



Territory Battery Energy Storage System, EPBC 2021/8884

2024-2026 Compliance Report

Final

February 2026

NEOEN

Territory Battery Energy Storage System, EPBC 2021/8884

2024-2026 Compliance Report

Final

Prepared by
Umwelt (Australia) Pty Limited

On behalf of
Neoen Australia Pty Ltd

Project Director: Karina Carwardine
Project Manager: Alexander Garrett
Report No.: R01
Date: February 2026



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This report was prepared using
Umwelt's ISO 9001 certified
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Acknowledgement of Country

Umwelt acknowledges the Traditional Owners of Country throughout Australia and their continuing values, culture and connection to the land, waters and sky.

We pay our respects to Elders past and present.

The below image is from the artwork *Yapung Maryiyang* (Pathway Forward) by Saretta Fielding.



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1.0 Background

Neoen Australia Pty Ltd (Neoen) (the approval holder) submitted a referral under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) in February 2021, for the development of a large-scale battery energy storage system (the 'Territory Battery') in the Australian Capital Territory (ACT).

The Territory Battery Energy Storage System (TBESS) will be constructed on Block 1635 and 1634, in the District of Belconnen. The proposed action area is adjacent to Stockdill Drive, and the existing Stockdill Substation.

On 22 March 2021, the Commonwealth department responsible for administering the EPBC Act (the Department), determined that the proposed action had the potential to have a significant impact on matters of national environmental significance (MNES), and was therefore determined to be a controlled action. The relevant matters protected under the EPBC Act were listed threatened species and communities (section 18 and section 18A).

The action was assessed under the bilateral agreement between the Commonwealth and the ACT Government and was approved subject to conditions on 31 May 2024.

Conditions attached to the approval included requirements relating to:

- Clearing limits
- Pre-clearance surveys
- Management plan preparation, submission, publication and implementation
- Securing and managing offset sites
- Notification requirements
- Compliance records and reporting
- Independent audits
- Completion of the action.

Construction of the project has not yet commenced.

2.0 Description of Activities

2.1 EPBC Number and Project Name

EPBC 2021/8884 Territory Battery Energy Storage System.

2.2 Approval Holder and ACN

Neoen Australia Pty Ltd (Neoen)

ACN: 160 905 706

2.3 The Approved Action

Construction and operation of a large-scale battery energy storage system in Ginninderry, ACT (see EPBC referral 2021/8884).

2.4 Location of the Project

Registered Rural Blocks 1634 and 1635 in the District of Belconnen, ACT.

2.5 Person Accepting Responsibility of the Report (Signed Declaration)

In making this declaration, I am aware that sections 490 and 491 of the EPBC Act make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed  Signed by:
756AB78510C547B...

Full name (please print) Jean-Christophe Cheylus

Position (please print) CEO

Organisation (please print including ABN/ACN if applicable) Neon Australia ABN 57 160 905 706

Date / / 25/2/2026

2.6 Reporting Period

This report is for the period from 31 May 2024 to 25 February 2026.

2.7 Date of Report Preparation

Report finalised on 25 February 2026.

3.0 Compliance Table

Table 3.1 Key to Compliance Table

Designation	Definition
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside the scope of the current reporting period.

