 'Clearly Unacceptable' decision; and
- there is precedent for projects of this scale and nature being referred and accepted without compromising the objectives of the EPBC Act.

For these reasons, the Department considers that while the referred action is clearly part of the larger action, consistent with the *Policy Statement Staged Development – Split referrals: Section 74A of the EPBC Act*, it is recommended that the referral be accepted.

The Department notes that subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The Department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment B1](#)).

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action.

In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A)
- Listed migratory species (section 20 & section 20A)

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & s18A)

The Department's Environment Reporting Tool (ERT) dated 20 September 2021 ([Attachment D1](#)) identified 4 bird species, 2 reptile species, 9 plant species and 2 communities that are 'likely' or 'known' to occur within 10 km of the project area.

The EPBC Species and Ecological Communities Update (Species Update) dated 24 September 2021 ([Attachment D2](#)) has been consulted and there is one upcoming decision relating to the listing of the *Mallee Bird Community of the Murray Darling Depression Bioregion ecological community – Endangered* that may be of relevance to this proposed action. The Species

Update notes that the Threatened Species Scientific Committee provided advice to the Minister on 30 July 2021 and a decision brief (MS21-005772) was provided on 9 September 2021. A decision on the listing of this community is due on 7 December 2021. Under provision 158A of the EPBC Act, the approval process decision is not affected by listing events that happen after a section 75 decision is made.

Based on the location, size and nature of the action and likely habitat present in the area, the Department considers that impacts potentially arise in relation to the following matters.

- Iron-grass Natural Temperate Grassland of South Australia – critically endangered

Community information

Detailed information about the Iron-grass Natural Temperate Grassland of South Australia (INTG) Threatened Ecological Community (TEC) is available in the community's Recovery Plan (Attachment D3) and Conservation Advice (Attachment D4), and in the *EPBC Act Policy Statement 3.7 - Peppermint Box (Eucalyptus odorata) Grassy Woodland of South Australia and Iron-grass Natural Temperate Grassland of South Australia* (Attachment D5).

The INTG is a natural temperate grassland where trees and tall shrubs are absent to sparse (cover less than 10%) and tussock forming perennial grasses and iron-grasses (*Lomandra multiflora* spp. *dura* and *Lomandra effusa*) dominate the ground layer. A range of herbaceous plant species occur in the inter-tussock spaces. *Lomandra* may be absent in small areas (less than 1 ha) of the TEC, however, if these patches sit within the context of other areas containing *Lomandra* then these small patches are still considered to be part of the listed ecological community.

Conditions classes are detailed in Attachments D3-D5. All sites that meet the Class A and B criteria for the INTG are considered habitat critical to the survival of the TEC. In addition, remnants of lower condition (Condition Class C) may also be habitat critical to survival of the TEC, if they adjoin, buffer or connect high integrity remnants, provide habitat critical for functionally important or threatened species, expand the potential habitat available to some species, or have good potential for restoration.

The key threats to the INTG are altered grazing regimes, cultivation or fertiliser application; clearance associated with new developments such as urban expansion, windfarms and mining; degradation associated with weeds, fragmentation of remnants and small patch size; inappropriate or altered fire management; and climate change.

Proposed action area

The referral notes that 15 patches of *Lomandra* grassland with potential to be INTG were identified within the Goyder South Project Area during the autumn (25 March and 11 April) 2019 and spring (2 and 5 September) 2019 surveys (Attachment C5).

Seven of these patches were previously assessed against the TEC criteria and one qualified as Class B. However, all 15 patches were observed to be in poor to very poor condition, with low native species diversity and low to moderate tussock density, most likely due to drought conditions and grazing pressure during the period of the 2019 surveys.

All 15 patches noted above were re-assessed in December 2020 (Attachment C14). During this survey, 8 additional patches of *Lomandra* grassland were identified in areas that were previously not surveyed. Out of the 23 patches inspected during the survey campaigns, 12 patches were classified as Class B INTG and 11 patches as Class C INTG.

A total of 4 patches of Class B INTG (355.88 ha) and one patch of Class C INTG (9.72 ha) occur within the proposed project area of Wind Farm 1A.

Potential impacts

According to the referral, the project will require clearance of approximately 12.67 ha of Class B INTG and 0.09 ha of Class C INTG within the proposed project area of Wind Farm 1A (this referral).

In addition, the referral notes that the proposed action has potential to cause indirect impacts, such as (i) increase in weed species and coverage, exacerbated by soil disturbance during construction and increased movement of vehicles; (ii) dust deposition during construction; (iii) altered grazing regime; and (iv) erosion and/or sedimentation as a result of construction of infrastructure.

Avoidance and mitigation measures

The referral notes that the project design and location of infrastructure was guided by early ecological assessment to avoid/minimise impacts to the INTG, and that areas of the TEC where impacts cannot be entirely avoided will be 'micro-sited' prior to construction to minimise impacts.

The referral indicates that the proponent is committed to developing and implementing Construction and Operational Environmental Management Plans (CEMP and OEMP) to identify potential environmental issues associated with the project and the management measures that will be implemented to avoid, minimise and/or mitigate potential impacts during construction and operation of the project.

The referral also indicates that the proponent is committed to offset residual significant impacts on this TEC and to implement an INTG Offset Management Plan containing specific management measures and actions to control and reduce threats such as changes in land use, inappropriate grazing, weeds and pests, to actively manage a proposed INTG offset, not only to halt further decline in extent and integrity of the remnant INTG, but also improve the condition and integrity of the remnant INTG where possible.

The potential environmental gains of the measures noted in the referral to offset impacts on the INTG have not been taken into account by the Department when preparing this recommendation.

Conclusion

The proposed action will result in the loss of at least 12.67 ha of the INTG and, potentially, additional indirect impacts to this TEC. Given the above and considering the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (Significant Impact Guidelines 1.1; [Attachment D6](#)), the Department considers that it will reduce the extent of the TEC, fragment or increase fragmentation of the TEC, adversely affect habitat critical to the survival of the TEC and reduce the quality or integrity of an occurrence of the TEC. For these reasons, a significant impact to the INTG is considered **likely**.

- Pygmy Blue-tongue Lizard (*Tiliqua adelaidensis*) – endangered

Species information

Detailed information about the Pygmy Blue-tongue Lizard (PBTL) is available in the species' Recovery Plan ([Attachment D7](#)).

The PBTL is known from 31 small, isolated sites located on private agricultural land in the mid-north area of South Australia. The species had been considered extinct until it was rediscovered near Burra in 1992, the first record for 33 years, and it has been subject to a recovery program since then.

The PBTL is omnivorous, feeding mainly on medium-sized arthropods which they capture by ambush. The PBTL uses empty spider burrows as refuges, basking sites and as ambush points. The abundance of lizards within grasslands is dependent on the availability of deep spider burrows in well-draining soils. All known habitat is considered habitat critical to the survival of the species and all known populations are considered important.

The PBTL is considered to be extremely sensitive to both movement and noise and the main known and potential threats include changed land use, particularly by agricultural activities (ploughing and ripping), inappropriate grazing regimes as well as urban, industrial and infrastructure developments. Other threats include weeds, pesticides, herbicides, inappropriate fire regimes, habitat fragmentation, planting, predators, fertilisers, poaching and climate change.

