

19 September 2025

Robin Brown, Assistant Director

Nature Positive Regulation Division | Environment Assessments (Vic and Tas) and Post Approvals Branch | Tasmania Assessments Section

Department of Climate Change, Energy, the Environment and Water

Via email

Dear Robin,

Portland Energy Park

EPBC Referral 2024/09947 – Public Submissions and Response Letter

1.1 Introduction

Cogency Australia acts on behalf of Pacific Green Energy Park Portland Pty Ltd (Pacific Green) (the Proponent) in relation to EPBC Referral 2024/09947 (the Referral).

The Referral was made on 26 September 2024, and on 25 October 2024 was determined to be a Controlled Action subject to Preliminary Documentation assessment. On 20 August 2025, Pacific Green were instructed to place the draft Preliminary Documentation on public notice for 10 business days. The draft Preliminary Documentation was on public notice between 29 August 2025 and 12 September 2025.

1.2 Procedure after the end of period for comment

In accordance with s.95B(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), the Proponent must, as soon as practicable after the period for comment:

1. Prepare a document that:
 - a. sets out the information given to the Minister previously in relation to the action, with any changes or additions needed to take account of the comments; and
 - b. contains a summary of the comments received and how those comments have been addressed; and
2. give the Minister:
 - a. a copy of the document; and
 - b. a copy of the comments received.

1.3 Summary of public comments

Two submitters provided submissions (including attachments) in response to the public notice period for the draft Preliminary Documentation. Copies of the submissions (redacted for personal information) are enclosed with this letter, as submitted to Pacific Green.

Both submitters raise issues that are specific to the Portland Energy Park, as well as global matters and concerns regarding environmental, social and economic impacts of renewable energy (including social licence, contamination and impacts to consumers).

Submitter 1 has not provided information that is specific to the relevant matters of the Referral – being impacts to the following listed species: Blue-winged Parrot (*Neophema chrysotoma*), Southern Bent-wing



Bat (*Miniopterus orianae bassanii*), Southern Brown Bandicoot (*Isodon obesulus obesulus*), and Swamp Antechinus (*Antechinus minimus maritimus*) (Listed Species). Submitter 2 raises concern regarding measures to mitigate the impact to the habitat of the Listed Species.

The issues raised by each of the submitters, as well as the Proponent's response, are set out in Table 1 and Table 2 below.

Table 1 – Summary of submission 1 and response

Submitter 1 – email dated 7 September 2025, 10.36am		
Topic	Summary	Proponent response
Support for Portland Energy Park	Support for the Portland Energy Park and the need to deliver large scale energy storage facilities. Submitter 1 states their support is qualified to the extent that: - environmental safeguards, including as outlined in the Land Rehabilitation and Management Plan, are adhered to - design and landscaping of the facility, including habitat corridors, Indigenous and community-led design motifs, is considered further - opportunities for alliance with broader renewable augmentation are explored.	The Proponent notes the submitter's support for the Portland Energy Park. The submitter's qualifications to its support are addressed separately in response to each topic below. No further action is required.
Environmental Safeguards	Environmental safeguards in referral material have the potential to strengthen project's social licence. Submitter 1 requests that environmental protection measures, as set out in the Land Rehabilitation Plan, are monitored and reported on.	The Proponent is committed to environmental safeguards, as demonstrated in its management plans. The LMRP and EMP contain measurable actions with commitments to monitor and report. No further action is required.
Design and Visual Amenity	Importance of aesthetics for large infrastructure projects. Notes that landscaping and integrated artworks could facilitate with integration of the facility into the landscape and help community embracing the project.	As part of the planning permit application (Victoria), the Proponent has submitted a landscape concept plan, and will be required to prepare and submit a detailed Landscape Plan prior to construction commencement. The Proponent is committed to significant landscape planting. No further action is required.
Synergy with Broader Renewable Augmentation	BESS could contribute to broader Renewable Energy Zone augmentation. Submitter 1 notes complementary plans they are researching regarding the "Morrison model", which comprise of different renewable energy infrastructure (solar, BESS, geothermal, wind). The submission attaches academic paper: "<i>Blockchain based sustainable energy transition of a Virtual PowerPlant: Conceptual framework design & experimental implementation</i>" (Kaif et al., 2024) in support of the comments regarding the contribution of battery storage to firm local renewables and coordinate with thermal loads from geothermal networks.	The Proponent supports Renewable Energy Zone investment and agrees that BESS are one part of an energy mix required to support the transition to renewable energy. This action is a standalone project although offers future flexibility in the grid, though exact specifications are subject to commercial agreements. No further action is required.
Contribution to Climate Goals	Local projects, including the Portland Energy Park, can meaningfully contribute to Australia's efforts to cut greenhouse gas emissions, in line with its commitments under the Paris Agreement. This impact can be multiplied when coupled with renewable energy generation and geothermal technologies.	The Proponent agrees that the Portland Energy Park can meaningfully contribute to Australia's greenhouse gas emissions, as its storage capability supports additional renewable energy generation. As a