Table 3.2 Compliance Table

Condition Type	Condition	Designation	Comments
Part A - Avoidance, Mitigation, and Compensation Conditions			
Action Area Bound	1. The approval holder must not: <ul style="list-style-type: none"> a. clear outside of the Action area b. construct outside of the Action area. 	Not applicable	Construction has not yet commenced for the Action. No clearing has occurred.
Clearing Limits	2. The approval holder must not clear more than: <ul style="list-style-type: none"> a. 6.19 hectares (ha) of Box Gum Woodland b. 0.5 ha of Pink-tailed Worm-lizard habitat. 	Not applicable	Construction has not yet commenced for the Action. No clearing has occurred.
Avoidance, Mitigation and Compensation	3. To avoid harm to Pink-tailed Worm-lizard the approval holder must engage a suitably qualified field ecologist to undertake pre-clearance surveys of Pink-tailed Worm-lizard habitat to enable the successful relocation of any Pink-tailed Worm-lizard individuals present in the 0.5 ha of Pink-tailed Worm-lizard habitat to be cleared. <ul style="list-style-type: none"> a. The approval holder must ensure that a suitably qualified field ecologist captures and safely relocates any Pink-tailed Worm-Lizard individuals identified in the 0.5 ha of Pink-tailed Worm-lizard habitat to be cleared, in accordance with the requirements of the ACT Conservator of Flora and Fauna. 	Not applicable	Construction has not yet commenced for the Action. No clearing has occurred.
	4. To avoid harm to protected matters the approval holder must: <ul style="list-style-type: none"> a. Notify the department of the date of commencement of operation of the site within 5 business days, b. Not commence operation unless it has commenced ecological restoration of all impacted Box Gum Woodland in the construction laydown area, c. Ensure ecological restoration is conducted by a suitably qualified ecologist, and d. Ensure the ecological restoration of the impacted Box Gum Woodland is not inconsistent with the requirements of Box Gum Woodland criteria and the Box Gum Woodland Recovery Plan. e. Restore Box Gum Woodland in the construction laydown area to its preclearance state prior to the completion of the Action. 	Not applicable	Construction has not yet commenced for the Action. No clearing has occurred.
Action Management Plans:	5. Prior to the commencement of the action, the approval holder must submit a Construction Environmental Management Plan to the ACT Planning and Land Authority for endorsement, as specified by condition 8 of the Environmental Impact Statement Assessment Report as	Not applicable	The Action has not yet commenced, a CEMP has not yet been prepared.

Condition Type	Condition	Designation	Comments
Construction Environmental Management Plan	it relates to the monitoring, managing, avoiding, mitigating, offsetting, recording and reporting of impacts to protected matters.		
	6. The approval holder must not commence the action unless it has submitted to the department the endorsed Construction Environmental Management Plan.	Not applicable	Construction has not yet commenced for the Action.
	7. To avoid and mitigate harm as a result of the Action on protected matters, the approval holder must commence implementing the endorsed Construction Environmental Management Plan no later than the commencement of the Action and continue to implement the endorsed Construction Environmental Management Plan until the commencement of operation of the site.	Not applicable	Construction has not yet commenced for the Action.
Action Management Plans: Environmental Management Plan	8. Prior to operation, the approval holder must submit an Environmental Management Plan to the ACT Planning and Land Authority for endorsement, as specified by condition 10 of the Environmental Impact Statement Assessment Report as it relates to the monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting of impacts to protected matters. The approval holder must submit the endorsed Environmental Management Plan to the department prior to operation.	Not applicable	The Action has not yet commenced. An Environmental Management Plan has not yet been prepared.
	9. To avoid and mitigate harm to protected matters, the approval holder must commence implementing the endorsed Environmental Management Plan prior to commencing operation and continue to implement the endorsed Environmental Management Plan until completion of the Action	Not applicable	Construction has not yet commenced for the Action.
Offset Management Plan Implementation	10. To compensate for residual significant impacts of the Action on Box Gum Woodland the approval holder must, before commencement of the Action, submit to the department an Offset Management Plan proposing environmental offsets for impacts to Box Gum Woodland. The approval holder must not commence the Action unless the Offset Management Plan has been approved in writing by the Minister.	Not applicable	The Action has not yet commenced. An Offset Management Plan has not yet been prepared.
	11. The approval holder must commence implementing the approved Offset Management Plan prior to the commencement of the Action and continue to implement the approved Offset Management Plan at least until the expiry date of this approval.	Not applicable	As per Condition 10.
	12. The approval holder must, within 5 business days of commencing implementation of the Offset Management Plan, notify the department of the date on which implementation of the Offset Management Plan commenced.	Not applicable	As per Condition 10.