Proposed action area

Two known location sites of PBTL (no. 5 and no. 31) identified in the species Recovery Plan ([Attachment D7](#)) are within, or in close proximity to, the proposed action area.

The referral notes that across both autumn and spring 2019 surveys ([Attachment C5](#)), approximately 1,076 spider burrows were inspected for PBTL along 59 transects across the Goyder South Project Area and 24 individuals were observed.

The referral also notes that, overall, 450 ha of 'possible' or 'potential' habitat and 47 ha of 'likely' PBTL habitat occur within the Goyder South Project Area, the majority of which is confined to the foot slopes of the two ridges in the north-western extent of the area and, therefore, located within the proposed action area of Wind Farm 1A ([Attachment C24](#)).

In addition, the referral also notes that a targeted field survey undertaken between 9 and 11 March 2021 within specific areas where the proposed infrastructure intercepts 'likely' or 'potential' PBTL habitat ([Attachment C15](#)), identified further 13 individuals (10 adults and 3 juveniles).

Potential impacts

The referral notes that the proposed action would directly impact on 8.04 ha of PBTL habitat and, possibly, one individual through the clearing and/or disruption of soil and/or vegetation during construction ([Attachment C16](#)).

The SA Department for Environment and Water (DEW), which commented on the referral on behalf of the South Australia Minister for Environment and Water ([Attachment F4](#)), noted that while PBTL surveys were undertaken at the appropriate time of the year, the identification of a single individual unlikely to represent the extent of the population impacted at the site. The DEW considers that there is a high likelihood that more individuals are present at the impacted site, given that PBTLs occur in patches.

The referral also notes other potential direct and indirect impacts to PBTLs, including:

- injury or death during construction works, particularly excavation works (including trenching), and from vehicle strikes;

- habitat degradation due to an increase in weeds species and coverage, exacerbated by soil disturbance during construction and increased movement of vehicles;
- habitat degradation due to dust deposition during construction, and due to altered grazing regimes;
- habitat degradation due to erosion and sedimentation as a result of increased stormwater runoff near infrastructure such as turbines and access tracks;
- fragmentation of PBTL population(s) by infrastructure such as access tracks; and
- disturbance to PBTL populations(s) located close to wind turbines caused by noise and vibration during construction and operation, and as a result of turbine blade shadow flicker during operation.

Avoidance and mitigation measures

The referral notes that the project design and location of infrastructure was guided by early ecological assessment to avoid and protect PBTL habitat and individuals, and that the proposed action will avoid, where possible, areas where PBTL have been identified and those areas mapped as 'likely' or 'potential' PBTL habitat in the survey at [Attachment C15](#). Where areas cannot be entirely avoided, locations of wind turbines and associated infrastructure will be 'micro-sited' prior to construction to minimise the impacts to the species.

The referral also indicates that the proponent is committed to developing and implementing Construction and Operational Environmental Management Plans (CEMP and OEMP) to identify potential environmental issues associated with the project and the management measures that will be implemented to avoid, minimise and/or mitigate potential impacts during construction and operation of the project.

A preliminary PBTL offset proposal is included with the referral ([Attachment C18](#)). The potential environmental gains of the measures noted in the referral to offset impacts on the PGTL have not been taken into consideration by the Department when preparing this recommendation.

Conclusion

The proposed action will directly impact at least 8.4 ha of PBTL habitat and at least one PBTL individual. However, a significant larger number of individuals is likely to be impacted either directly or indirectly. A number of other impacts, such as those resulting from shadow flicker, are not adequately addressed in the referral and may extend the area and the quantum of impact.

Given the above and considering the Significant Impact Guidelines 1.1 ([Attachment D6](#)), the Department considers that the proposed action could fragment a known existing population, reduce the area of occupancy of the species and adversely affect habitat critical to the survival of the species. For these reasons, a significant impact to the Pygmy Blue-tongue Lizard is considered **likely**.

Other species that may be significantly impacted

Noting the information available to the Department, including the ERT ([Attachment D1](#)) which suggests the 'likely' or 'known' presence of the following species and communities within 10 km of the proposed action area, and without further detailed assessment of potential impacts (direct, indirect and/or cumulative), the Department considers that there is a real chance or possibility that the proposed action will significantly impact on the following additional threatened species.

Birds:

- Curllew Sandpiper (*Calidris ferruginea*) – critically endangered
- Grey Falcon (*Falco hypoleucos*) – vulnerable
- Painted Honeyeater (*Grantiella picta*) – vulnerable

The referral's Flora and Fauna Assessment (Attachment C5) notes that targeted bird surveys were conducted using point counts (25 sites during the autumn and spring 2019 surveys using a 5 ha/30 min point count methodology) with additional opportunistic observations at Porter's Lagoon (approximately 2 km from the western boundary of the Goyder South Project Area). A total of 587 birds were recorded from 57 different species, none of which is listed under the EPBC Act.

Noting that some of the major threats posed by windfarms to the environment are bird (and bat) mortality as a result of collision with wind turbines and the degradation of habitat as a result of clearance, noise and vibration (EPBC Act Policy Statement 2.3 – Wind Farm Industry, Attachment D8), the Department considers that a broader survey of bird species and population assessment in the vicinity of the project area, as well as an assessment of long-term and cumulative impacts (direct and indirect) on these potentially present bird species is required before significant impacts could be ruled out.

Considering the Significant Impact Guidelines 1.1 (Attachment D6), and on a precautionary basis, the Department considers that significant impact to the species listed above as a result of the proposed action is **possible**.

Reptiles:

- Flinders Ranges Worm-lizard (*Aprasia pseudopulchella*) – vulnerable

The referral's Flora and Fauna Assessment (Attachment C5) notes that an area consisting of *Austrostipa* sp. (Spear-grass) grassland with flat surface rocks appeared to be suitable habitat for the Flinders Ranges Worm-lizard. However, the grassland was recorded on a ridgeline to the north-west, outside the project area. While direct impacts from clearance of habitat appear unlikely based on the available information, the Department notes that no assessment of indirect impacts as a result of the proposed action have been undertaken.

Considering the Significant Impact Guidelines 1.1 (Attachment D6), and on a precautionary basis, the Department considers that significant impact to the Flinders Ranges Worm-lizard as a result of the proposed action is **possible**.

Flora:

- Hairy-pod Wattle (*Acacia glandulicarpa*) – vulnerable
- Spiller's Wattle (*Acacia spilleriana*) – endangered
- Greencomb Spider-orchid (*Caladenia tensa*) – endangered
- Slender Bell-fruit (*Codonocarpus pyramidalis*) – vulnerable
- Trailing Hop-bush (*Dodonaea procumbens*) – vulnerable
- Spalding Blown Grass (*Lachnagrostis limitanea*) – endangered
- Silver Daisy-bush (*Olearia pannosa subsp. pannosa*) – vulnerable
- Peep Hill Hop-bush (*Dodonaea subglandulifera*) – endangered
- Superb Groundsel (*Senecio megaglossus*) – vulnerable

The referral notes that both the Spiller's Wattle and the Trailing Hop-bush were identified in a survey in 2013 (Attachment C1), but that none of the species were identified during the more

recent autumn and spring 2019 survey ([Attachment C5](#)). However, as noted in the Flora and Fauna Assessment ([Attachment C5](#), page 90), not all flora species within the project area were recorded due to the size of the area, the broad scope of the survey and, particularly, due to the poor conditions during the survey period as a result of drought and compounding grazing pressures.