Submitter 1 – email dated 7 September 2025, 10.36am		
Topic	Summary	Proponent response
	Submitter 1 refers to a number of papers, and attaches academic paper: “20 years of exploitation of the Yarragadee aquifer in the Perth Basin of Western Australia for direct-use of geothermal heat” (Pujol et al., 2015) in support of the comments regarding battery energy storage facilities’ local contribution (although this article appears to focus support on geothermal projects specifically).	grid-connected BESS, it is agnostic to additional generation projects. The article referenced appears to support projects that provide longer-duration energy than fully variable renewable energy sources. No further action is required.
Staging	Staging for the submitter’s proposed augmentation proposal. Submitter 1 outlines the benefits that taking a staged approach could deliver (including keeping project risks low, aligned with maintaining safeguards against environmental and social risks).	The Proponent notes the submitter’s view. Construction of the Portland Energy Park segments the project into four battery parks. No further action is required.

Table 2 – Summary of submission 2 and response

Submitter 2 – email dated # September 2025, [time]		
Topic	Summary	Proponent response
Contamination, and impact on health and the environment	Portland Energy Park will have a negative impact on human and environmental health, including as a result of potential contamination of land and water. The project is inconsistent with principles of ecological sustainable development. Submitter 2 states that the contamination of water is inconsistent with National and International laws and policies, including Australian Drinking Water Guidelines and the Stockholm Convention. Submitter 2 also refers to and links a number of articles regarding the production of PFOS and PFAS chemicals, and the health and environmental risks associated with these chemicals (including specifically as these relate to Lithium-ion batteries).	The Proponent is committed to developing safe and sustainable projects. The project design, planning permit application and Preliminary Documentation are informed by relevant technical studies that sufficiently address water management, including risk assessment and protocols, to ensure all risks are minimised. The action supports the principles of ecological sustainable development, as discussed in Section 8 of the Preliminary Documentation. No further action is required.
Commitment to protecting nature and caring for Country	Pacific Green are not nature positive and do not care for or recognise the importance of Country.	Pacific Green (the Person proposing to take the Action) is dedicated to creating a cleaner environment for our communities, by delivering innovative energy storage solutions that enable Australia’s net-zero transition. Pacific Green is committed to responsible development, as outlined in Section 1.5 and 1.6 of the Preliminary Documentation. No further action is required.
Protected matters – listed species	Measures to mitigate harm to listed species, including Blue-winged Parrot, Southern Bent-wing Bat, Southern Brown Bandicoot, and Swamp Antechinus will not be effective. Biodiversity Offsets are not sufficient.	The Proponent has undertaken significant effort to avoid and minimise all impacts to listed species. The LMRP specifically seeks to rehabilitate land on-site to improve overall ecology of the Site, and does not rely upon biodiversity offsets. No further action is required.