Condition Type	Condition	Designation	Comments
Offset Management Plan Development	13. The Offset Management Plan must meet the requirements of the Environmental Offsets Policy and the Environment Management Plan Guidelines to the satisfaction of the Minister.	Not applicable	An Offset Management Plan has not yet been prepared. The requirements of the conditions are noted.
	<p>14. The Offset Management Plan must be prepared by a suitably qualified ecologist and must include:</p> <ul style="list-style-type: none"> a. Detailed information on the residual impacts to protected matters that will be compensated for by the offset. This must include the area(s) of habitat for protected matters and its condition and quality at all locations impacted by the Action which the offset is to address. b. the relevant protected matters and a reference to the EPBC Act approval conditions to which the Offset Management Plan refers. c. detailed information and a shapefile specifying the location, area and boundaries of the offset site. d. detailed baseline information on the area(s) of habitat, its condition, and the presence (or not) of the protected matters at the offset site. e. commitments to achievable improved ecological benefits at the offset site and the timeframes in which they will be achieved. f. a table summarising all commitments to achieve the proposed ecological benefits for protected matters at the offset site, and a reference to where each commitment is detailed in the Offset Management Plan. g. reporting and review mechanisms to inform the department annually regarding compliance with the management and environmental outcome commitments, and attainment and maintenance of the ecological benefits specified in the Offset Management Plan. h. an assessment of risks to achieving the ecological benefit(s) and what risk management measures and/or strategies will be applied to address these. i. a monitoring program, which must specify: <ul style="list-style-type: none"> i. measurable performance indicators and the timeframes for their achievement to gauge attainment of the ecological benefits for the protected matters ii. trigger values for corrective actions, and iii. the proposed timing (including season/time of day/frequency) methods and effort, and an explanation of how these will be effective for this purpose, of monitoring to 	Not applicable	As per Condition 13.

Condition Type	Condition	Designation	Comments
	<p>detect trigger values, changes in the performance indicators and to gather evidence that effectively demonstrates actual progress towards, attainment of and maintenance of the ecological benefits for the protected matters.</p> <ul style="list-style-type: none"> j. corrective actions to be implemented to ensure that the proposed ecological benefits for the protected matters are achieved or maintained if trigger values are reached or performance indicators not achieved in the specified timeframes. k. links to relevant referenced plans or conditions of approval (including state/territory approval conditions), and l. how the offset site will be protected, and ecological benefits maintained, at least until the expiry of the approval. 		
Offset Site Securement	15. To compensate for the residual impacts of the Action on Box Gum Woodland, the approval holder must not commence the Action unless the offset site has been secured.	Not applicable	The offset site has not yet been secured, the Action has not yet commenced.
	16. The approval holder must notify and provide evidence to the department in writing within five business days of the offset site being legally secured.	Not applicable	An option to purchase the offset site was executed on 16 July 2024, however the purchase has not yet occurred. The department will be notified once this occurs.
	17. The approval holder must ensure that the offset site remains secured at least until the expiry date of this approval.	Not applicable	Noted for incorporation in the OMP.
Offset Management Plan Completion Criteria	<p>18. To ensure that the offset provides a conservation gain for Box Gum Woodland in accordance with the Environmental Offsets Policy, the approval holder must:</p> <ul style="list-style-type: none"> a. achieve the completion criteria specified in the approved Offset Management Plan within 30 years of the commencement of the Action, and b. once the completion criteria specified in the approved Offset Management Plan have been achieved, maintain or improve the condition of the Box Gum Woodland in the offset site for the remaining duration of this approval. 	Not applicable	Noted for incorporation in the OMP.
	<p>19. The approval holder must, within 20 business days of the 30th anniversary of commencement of the Action:</p> <ul style="list-style-type: none"> a. have the offset site assessed by an independent suitably qualified ecologist to determine if the completion criteria specified in the approved Offset Management Plan have been achieved, and 	Not applicable	The Action has not yet commenced.