Considering the Significant Impact Guidelines 1.1 ([Attachment D6](#)), and on a precautionary basis, the Department considers that significant impact to the species listed above as a result of the proposed action is **possible**.

Other species and communities unlikely to be significantly impacted

The Department has considered the location, size and nature of the proposed action when assessing the potential impacts to the other listed threatened species and TECs identified in the ERT report ([Attachment D1](#)).

The following factors were also considered: (i) the listing status of the species or TEC (e.g. vulnerable, endangered or critically endangered); (ii) whether nearby records of the species or TEC exist and the species or TEC distribution; (iii) whether surveys identified evidence of species use of the project area; (iv) the location of identified important populations of the species; (v) the habitat/vegetation typically associated with the species or TEC; (vi) the species or TEC ecology; (vii) the soil types; (viii) the existing vegetation communities; (iv) landform (topography, hydrology); and (x) current land use.

Taking into account the Significant Impact Guidelines 1.1 ([Attachment D6](#)), and on the basis of the considerations above and information contained in the referral documentation and the Department's Species Profile and Threats (SPRAT) Database, the Department considers it **unlikely** that the other listed threatened species and communities would be significantly impacted by the proposed action.

Listed migratory species (s20 & s20A)

The Department's ERT ([Attachment D1](#)) identified 4 migratory bird species that are likely or known to occur within 10 km of the project area, namely:

- Fork-tailed Swift – *Apus pacificus* (marine)
- Satin Flycatcher – *Myiagra cyanoleuca* (terrestrial)
- Sharp-tailed Sandpiper – *Calidris acuminata* (wetland)
- Curlew Sandpiper – *Calidris ferruginea* (wetland, critically endangered)

The referral does not consider that the proposed action would result in impacts to migratory species ([Attachment C1](#)) given that no migratory bird species was recorded during surveys conducted as part of the Goyder South Project.

However, the Department notes that the proponent's Flora and Fauna Assessment ([Attachment C5](#)) indicates that the Hopkins Creek Conservation Park (CP), situated just outside of the project area, conserves important riparian and flood plain habitats for Hopkins and Reed creeks, and two other conservation parks, Mimbara CP and Red Banks CP, are located approximately 4 km and 5 km east of the southern and northern extents of the project area. In addition, the Burra Creek Gorge Reserve and World's End Gorge are situated just outside the project area and further additional water bodies and potential ephemeral flood plains occur within reasonable proximity of the proposed development.

Given the threats posed by windfarm development to birds (strikes) and bird habitats (clearance and noise and vibration disruptions) ([Attachment D8](#)), the Department considers that a broader survey of bird species and population assessment in the vicinity of the project area, as well as an assessment of long-term and cumulative impacts (direct and indirect) on these potentially present migratory bird species is required before significant impacts could be ruled out.

Taking into account the Significant Impact Guidelines 1.1 ([Attachment D6](#)), and on a precautionary basis, the Department considers that sections 20 & 20A should be controlling provisions given that significant impacts to migratory birds as a result of the proposed action are **possible**.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Ramsar wetlands (s16 & 17B)

The Department's ERT ([Attachment D1](#)) identified one wetland of international importance (Ramsar wetland) 150-200 km downstream from the project area.

The Coorong, and Lakes Alexandrina and Albert Wetland

Given the information contained in the referral documentation, the nature and scale of the proposed action and its distance to the Ramsar site, the Department considers that the proposed action is **unlikely** to impact on the character ecological character of the Coorong, and Lakes Alexandrina and Albert Wetland.

For these reasons, the Department considers that sections 16 and 17B are not controlling provisions for the proposed action.

National Heritage places (s15B & 15C)

The Department's ERT dated 20 September 2021 ([Attachment D1](#)) identified one National Heritage place within 10 km of the project area.

Australian Cornish Mining Sites (ACMS): Burra

The ACMS Burra comprises the Burra Mines State Heritage Area, including the Burra mine area and the surrounding collection of small historic town settlements associated with the Burra mine. The ACMS Burra is National Heritage listed under criterion 'a' (Events, Process) and criterion 'f' (Creative or technical achievement). Further details can be found at [Attachment D9](#).

On 17 September 2021, the Department's Cultural Heritage Section (CHS) provided advice on the likely nature and significance of impacts of the proposed action on the National Heritage listed values of the ACMS Burra ([Attachment D10](#)). The advice noted that:

- The ACMS Burra has an outstanding ability to tell the stories of the origins of Australia's base metal mining industry and the demonstration of Cornish mining technology and the achievement of its introduction in the Australian setting.
- The attributes of ACMS Burra that demonstrate its National Heritage listed values under criteria 'a' and 'f' comprise significant heritage fabric, their relationships and layout within the boundary of the place, with an emphasis on the remnants of the mining operations, mining technology and the buildings and layout of the former villages.
- The proposed WTGs will be visible in the distance from some vantage points within the ACMS Burra. However, the values and attributes of the place that express them are

unlikely to be adversely impacted, either directly or indirectly, by the minimal visual disruption that would result from the proposed WTGs.

- The views of the surrounding landscape from the ACMS Burra place are not mentioned in the place's official National Heritage listed values but, nevertheless, the proponent has considered the potential impacts to the heritage values that could be caused by the disruption of views to the surrounding landscape and incorporated early heritage advice into their design option.

The CHS advice concluded that the minimal visual disruption of distant WTGs is unlikely to damage or significantly obscure the National Heritage listed values of the place, reduce the ability of the place to tell the story of the origin of base metal mining industry, or to demonstrate Cornish mining technology, skills and culture.

Taking into account the referral documentation, the CHS advice and the Significant Impact Guidelines 1.1 ([Attachment D6](#)), the Department considers the proposed action is unlikely to cause the National Heritage listed values of the ACMS Burra to be either lost, degraded, damaged, notably altered, modified, obscured or diminished. Therefore, significant impact as a result of the proposed action is **unlikely**.

<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT (Attachment D1) did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the Department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the Department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason the Department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p>

	For these reasons the Department considers that sections 26 and 27A are not controlling provisions for the proposed action.
Nuclear action (s21 & 22A)	The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason the Department considers that sections 21 and 22A are not controlling provisions for the proposed action.
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason the Department considers that sections 27B and 27C are not controlling provisions for the proposed action.
A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)	The proposed action is not a coal seam gas or a large coal mining development. For these reasons the Department considers that sections 24D and 24E are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the Department's website on 2 September 2021 and public comments were invited until 16 September 2021. Four public submissions were received on the referral ([Attachment E](#)). The submissions raised concerns in relation to:

- The impacts on the Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia TEC, Iron-grass Natural Temperate Grassland of South Australia TEC, Pygmy Blue-tongue Lizard, other EPBC Act listed flora species and non-listed fauna in the area.
- The incompatibility of proposed action with the recovery plans of the species and communities noted above.
- The inadequacies of the ecological survey and assessment in accounting for seasonal changes and broader impacts outside the project footprint.

- The proponent has not adequately consulted with property owners in relation to the location of wind turbines.