Submitter 2 – email dated # September 2025, [time]

Topic	Summary	Proponent response
	Submitter 2 states that biodiversity offsets are damaging to the environment, and lack transparency or environmental benefit. Submitter 2 also refers to and links article published on Crikey “Biodiversity Offsets Scheme Crisis” dated 18 May 2023 which discusses issues with biodiversity offset schemes.	
Costs of renewable energy and impact for consumers	The project is costly and will negatively impact energy consumers (through market manipulation). Submitter 2 refers to and links a number of articles and videos regarding the costs of renewable energy projects (including compared to other alternative energy sources), and the adverse impacts to the energy costs paid by consumers. A number of the articles and videos discuss the government’s messaging regarding the cost of renewable energy projects, compared with other energy sources.	Pacific Green disagrees with the comments raised. The privately funded project will contribute to established state and national policy to increase energy storage capacity. No further action is required.
Reliability	Portland Energy Park is short-term and fragile infrastructure and will be unreliable. Submitter 2 refers to a media release published by Institute of Public Affairs regarding AEMO’s failure to ensure affordable, secure and reliable energy supply.	Pacific Green disagrees with the comments raised. The action will support decades of energy storage. No further action is required.
Remediation	The project does not include an upfront decommissioning / rehabilitation bond, and Pacific Green does not provide a guarantee that the site will be returned to original land use or class.	Pacific Green have commercial agreements in place to ensure future decommissioning is funded. No further action is required.
Safety risks	The Portland Energy Park poses safety risks due to the potential for explosions and battery fires to occur at the facility, and the environmental and contamination effects from such incidents occurring. There is a lack of industry knowledge, regulation and guidance to address these potential safety risks. Submitter 2 provides links to a number of articles and videos which detail incidences and effects of battery fires, and discuss issues regarding battery energy storage safety risks.	Pacific Green disagrees with the comments raised. Significant research and knowledge exists, alongside dedication to developing a low-risk strategy and project. The planning permit application has been supported by a Preliminary Hazard Assessment and conditions of permit will require additional Fire Safety Study and authority approvals. The design was developed in line with CFA’s battery park safety guidelines and the relevant Australian and International standards. No further action is required.
Inconsistent with laws and policy	The impact of the Portland Energy Park on the environment and biodiversity (including due to contamination risks) has the effect that the project is inconsistent with national and international laws, treaties and policy, including: ▪ National Electricity Law ▪ Principles of Ecologically Sustainable Development	Pacific Green disagrees with the comments raised. The Proponent is committed to ensuring a safe, sustainable project with significant effort in developing risk mitigation strategies, an Environmental Management Plan (Appendix F of Preliminary Documentation) and further approvals required by

Submitter 2 – email dated # September 2025, [time]

Topic	Summary	Proponent response
	- Biodiversity Offset Requirements - Australian Drinking Water Guidelines, which includes guidelines relating to PFAS and health-related risks - Stockholm Convention, international environmental treaty aiming to protect human health and the environment from persistent organic pollutants - World Health Organisation's recognition of PFAS' as carcinogens - Federal PFAS ban, enacted under the Industrial Chemicals Environmental Management Standard on 1 July 2025 - LPA Accreditation - Paris Agreement - Modern Slavery laws - Social licence - Economic Prosperity and Productivity - National Security / Independent Energy Sovereignty. Submitter 2 refers to and links a number of articles and videos regarding the alignment of renewable energy projects with National and International laws and treaties.	Victorian authorities. The Action supports established energy policies, ecological sustainable development, and is highly cognisant of risks and risk management. Sections 7 and 8 of the Preliminary Documentation specifically address social, economic and legislative matters. Pacific Green is committed to ESG principles, including ethical supply chain and labour conditions. No further action is required.
Impact on food production	The Portland Energy Park will adversely impact future food production. The project is inconsistent with the terms of the Paris Agreement to increase ability to adapt to climate change in a manner that does not threaten food production, and the Livestock Production Association Program. Submitter 2 refers to a Facebook post, which contains a video news report of Barnaby Joyce being interviewed about Livestock Production Assurance Program.	The Portland Energy Park site is located within heavy industrially-zoned land and will not impact upon food production. No further action is required.
Lack of social licence	There is no social licence for the Portland Energy Park. Submitter 2 refers to and links a Community Impact Survey, dated April-May 2024, conducted by Property Rights Australia (Survey).	The Proponent notes that the Survey concerns community sentiment toward renewable energy projects in general but does not specifically refer to Portland Energy Park. Appendix I of the Preliminary Documentation is the Consultation Summary Report, detailing Pacific Green's high level of commitment to community and stakeholder engagement. No further action is required.
Foreign interference	Renewable energy projects, including the Portland Energy Park, raise concerns regarding China's interference in Australia.	Pacific Green disagrees with the comments raised. No further action is required.