Condition Type	Condition	Designation	Comments
	<ul style="list-style-type: none"> b. submit to the department a report prepared by a suitably qualified ecologist detailing the areas and condition of Box Gum Woodland present in the offset site, and c. notify the department in writing of any completion criterion that has not been achieved and the likely reasons that the completion criteria have not been met. 		
Part B – Administrative Conditions			
Submission and Publication of Plans	20. The approval holder must submit all plans required by these conditions electronically to the department.	Not applicable	No plans have been prepared to date.
	21. Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date: <ul style="list-style-type: none"> a. the plan is approved by the Minister in writing, if the plan requires the approval of the Minister, or b. the plan is submitted to the department in accordance with a requirement of these conditions, if the plan does not require the approval of the Minister, or c. the plan is endorsed as specified under Environmental Impact Statement Assessment Report condition 8 which must be complied with in accordance with these EPBC Act conditions. 	Not applicable	No plans have been prepared to date.
	22. The approval holder must keep all plans required by these conditions published on the website until the expiry date of this approval.	Not applicable	No plans have been prepared to date.
	23. The approval holder is required to exclude or redact sensitive ecological data from plans published on the website or otherwise provided to a member of the public. If sensitive ecological data is excluded or redacted from a plan, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website.	Not applicable	No plans have been prepared to date.
Modifications to State or Territory Approval	24. The approval holder must notify the department in writing of any proposed change to the ACT Development Application approval that may relate to protected matters within 2 business days of formally proposing a change and within 5 business days of becoming aware of any proposed change.	Not applicable	There have been no changes to the Territory approval for this Action in the reporting period.
	25. The approval holder must notify the department in writing of any change to the ACT Development Application approval conditions that may relate to protected matters, within 10 business days of a change to conditions being finalised. This notification must include a copy of the finalised changes to the ACT Development Application approval conditions.	Not applicable	There have been no changes to the Territory approval for this Action in the reporting period.

Condition Type	Condition	Designation	Comments
Commencement of the Action	26. The approval holder must notify the department electronically of the date of commencement of the Action, within 5 business days following commencement of the Action.	Not applicable	The Action has not commenced.
	27. The approval holder must not commence the Action later than 5 years after the date of this approval decision.	Not applicable	5 years after the date of the approval decision is 31 May 2029. The Action has not yet commenced, and is still within the 5 year time period.
Compliance Records	28. The approval holder must maintain accurate and complete compliance records.	Compliant	This compliance report provides an accurate and complete compliance record.
	29. If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.	Not applicable	No requests have been received from the Department.
	30. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the 'Guidelines for biological survey and mapped data, Commonwealth of Australia 2018', or as otherwise specified by the Minister in writing.	Not applicable	No monitoring data has been collected since the approval.
	31. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the 'Guide to providing maps and boundary data for EPBC Act projects, Commonwealth of Australia 2021', or as otherwise specified by the Minister in writing.	Not applicable	No monitoring data has been collected since the approval.
	32. The approval holder must submit all monitoring data (including sensitive ecological data), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department within 60 business days of each anniversary of the date of this approval decision.	Not applicable	No monitoring data has been collected since the approval.
Annual Compliance Reporting	33. The approval holder must prepare a compliance report for each 12-month period following the date of this approval decision (or as otherwise agreed to in writing by the Minister).	Non-compliant	A compliance report was not submitted within the initial 12-month period (31 May 2024 – 30 May 2025) following the date of the approval decision.