The Department has considered the comments when assessing the impacts of the proposed action on listed threatened species and communities and on listed migratory species (above). The comment with regards to the lack of consultation is not material to this recommendation, but will be followed up during the assessment stage, should you agree with the controlled action recommendation.

Comments from Commonwealth Ministers

By letter dated 2 September 2021, the following ministers were invited to comment on the referral:

- The Hon David Littleproud MP, Minister for Agriculture, Drought and Emergency Management

A delegate of the minister responded on 16 September 2021 ([Attachment F1](#)). The delegate noted the nature of the proposed action and indicated that he had no comments from an agricultural perspective on whether it may have significant impact(s) on any MNES.

- The Hon Angus Taylor MP, Minister for Energy and Emissions Reduction

A nil response from the minister was received on 16 September 2021 ([Attachment F2](#)).

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians

The National Indigenous Australian Agency (NIAA) responded on behalf of the minister on 23 September 2021 ([Attachment F3](#)), noting that:

- The proposed sites for the Goyder South Project are on land under the Ngadjuri nation #2 native title claim (SAD304/2011). For freehold land, native title rights and interests have been extinguished.
- The NIAA notes no publicly recorded places of Indigenous heritage value have been identified within, immediately adjacent to or within the vicinity of the sites and that Indigenous heritage has been assessed as part of the SA Government process and that the survey was not made public due to sensitive information.
- The NIAA encourages the proponent to further engage with Ngadjuri before construction commences to put in place any necessary protocols in case of discovery of artefacts, remains or sites of cultural significance during construction, and work with them during the construction phase (in accordance with the *SA Aboriginal Heritage Act 1988*) to address artefacts or sites should they arise.

The NIAA also commented on other matters in relation to the engagement with indigenous communities and business. The Department notes that these matters raised by the NIAA are not relevant to the determination of whether or not the proposed action is a controlled action, however, they are relevant to the progress of the project. For this reason, the Department has included the advice in the letter to the proponent at [Attachment B1](#) and, as appropriate, will request that the matters be considered during the assessment stage, should you agree with the controlled action recommendation.

Comments from State Ministers

By letter dated 2 September 2021, the following State ministers were invited to comment on the referral:

- Mr Andrew Burnell, Coordinator Assessments, Strategic and Impact Assessments Branch, Department for Environment and Water, as delegated contact for the Hon David Speirs MP, South Australian Minister for Environment and Water.

The South Australian Department of Environment and Water responded on 16 September 2021 (Attachment F4), noting that:

- Neoen's Goyder South Hybrid Renewable Energy Facility, which incorporates the proposed action considered in this referral, was approved by the SA Minister for Planning and Local Government on 7 June 2021.
- Significant impacts are likely to arise in relation to the Iron-grass Natural Temperate Grassland of South Australia TEC and Pygmy Blue-tongue Lizard.
- Further information may be required in relation to the Trailing Hop-bush to determine whether or not the impact to the species is likely to be significant.
- An assessment on Preliminary Documentation may be appropriate, should the proposed action be determined a controlled action.

The Department has taken these comments into consideration when assessing the impacts on listed threatened species and communities and when recommending the assessment approach below.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The matters for consideration in making a decision on assessment approach are outlined in section 87(3) of the EPBC Act (see the table below).

Under section 87(5) of the EPBC Act, you may decide on an assessment on Preliminary Documentation only if you are satisfied that the approach will enable an informed decision to be made about whether or not to approve the taking of the action.

The Department considers that an assessment on Preliminary Documentation (with further information required) under Division 4 Part 8 of the EPBC Act is adequate to assess the impacts of the proposed action for the following reasons:

- The South Australian Government has already completed its assessment of the project, therefore a bilateral or accredited assessment is no longer possible.
- The South Australian Government's response to the department's request for comment stated that, given the scope of potential impacts on MNES and the relatively direct connection between impacts and the footprint, assessment on Preliminary Documentation may be appropriate.
- There are a number of suggested controlling provisions and residual degree of uncertainty regarding impacts which require further assessment.

- Assessment by Preliminary Documentation will ensure that impacts to these controlling provisions are appropriately assessed.

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at Attachment C .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the Department's advice on relevant impacts contained in this referral decision brief.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	There was one comment received in response to an invitation under s74(2) for this proposal (Attachment F4).
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The Department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve

inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment G1](#). The fee schedule (without justifications) at [Attachment G2](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

[Electronic approval saved in spire](#)

s. 22(1)(a)(ii)

Director

SA/NT Assessments Section

Environment Assessments West (WA, SA, NT) Branch

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

SA/NT Assessments Section

s. 22(1)(a)(ii)

September 2021

ATTACHMENTS as in [SPIRE](#)

	QA checklist
A	Referral decision notice FOR SIGNATURE
B	Letters
	B1 To the proponent FOR SIGNATURE
	To the State FOR SIGNATURE
C	Referral documentation
	C1 Referral
	C2 Project layout
	C3 Development Application Package - Report
	C4 Development Application Package - Appendix
	C5 Flora and Fauna Assessment – Unredacted / Sensitive
	C6a Landscape and Visual Assessment - Part 1 of 3
	C6b Landscape and Visual Assessment - Part 2 of 3
	C6c Landscape and Visual Assessment - Part 3 of 3
	C7 Shadow Flicker and Blade Glint Assessment
	C8 Electromagnetic Interference Assessment
	C9 State Approval - Notice
	C10 State Approval - Conditions
	C11 Neoen Sustainability Framework

	C12	Heritage Impact Assessment
	C13	Cumulative Impact Assessment – Unredacted / Sensitive
	C14	Flora and Fauna Assessment Addendum
	C15	Pygmy Bluetongue Lizard Survey - Unredacted / Sensitive
	C16	Justification of Impacts to MNES - Unredacted / Sensitive
	C17	Offsets Assessment Guide Calculation
	C18	Preliminary Pygmy Bluetongue Lizard Offset Proposal - Unredacted / Sensitive
	C19	Vegetation Associations
	C20	Peppermint Box Grassy Woodland of SA TEC occurrences
	C21	Iron-grass Natural Temperate Grassland of SA TEC occurrences
	C22	Spiller's Wattle occurrences
	C23	Trailing Hop-bush occurrences
	C24	Pygmy Bluetongue Lizard habitat - Unredacted / Sensitive
D	Supporting documentation	
	D1	ERT Report 10 km buffer - 20 September 2021
	D2	EPBC Species update – 24 September 2021
	D3	Recovery plan - Iron-grass Natural Temperate Grassland of SA
	D4	Conservation advice - Iron-grass Natural Temperate Grassland of SA
	D5	EPBC Act Policy Statement 3.7 - Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of SA and Iron-grass Natural Temperate Grassland of SA
	D6	EPBC Act Policy Statement 1.1 – Significant Impact Guidelines
	D7	Recovery plan – Pygmy Blue-tongue Lizard
	D8	EPBC Act Policy Statement 2.3 – Wind Farm Industry
	D9	Australian Cornish Mining Sites: Burra – National Heritage Listing
	D10	Line area advice – Cultural Heritage Section – 17 September 2021
E	Public comments	
F	Ministerial comments	
	F1	Minister for Agriculture, Drought and Emergency Management
	F2	Minister for Energy and Emissions Reduction
	F3	Minister for Indigenous Australians
	F4	South Australian Government
G	Fee schedule	
	G1	With justifications
	G2	Without justifications

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

To: Kylie Calhoun, Assistant Secretary, Environment Assessments West (WA, SA, NT)
Branch (for decision)

Referral Decision Brief – Goyder South Hybrid Renewable Energy Facility – Overhead
Transmission Line and Substation, Worlds End SA (2021-8959)

Timing: (01/10/2021) - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	Goyder Wind Farm Common Asset Pty Ltd ACN: 649966138												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C)* Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C)* Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C)* Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
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Public Comments	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: Minister for Agriculture and Northern Australia; Minister for Energy and Emissions Reduction; South Australian Minister for Environment and Water; Minister for Indigenous Australians; see <u>Attachment D</u> .												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Preliminary Documentation Bilateral Applies <input type="checkbox"/>												
Recommendation/s:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													

2. Agree that the proposed action is a component of a larger action.

Agreed / Not agreed

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / Not agreed

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed on Preliminary Documentation under Division 4 of Part 8 of the EPBC Act.