Submitter 2 – email dated # September 2025, [time]		
Topic	Summary	Proponent response
	Submitter 2 refers to and links a number of articles regarding China and its role and agenda in the renewable energy transition, renewable energy projects and battery supply.	
Cyber security risk	Submitter 2 includes a link to a Substack post “Beautifully Hackable” by Irina Slav dated 12 August 2024 which discusses an FBI issued notification regarding the expansion of US renewable energy industry increasing the risk of malicious cyber actors.	Pacific Green considers this comment extraneous and irrelevant to the EPBC Act, and indeed disagrees. Regardless, cybersecurity measures are being implemented into the design to mitigate any risks. No further action is required.
Modern Slavery	Submitter 2 includes a link to an article published by the Australian Strategic Policy Institute dated 6 September 2024. The article discusses the supply chain concerns with renewable energy projects, including battery projects, across Australia. The article discusses supply chain and modern slavery risks arising from products and materials being supplied by the People's Republic of China and Xinjiang Uyghur region. The article notes the two countries are reported to have forced labour practices.	As submitted with the initial Referral, and reiterated in Section 1.5 of the Preliminary Documentation and publicly accessible information on Pacific Green's website, the Proponent is dedicated to ESG principles, including responsible supply chains. No further action is required.
Offshoring production	Submitter 2 includes a link to an article “Crying Shame”: Inside the demise of Australia's only battery maker” dated 5 September 2025 and published in the Financial Review, which discusses company Energy Renaissance and the demise of domestic battery production.	Pacific Green considers this comment extraneous and irrelevant to the EPBC Act and Portland Energy Park. No further action is required.
Audit into renewable energy projects	Submitter 2 states their concerns with the renewable energy sector, including supply chains, governance personnel and regulators. States a moratorium, comprehensive audit and royal commission is required with respect to renewable energy projects.	Pacific Green disagrees with the comments raised. No further action is required.

1.4 Amendments to Preliminary Documentation

Following its review of the submissions, the Proponent does not consider that the information provided to the Minister on 19 August 2025 (being the draft Preliminary Documentation) is required under the EPBC Act to be modified. This is on the basis that:

1. The comments that relate to the Portland Energy Park include support for the action, as well as criticisms that the Proponent considers are sufficiently addressed through its conscientious design of the project, as well as supporting technical assessments completed for the EPBC Act Referral and Victorian planning permit application.
2. The comments that relate to the matters of National Environmental Significance impacted by the Portland Energy Park do not include any specific details that can be addressed. Criticisms of the action for impacts upon MNES are broad statements only. Pacific Green considers the Preliminary Documentation provides sufficient and appropriate detail on how the action addresses potential impacts to MNES.

In accordance with s 95B(1)(a)(i), a copy of the (now final) Preliminary Documentation, without modification, is enclosed with this letter.

1.5 Publication of Response

The Proponent confirms it will publish this response document and final Preliminary Documentation in accordance with s.95B(2) of the EPBC Act and notify DCCEEW once it has done so.

Should you have any questions, please do not hesitate to contact me on 04 52 593 428 or at billy@cogencyaustralia.com.au.

Yours Sincerely,



Billy Greenham,
Associate Director
Cogency Australia