Condition Type	Condition	Designation	Comments
			The current compliance report addresses this reporting period and acknowledges this non-compliance. The Department has also been self-notified by Neoen of this non-compliance by email on 2 February 2026.
	34. Each compliance report must be consistent with the 'Annual Compliance Report Guidelines, Commonwealth of Australia 2023'	Compliant	This compliance report has been prepared in line with the Annual Compliance Report Guidelines
	35. Each compliance report must include: <ul style="list-style-type: none"> a. Accurate and complete details of compliance and any non-compliance with: <ul style="list-style-type: none"> i. each condition attached to this approval decision, ii. all commitments made in each plan, and iii. if any incident occurred, each incident. b. One or more shapefile showing all clearing of protected matters, and/or their habitat, undertaken within the 12-month period at the end of which that compliance report is prepared, and c. A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented. 	Compliant	This compliance report provides accurate and complete details of compliance against each condition of the approval decision. The Action has not commenced, and there are currently no endorsed/approved plans, as such no commitments to be reported against. No clearing has been undertaken, and no incidents have occurred.
	36. The approval holder must: <ul style="list-style-type: none"> a. Publish each compliance report on the website within 20 business days following the end of the 12-month period for which that compliance report is required, b. Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website, c. Provide the weblink for the compliance report in the notification to the department, d. Keep all published compliance reports required by these conditions on the website until the expiry date of this approval, e. Exclude or redact sensitive ecological data from compliance reports published on the website or otherwise provided to a member of the public, and f. If sensitive ecological data is excluded or redacted from the published version, submit the full compliance report to the department within 5 business days of its publication on 	Non-compliant	A compliance report was not submitted within the initial 12-month period (31 May 2024 – 30 May 2025) following the date of the approval decision. This compliance report will be published on the website and Neoen will notify the department within 5 business days of the date of publication and will provide a weblink to the report.

Condition Type	Condition	Designation	Comments
	the website and notify the department in writing what exclusions and redactions have been made in the version published on the website.		
Reporting Non-Compliance	37. The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan.	Non-compliant	Neoen became aware of their non-compliance with Condition 33 regarding the requirement to prepare compliance reports annually following project approval, rather than following project commencement, in December 2025. They sought expert advice, and subsequently notified the Department by email on 2 February 2026.
	38. The approval holder must specify in the notification: <ul style="list-style-type: none"> a. Any condition or commitment made in a plan which has been or may have been breached, b. A short description of the incident and/or potential non-compliance and/or actual non-compliance, and c. The location (including co-ordinates), date and time of the incident and/or potential non-compliance and/or actual non-compliance. 	Non-compliant	The notification to the Department on 2 February 2026 included the relevant information including the condition, and description of the non-compliance. However, the notification was not made within the required timeframe (condition 37) and as such is non-compliant.
	39. The approval holder must provide to the department in writing, within 12 business days of becoming aware of any incident and/or potential non-compliance and/or actual non-compliance, the details of that incident and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a plan. The approval holder must specify: <ul style="list-style-type: none"> a. Any corrective action or investigation which the approval holder has already taken, b. The potential impacts of the incident and/or non-compliance, and c. The method and timing of any corrective action that will be undertaken by the approval holder. 	Non-compliant	The notification to the Department on 2 February 2026 included the relevant information including the planned corrective action of preparing the annual compliance report. However, the notification was not made within the required timeframe and as such is non-compliant.
Independent Audit	40. The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every five-year period following the commencement of the Action until this approval expires (unless otherwise specified in writing by the Minister).	Not applicable	The Action has not yet commenced.

Condition Type	Condition	Designation	Comments
	41. For each independent audit, the approval holder must: <ul style="list-style-type: none"> a. Provide the name and qualifications of the nominated independent auditor, the draft audit criteria, and proposed timeframe for submitting the audit report to the department prior to commencing the independent audit, b. Only commence the independent audit once the nominated independent auditor, audit criteria and timeframe for submitting the audit report have been approved in writing by the department, c. Submit the audit report to the department for approval within the timeframe specified and approved in writing by the department, d. Publish each audit report on the website within 15 business days of the date of the department’s approval of the audit report, and e. Keep every audit report published on the website until this approval expires. 	Not applicable	The Action has not yet commenced.
	42. Each audit report must report for the five-year period preceding that audit report	Not applicable	The Action has not yet commenced.
	43. Each audit report must be completed to the satisfaction of the Minister and be consistent with the ‘Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019’.	Not applicable	The Action has not yet commenced.
Completion of the Action	44. The approval holder must notify the department electronically 60 business days prior to the expiry date of this approval, that the approval is due to expire.	Not applicable	The approval is not due to expire in the near future.
	45. Within 20 business days after the completion of the Action, and, in any event, at least 20 business days before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data. The approval holder must submit any spatial data that comprises completion data as a shapefile.	Not applicable	The approval is not due to expire in the near future.



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