Agreed / Not agreed

6. If you agree to the recommendations above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note the letter notifying the person proposing to take the action of your referral and assessment approach decisions and inclusion of the invoice for Stage 1 assessment fees. A letter requesting further information under section 95A(2) of the EPBC Act will be prepared for your signature within 10 business days of the Stage 1 payment.

Noted / Please discuss

10. Sign the notice at Attachment A (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letter at Attachment B.

Signed / Not signed

1 October 2021

Kylie Calhoun
Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

Date:

Comments:**KEY ISSUES:**

- The referred action is part of a larger action collectively referred to as the Goyder South Hybrid Renewable Energy Facility (Goyder South Project) (discussed below, under Section 74(a) of the EPBC Act – Referral of A Larger Action). The Goyder South Project covers an area of approximately 8056 ha comprising of four (4) actions, including windfarm A, Windfarm B, Overhead Transmission Line (OTL) and substation, and a battery facility (including other associated infrastructure). This referral brief relates to the overhead transmission lines and substation components. The precise placement of this infrastructure has yet to be finalised.
- Ecological surveys were conducted across the entire footprint of the Goyder South Project rather than the specific footprint of this referral. Therefore, survey results and other information are often generalised across a much larger envelope than the proposed action area.
- The key impacts relating to the proposed action are land clearing and associated disturbances to the surrounding environment such as erosion and weed incursion.
- Goyder Wind Farm Common Asset Pty Ltd (the proponent) has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to likely impacts to 13 Listed threatened species and communities (section 18 & section 18A).

BACKGROUND:**Pre referral Meetings**

On 27 January 2021, a pre-referral meeting was held with Neoen Australia Pty Ltd (Neoen), to discuss the proposed Goyder South Hybrid Renewable Energy Project (Goyder South Project). At that meeting, Neoen proposed that the project would be referred to the department as four (4) separate actions given the financial constraints of the project. Neoen sought advice from the department of the acceptability of four referrals. The department advised that a split referral of the larger project would likely be acceptable given the financial constraints of the project (see Referral at [Attachment C1](#)).

On the 25 June 2021, following handover of the project to the SA/NT Section, a second pre-referral meeting was held, at the request of the department, to better understand the likely protected matters across all four (4) referrals. The department also advised that the decision to accept a split referral is at the discretion of the Minister (delegate) under section 74A of the EPBC Act, and that in order to accept a split referral, the decision maker must be satisfied that the splitting of the project does not reduce the ability to achieve the objects of the Act.

Description of the referral

On 2 September 2021, a valid referral was received from Goyder Wind Farm Common Asset Pty Ltd (subsidiary of Neoen Australia Pty Ltd). The proposed action is to construct and operate an overhead transmission line (OTL) and substation as part of the larger Goyder South Project.

On the 7 June 2021, the South Australian Minister for the Planning and Local Government approved the Goyder South Hybrid Renewable Energy Facility with 41 conditions (see [Attachment C7](#)).

Description of the proposal (including location)

The OTL and Substation are part of the Goyder South Hybrid Renewable Energy Facility (referred to as the Goyder South Project). The OTL will be a double-circuit 275 kiloVolt (kV) line that connects Substation West to an existing substation at Robertstown. The proposed OTL will be approximately 33.11km long spanning the suburbs of Burra, Worlds End and Bright, within the Regional Council of Goyder, South Australia.

The broader Goyder South Project comprises four (4) split referrals which are being assessed separately in parallel to this referral. These referrals are:

- Windfarm 1A (2021/8957),
- Windfarm 1B (2021/8958) and;
- Battery Storage Facility (2021/8960).

Parts of the Goyder South Project are located on land under the Ngadjuri nation #2 native title claim (SAD304/2011). For freehold land, native title rights and interests have been extinguished.

The following components are part of the OTL and substation (this referral):

- Transmission line lattice towers will be up to 47 m high with an individual footprint of 10 m x 10 metres each and spaced approximately 200-300 metres apart depending on topography, with flexibility to micro-site.
- A 5 metre wide access track along the length of the OTL will be required for construction and maintenance access.
- Tower assembly and crane areas as well as OTL cable winching sites will be required temporarily during construction. The OTL corridor will have a footprint of 13.56ha.

The substation will be enclosed within a fenced compound 350 m x 420 m (14.7 ha) and will include the substation and ancillary electrical equipment, a control/switch room, a workshop for operations and maintenance, a small office and staff amenities and a laydown/storage area.

The combined footprint of the OTL and Substation is approximately 28.26 ha, 10.36 ha of which is native vegetation. The area that will actually be cleared is likely to be smaller than the proposed action area, however as micro-siting is yet to be completed, the department assumes impact to the entire area.

Description of the environment

The 26,559 ha Goyder South Project Area ([Figure 1](#)) spans the Interim Biogeographical Regionalisation of Australia (IBRA) Associations of Burra Hill, Flriorieton, Hansen and Sutherlands, the Flinders Lofty Block IBRA and Murray Darling Depression bioregion and

Broughton, South Olary Plain and Murray Mallee subregions. The area is dominated by ridges, plains and undulating hills.

The OTL commences from the substation in the north-western extent of the Goyder South Project Area, approximately 10 km south of Burra, and runs east to cross over the Worlds End Highway, where it then runs south on the eastern side of the Worlds End Highway and then turns east to connect to the existing Robertstown substation, located on the southern side of Lower Bright Road, approximately 5 km north-east of Robertstown, South Australia.

The land within the proposed development site is generally privately owned and predominantly used for grazing as well as a small amount (2.61ha) of cropping.

The region has a Mediterranean climate in which hot dry summers are followed by cool, relatively wet winters. The proposed action area is located in the rain shadow of the Mount Lofty Ranges, and as such the region has a marked reduction in rainfall compared to the country to the west.

These lower rainfall ranges support extensive natural grasslands and open grassy woodlands, with mallee and riparian woodlands dominating drainages and plains between the rises.

Water erosion is an important issue across the landscape, but particularly in the north-eastern Mt Lofty Ranges. The risk of water erosion is increased where inappropriate grazing and vegetation management occurs.

A significant and emerging land use issue is the development of wind farms due to the ideal wind and solar properties of the region.

The region retains a range of significant biodiversity assets including EPBC listed threatened species and communities. These are discussed in the sections below.

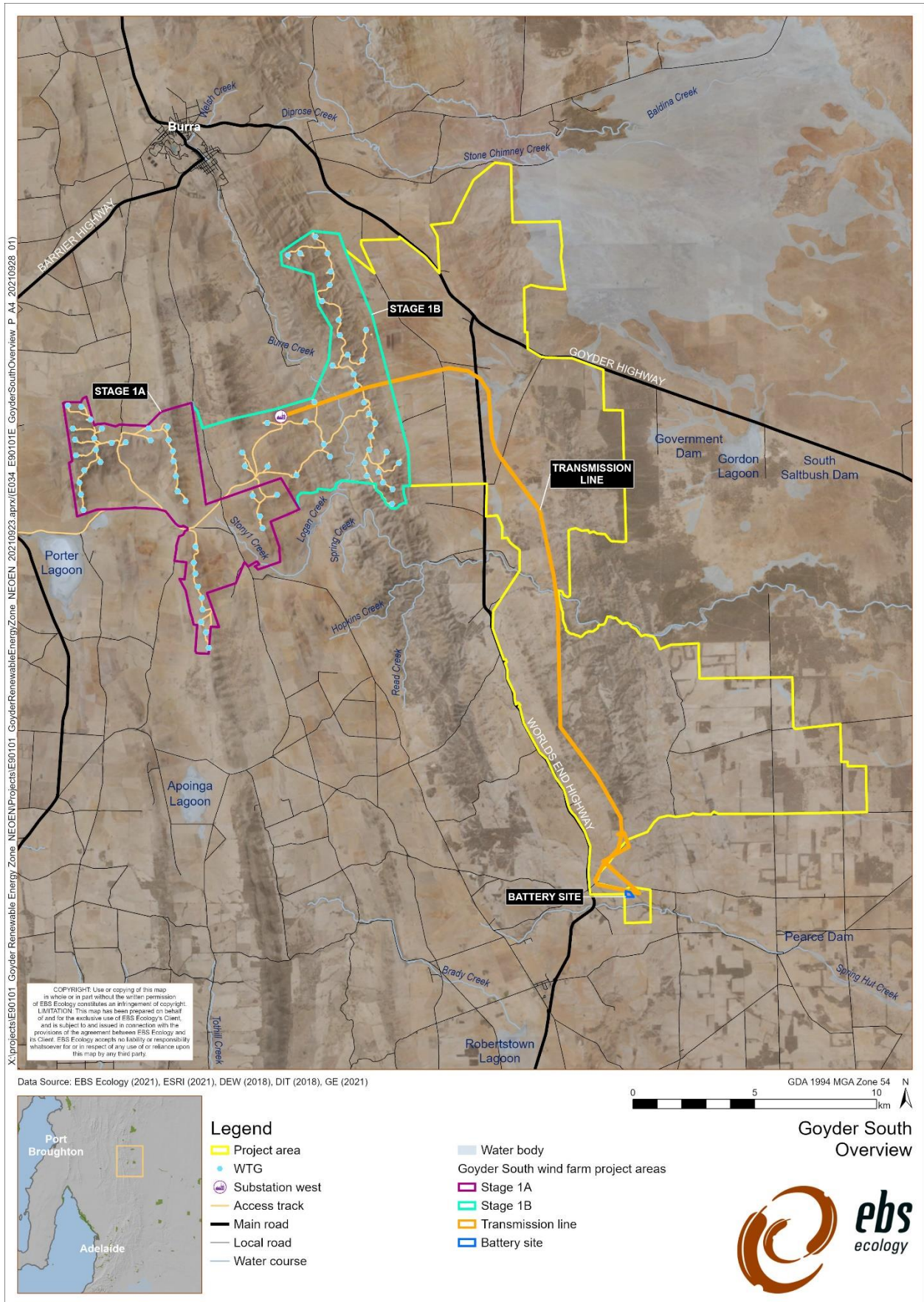


Figure 1: Goyder South Project Area and spatial location of the referrals EPBC 2021/8957 (Stage 1B), EPBC 2021/8958 (Stage 1A), EPBC 2021/8959 (OTL and Substation West; this referral) and EPBC 2021/8960 (battery site).

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

The Referral (Attachment C1) states that the proposed substation and OTL are components of the Goyder South Project and is one of a set of four referrals that represent the proposed construction staging.

The Goyder South Project will total up to \$3 billion in investment. To achieve financing on such a large project, each stage (referral) will have its own construction contracts and financing packages, which are likely to involve separate groups of lenders. These lenders wish not to be exposed to ‘cross-default’ on approval conditions by other stages of the project.

Consequently, Neoen has elected to make several EPBC applications for the Goyder South project with separate legal entities established for each component. These ‘Special Purpose Vehicles’ (SPVs) are subsidiaries of Neoen, but as noted, will obtain finance from different sets of lenders.

The four referrals and associated SPVs are listed below:

- Goyder Wind Farm 1A Pty Ltd is the first cluster of turbines and some associated infrastructure, mostly access roads and underground cables (3810.68 ha);
- Goyder Wind Farm 1B Pty Ltd is a second cluster of turbines and some associated infrastructure, mostly access roads and underground cables (4209.31 ha);
- Goyder Wind Farm Common Asset Pty Ltd (this referral) includes all ancillary assets where ownership and control must be shared between the respective financiers of Goyder Wind Farm 1 and 1B:
 - the substation (to which both 1A and 1B will connect) (14.7 ha);
 - the approximately 34km of overhead high voltage transmission line (which will transport power for both 1A and 1B) (13.56 ha);
- Neoen Australia Pty Ltd has referred a separate battery facility that connects to the substation infrastructure (8 ha).

For the reasons discussed above, the department considers that the referred action and the activities described as Goyder Wind Farm 1A, Goyder Wind Farm 1B, OTL and Substation, and the Battery are all components of the larger (approx. 8056 ha) Goyder South Project proposed to be undertaken by the same person.

On the 25 June 2021, the Department held a pre-referral meeting with representatives of Neon to discuss the split referral of the South Goyder Project and the likely impacts to protected matters.

After assessing the likely impacts on matters of national environmental significance (MNES) of the four referrals noted above, the Department considers that the splitting of the referrals is not likely to reduce the ability to achieve the objects of the EPBC Act because:

- The referrals were made at the same time and assessed in parallel. Therefore, the cumulative impacts to MNES arising from all four referrals could be considered, even though the referrals were split.
- The risk of important impacts arising from the separate actions being overlooked, underestimated or unable to be controlled through approval conditions is small.
- The cumulative impacts across the project were unlikely to result in a Clearly Unacceptable decision being recommended to the delegate if the South Goyder Project has been referred as a single action.
- There is precedent for projects of this scale and nature being referred and accepted without compromising the objects of the Act.

For these reasons, the Department considers that while the referred action is clearly part of the larger action, consistent with the *Policy Statement Staged Development – Split referrals: Section 74A of the EPBC Act*, it is recommended that this referral be accepted. The Department notes that subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The Department has included written notice of the decision to accept the referral in the letter to the proponent (Attachment B1).

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A):

Communities:

- Iron-grass Natural Temperate Grassland of South Australia TEC – Critically Endangered
- Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia TEC – Critically Endangered

Plants:

- Hairy-pod Wattle (*Acacia glandulicarpa*) – Vulnerable

- Spiller's Wattle (*Acacia spilleriana*) – Endangered
- Slender Bell-fruit, Camel Poison (*Codonocarpus pyramidalis*) – Vulnerable
- Peep Hill Hop-bush (*Dodonaea subglandulifera*) – Endangered
- Spalding Blown Grass (*Lachnagrostis limitanea*) - Endangered
- Silver Daisy-bush, Silver-leaved Daisy, Velvet Daisybush (*Olearia pannosa subsp. Pannosa*) - Vulnerable
- Large-fruit Fireweed, Large-fruit Groundsel (*Senecio macrocarpus*) – Vulnerable

Birds:

- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Malleefowl (*Leipoa ocellata*) – Vulnerable

Reptiles:

- Flinders Ranges Worm-lizard (*Aprasia pseudopulchella*) – Vulnerable
- Pygmy Blue-tongue Lizard, Adelaide Blue-tongue Lizard (*Tiliqua adelaidensis*) – Endangered

These impacts are discussed below.

Listed threatened species and communities (s18 & 18A)

The Department's Environment Reporting Tool (ERT) identifies 27 species and 3 communities that may occur within 2 km of the proposed action (see the ERT report at [Attachment D1](#)).

Based on the location of the action, likely habitat present in the area, and nature of the referred action the Department considers that impacts potentially arise in relation to the following 13 matters:

Iron-grass Natural Temperate Grassland of South Australia TEC – Critically Endangered*Species information*

According to the Department's Conservation Advice ([Attachment D4](#)) the Iron-grass Natural Temperate Grassland of South Australia ecological community (INTG) is classified as a natural temperate grassland despite being dominated by tussock-forming species that are not true grasses (*Lomandra multiflora subsp. dura* and *L. effusa* are members of the grass-tree family, *Xanthorrhoeaceae*).

Structurally, trees and tall shrubs are absent (less than 10 per cent projected foliage cover) and tussock-forming perennial grasses and Iron-grasses (*Lomandra*) dominate the ground layer. A range of herbaceous plant species occur in the inter-tussock spaces including Bulbine Lily (*Bulbine bulbosa*), Yellow Buttons (*Chrysocephalum apiculatum*), Australian Bindweed (*Convolvulus erubescens*) and Scaly Buttons (*Leptorhynchos squamatus*).

The INTG extend from the western bank of the Murray River, through the Lofty Ranges and north to Mount Brown Conservation Park, west of Carrieton and generally occurs on gentle slopes of low hills above 380 m altitude.

The main identified threats to INTG are land clearing, grazing, weed invasion, agricultural snails, inappropriate tree planting, road and rail maintenance activities, and the effects of fragmentation.

Proposed action area

The proposed action area intersects patches of INTG, however at this stage, the proponent has not micro-sited the final OTL and substation footprint (i.e. the locations of individual transmission towers, access roads, laydown areas, and other associated infrastructure).

In 2019 and 2021, surveys performed by the proponent across the entire Goyder South Project found 23 patches of potential INTG. Twelve patches qualify as Class B (moderate condition) INTG, while 11 patches are only Class C INTG (poor condition but can be rehabilitated). One patch of Class B INTG and one patch of Class C INTG are known to occur within the OTL project area.

It should be noted that most of the surveys were conducted in 2019 during drought conditions that reduced the condition and detectability of flora species and TECs.

Potential impacts

The proposed action will result in clearing approximately 1.11 ha of INTG, 1.08 ha of which has been identified as Class B. It should be noted that the minimum INTG patch size to be considered Class B is only 0.25 ha.

Possible indirect impacts to patches of INTG TEC from the OTL, include:

- increase in weed species and coverage within patches of the grassland, exacerbated by soil disturbance during construction and increased movement of vehicles;
- dust deposition within patches of the grassland during construction, potentially decreasing the health and condition of the grassland; and
- erosion and/or sedimentation within patches of the grassland as a result of construction of infrastructure such as OTL towers and an access track.

The Referral ([Attachment C1](#)) states that the impacted INTG is considered critical to the survival of the ecological community, and therefore a significant impact to INTG is likely to occur. The South Australian government response ([Attachment D2](#)) to the Department's invitation to comment on the referral agrees with this assessment by the proponent.

Avoidance and mitigation measures

Flora surveys have resulted in amendments to the design to avoid or minimise impacts to areas of significant value and impact areas considered to have lower biodiversity value, where possible.

The proponent has stated in the Referral ([Attachment C1](#)) that there will be micro-siting of infrastructure and tracks to reduce the impact to native vegetation.

Conclusion

Given that

- the INTG is listed as critically endangered;

- the proponent believes the proposed action will have a significant impact on the ecological community;
- the South Australian Government agrees that the proposed action will result in a significant impact to the INTG;
- noting the uncertainty regarding the final clearing footprint (and associated impacts) of the OTL; and
- that this referral is part of the larger South Goyder Project with similar potential impacts to the INTG to be considered in aggregate

the department concludes that a significant impact to the INTG threatened ecological community is **likely**.

Other listed species

Noting all the information available to the Department (including the ERT at Attachment D1, which suggests the likely or known presence of the following species or communities in the area of the proposal, and noting the drought conditions in which surveys were conducted, and without further detailed assessment of potential impacts, the Department considers that there is a **real chance** or **possibility** that the proposed action will significantly impact on the following threatened species and communities:

Communities:

- Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia TEC – Critically Endangered

Plants:

- Hairy-pod Wattle (*Acacia glandulicarpa*) – Vulnerable
- Spiller's Wattle (*Acacia spilleriana*) – Endangered
- Slender Bell-fruit, Camel Poison (*Codonocarpus pyramidalis*) – Vulnerable
- Peep Hill Hop-bush (*Dodonaea subglandulifera*) – Endangered
- Spalding Blown Grass (*Lachnagrostis limitanea*) - Endangered
- Silver Daisy-bush, Silver-leaved Daisy, Velvet Daisybush (*Olearia pannosa subsp. Pannosa*) - Vulnerable
- Large-fruit Fireweed, Large-fruit Groundsel (*Senecio macrocarpus*) – Vulnerable

Birds:

- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Malleefowl (*Leipoa ocellata*) – Vulnerable

Reptiles:

- Flinders Ranges Worm-lizard (*Aprasia pseudopulchella*) – Vulnerable

- Pygmy Blue-tongue Lizard, Adelaide Blue-tongue Lizard (*Tiliqua adelaidensis*) – Endangered

The Department considers the above species have the potential to be directly or indirectly impacted by clearing and associated disturbance related to the proposed action and have been included as controlling provisions on a precautionary basis. Further information regarding the recommendation of these species as controlling provisions can be found in the Species Impact Table at [Attachment D3](#).

Potential New controlling provisions

The EPBC Species and Ecological Communities Update (Species Update) dated 24 September 2021 ([Attachment D9](#)) has been consulted and there is one upcoming decision relating to listing communities that may be of relevance to this proposed action:

The Mallee Bird Community of the Murray Darling Depression Bioregion ecological community – Endangered

The Species Update notes that the Threatened Species Scientific Committee provided advice to Minister on 30 Jul 2021 and a Decision brief (MS21-005772) was provided on 30 Aug 2021. A decision on the listing of the Mallee Bird Community of the Murray Darling Depression Bioregion (Mallee Bird TEC) is due by 7 Dec 2021.

Noting that the Mallee fowl has been listed as a controlling provision in this brief, and that the Goyder South Project spans several bioregions including Murray Darling Depression bioregion and Murray Mallee subregions, the proposed Mallee Bird Community has been included here for noting as a decision on the Mallee Bird TEC is imminent. Further information on this potential TEC including maps of the Mallee Bird TEC can be found in the Draft Conservation Advice at [Attachment D10](#).

The Mallee Bird TEC will not be listed at the time of making a referral decision. Under provision 158A of the EPBC Act, the approval process decision is not affected by listing events that happen after a section 75 decision is made.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed threatened species and communities (s18 & 18A)

The Department's ERT indicates that 8 species and communities may occur within 2 km of the proposed action (see the ERT report at [Attachment D1](#)) which could be impacted by the proposed action. However, based on the location of the action, likely habitat present in the area, and their failure to be discovered in surveys to date, the department considers it **unlikely** that significant impacts will arise in relation to the following matters.

- Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions TEC – Endangered
- Night Parrot (*Pezoporus occidentalis*) – Endangered
- Plains-wanderer (*Pedionomus torquatus*) – Critically Endangered
- Menzel's Wattle (*Acacia menzeli*) – Vulnerable
- Greencomb Spider-orchid, Rigid Spider-orchid (*Caladenia tensa*) – Endangered

- Trailing Hop-bush (*Dodonaea procumbens*) – Vulnerable
- Spalding Blown Grass, Spalding Blowngrass (*Lachnagrostis limitanea*) – Endangered
- Superb Goundsel (*Senecio megaglossus*) – Vulnerable

Listed migratory species (s20 & 20A)

The department's ERT ([Attachment D1](#)) identifies the potential presence of listed migratory species within 2 km of the proposed action area.

Based on information available to the department, including the nature and scale of the proposed action, the location of suitable habitat and other information from the referral documentation, the Department considers that significant impacts to these species are **unlikely**.

Commonwealth marine environment (s23 & 24A)

The department's ERT ([Attachment D1](#)) identifies the potential presence of listed Marine species within 2 km of the proposed action area.

Based on information available to the department, including nature and scale of the proposed action, the location of suitable habitat and other information from the referral documentation, the Department considers that significant impacts to these species are **unlikely**.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the Department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the Department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the Department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason the Department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the Department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason the Department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	<p>The proposed action is not located overseas. For this reason the Department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>
A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)	<p>The proposed action is not a coal seam gas or a large coal mining development. For these reasons the Department considers that sections 24D and 24E are not controlling provisions for the proposed action.</p>

SUBMISSIONS:**Public submissions**

The proposal was published on the Department's website on 2 September 2021 and public comments were invited until 16 September 2021. No public submissions were received on the referral.

Comments from Commonwealth Ministers

By letter dated 2 September 2021, the following ministers were invited to comment on the referral:

- The Hon David Littleproud MP, Minister for Agriculture, Drought and Emergency Management

On 17 September 2021, Anthony Bennie replied on behalf of the Hon David Littleproud MP to advise of nil response ([Attachment D7](#)).

- The Hon Angus Taylor MP, Minister for Energy and Emissions Reduction

On 16 September 2021, Adam Osborne replied on behalf of the Hon Angus Taylor MP to advise of nil response ([Attachment D6](#)).

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians

On 23 September 2021, Lauren Gray replied on behalf of the Hon Ken Wyatt AM MP ([Attachment D8](#)), noting the details of the referred action and advise that the proponent should engage with Ngadjuri Traditional Owner representatives through the life of the project to protect cultural heritage values, including through implementing the protocols developed in collaboration with the Ngadjuri Nation as required. Furthermore, the proponent should confirm with the South Australian (SA) government that no future act processes are required under the Native Title Act 1993 where the project exceeds freehold land.

Comments from State/Territory Ministers

By letter dated 2 September 2021, the following State / Territory ministers were invited to comment on the referral:

- Mr Andrew Burnell, delegate for the South Australian Minister for Environment and Water, the Hon David Speirs MP

On 16 September 2021, Merridie Martin replied on behalf of Mr Burnell ([Attachment D2](#)). The letter stated that the South Australian Government agreed with the proponent's conclusion that the proposed action would result in a significant impact to INTG and that an assessment by Preliminary Documentation was appropriate.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The Department recommends that this proposal be assessed by Preliminary documentation.

The matters for consideration in making a decision on assessment approach are outlined in section 87(3) of the EPBC Act (see the table below).

Under section 87(5) of the EPBC Act, you may decide on an assessment on Preliminary Documentation only if you are satisfied that the approach will enable an informed decision to be made about whether or not to approve the taking of the action.

Assessment by Preliminary Documentation is recommended for the following reasons:

- The South Australian Government has already completed its assessment of the project, therefore a bilateral or accredited assessment is no longer possible
- The South Australian Government's response to the department's request for comment stated that, given the scope of potential impacts on MNES and the relatively direct connection between impacts and the footprint, assessment on Preliminary Documentation may be appropriate
- There are a number of suggested controlling provisions and residual degree of uncertainty regarding impacts which require further assessment
- Assessment by Preliminary Documentation will ensure that impacts to these controlling provisions are appropriately assessed.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at Attachment C1 .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	There are no strategic assessments relevant to the proposed action and the Department is not aware of any other relevant information for your consideration.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	There were no comments received in response to an invitation under s74(2) for this proposal.
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:**Significant impact guidelines**

The Department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant.

There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve.

There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E1](#). The fee schedule (without justifications) at [Attachment E2](#) will be sent to the person taking the action including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director

Environment Assessments West (WA, SA, NT) Branch

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

SA & NT Assessment

s. 22(1)(a)(ii)

September 2021

ATTACHMENTS

A:	Decision notice (FOR SIGNATURE)	
B:	Letters (FOR SIGNATURE)	
	B1	Letter to Proponent
	B2	Letter to SA DEW

C:	Referral Documentation	
	C1	Referral (OTL and Substation)
	C2	Map of Goyder South Project
	C3	Goyder South Project State Application
	C4	Goyder South Project State Application Appendix
	C5	Ecology Report
	C6	State Approval Notice and Conditions (original)
	C7	State Approval Notice and Conditions (updated)
	C8	Cumulative impacts of the Goyder South Project
	C9	Flora and Fauna Surveys (2021)
	C10	Targeted PBTL Survey (2021)
	C11	Justification for unavoidable impacts to MNES
	C12	Draft INTG Offsets Calculation
	C13	ERT 10km (Proponent)
	C14	Map of MNES
	C15	Proposed Action Area (coordinates)
D:	Supporting Documentation	
	D1	ERT 2km (Department)
	D2	Letter from SA Government
	D3	Species Impact List
	D4	INTG Conservation Advice
	D5	INTG Recovery Plan
	D6	Nil Response – Minister Taylor
	D7	Nil Response – Minister Littleproud
	D8	Response – Minister Wyatt
	D9	EPBC Species and Community Report
	D10	Draft Conservation Advice for Mallee Bird TEC
E:	Cost Recovery	
	E1	Cost Recovery Fees (with Justification)

	E2	<u>Cost Recovery Fees (without Justification)</u>
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