STOP THE GAS PLANT
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REQUEST FOR MINISTERIAL INTERVENTION UNDER SECTION 70 OF THE EPBC ACT

Southern Highlands Data Campus Power Station, 30 Douglas Road, Moss Vale

16 September 2026

The Hon Murray Watt MP
Minister for the Environment and Water
Parliament House
CANBERRA ACT 2600

Dear Minister Watt,

Cc: Carol Berry MP, [redacted]

Introduction

We are writing on behalf of Stop the Gas Plant – Southern Highlands, a community campaign opposing a gas-fired power station and data center campus proposed at 30 Douglas Road, Moss Vale, to formally request your urgent intervention under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) regarding an undeclared 703.2MW gas-fired power station being pursued by Nakar Property Pty Ltd (trading as Cloud Carrier and Square Energy) at that site.

We request that you exercise your ministerial "call-in" powers under section 70 of the EPBC Act to declare this proposal a controlled action, on the basis that it has severe, unassessed impacts on matters of national environmental significance. Our reasons are set out below.

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- **Stage 1 (SQE1, DA 24/0055)** — a 14MW facility, approved April 2024 via Land and Environment Court conciliation.
- **Stage 2 (SQE2, DA 26/0352)** — a 16.5MW expansion with a 30MW Battery Energy Storage System, currently before the Land and Environment Court.
- **Stage 3 (SSD-102795459)** — a 673.2MW State Significant Development for 19 further generation halls. Secretary's Environmental Assessment Requirements (SEARs) were issued 22 December 2025; the project remains in the "Prepare EIS" phase and no EIS has yet been lodged.

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The applicant's Statement of Environmental Effects asserts that a Commonwealth referral is not required because the immediate dirt footprint contains minimal native vegetation. This ignores the site's severe, un-modelled exposure pathways to highly protected receptors immediately off-site.

2. The site's drainage threatens EPBC-listed species dependent on the Wingecarribee River corridor

Surface water and overland drainage lines on the site flow east, draining directly into the Wingecarribee River corridor towards Berrima — habitat relied on by the EPBC-listed species set out below. We raise this as a species-based connection to matters of national environmental significance, not as a water catchment risk in its own right: we recognise the EPBC Act's water trigger is narrowly defined and that the Sydney Drinking Water Catchment designation is a state instrument. For context only, the same drainage line also lies within Drinking Water Sub-Catchment 16 (Wingecarribee River) and ultimately feeds Lake Burragorang (Warragamba Dam), which supplies drinking water to more than five million people.

Along this downstream corridor, the Department's Protected Matters Search Tool identifies **8 Threatened Ecological Communities, 80 Threatened Species, and 12 Migratory Species** within the site's immediate impact buffer. In particular, the following EPBC-listed matters are present and, in our view, warrant assessment as matters of national environmental significance potentially affected by this proposal:

- **Macquarie Perch** (*Macquaria australasica*) — Endangered — found throughout the Wingecarribee and Wollondilly River catchment. This species is highly vulnerable to sedimentation, altered flow regimes, and chemical contamination. Un-modelled stormwater bypass and potential toxic firewater runoff from the proposed 30 MW lithium battery compound pose a serious threat to downstream populations.
- **Koala** (*Phascolarctos cinereus*) — Endangered — The site sits within the NSW Koala Strategy Southern Highlands Priority Population Area. Core habitat corridors run along the riparian zones of the Wingecarribee River, which this species heavily utilises for regional movement and refuge.
- **Southern Heath Frog** (*Rawlinsonia watsoni* – Endangered), **Northern Heath Frog** (*Litoria littlejohni* – Endangered), and the **Stuttering Frog** (*Mixophyes balbus* – Vulnerable). These sensitive amphibian species rely on pristine, slow-flowing watercourses and are exceptionally vulnerable to hydrological alterations and toxic chemical runoff (such as Hydrogen Fluoride off-gassing) that are threatened by this development.
- **Grey-headed Flying-fox** (*Pteropus poliocephalus*) — Vulnerable — forages along the Wingecarribee River riparian corridor.
- **Large-eared Pied Bat** (*Chalinolobus dwyeri*) — Vulnerable — forages along sandstone gorge watercourses downstream.

The site supports mapped occurrences of two Critically Endangered Ecological Communities listed under the EPBC Act: **Southern Highlands Shale Forest and Woodland in the Sydney Basin Bioregion**, and **White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland**. Unmodelled bank scouring and erosion associated with the proposed watercourse realignment directly threatens the geomorphological stability of the banks supporting these communities.

We are concerned that the site's civil works propose realignment of on-site watercourses without full hydraulic flood modelling having been made public, and that the cumulative water demand of a 67-hectare gas and data centre precinct — for cooling, dust suppression and site operations — has not been transparently disclosed or assessed against catchment security.

3. The atmospheric pathway also threatens EPBC-listed wetland species

The site's prevailing wind is west-to-east, established by long-term meteorological data recorded at the Moss Vale automatic weather station and used in the proponent's CALMET modelling. This creates a continuous atmospheric corridor from the proposed 23.5m exhaust stacks directly towards Burradoo and north-eastern Moss Vale.

Approximately 1.5-2km directly downwind (east) of the site lies the **Cecil Hoskins Nature Reserve**, a State reserve & listed migratory habitat of national ecological significance. This ecosystem supports critical habitat for more than 90 native bird species, including migratory waterbirds protected under international treaties (JAMBA, CAMBA and ROKAMBA).

The following EPBC-listed species that rely on this wetland (as well as the Wingecarribee river corridor downstream of the subject site) and are, in our view, matters of national environmental significance warranting assessment against the atmospheric pathway from this proposal:

- **Curlew Sandpiper** (*Calidris ferruginea* – Critically Endangered), **Australasian Bittern** (*Botaurus poiciloptilus* – Endangered), and **Australian Painted Snipe** (*Rostratula australis* – Endangered). Protected under international treaties (JAMBA, CAMBA, ROKAMBA) and exposed to airborne chemical deposition on foraging grounds.
- **Regent Honeyeater** (*Anthochaera phrygia* – Critically Endangered) and **Swift Parrot** (*Lathamus discolor* – Critically Endangered) Exposed to airborne toxic plumes while utilising flowering canopy trees downwind.

We are concerned that the applicant's environmental studies have not assessed the impact of continuous combustion emissions or the risk of a hazardous chemical plume from a battery thermal runaway event, on these federally protected receptors. We also note, for context (rather than as an EPBC matter in itself), that Bong Bong Common - a historic recreation reserve and wetlands floodplain approximately 1.3-1.7km east of the site- sits on the same downwind corridor and that the applicant's own visual impact assessment confirms the proposed generation halls and exhaust plumes will be visible from the Bong Bong Common walking track.

The complete list of matters of national environmental significance identified for this site, generated from a formal tracing of the on-site water course to the Wingecaribee River, is attached as **Addendum A** (EPBC Protected Matters Search Tool Report, 05 August 2026).

4. Additional Commonwealth-interest context

We also note, as additional context rather than a further matter of national environmental significance in its own right, that the proposed generation precinct shares its site with the existing 'DB1' data building, which is publicly described as operating to the Federal Protective Security Policy Framework (PSPF) and SCEC standards. We think your office should be aware that a facility of this scale is being constructed on the same site, though we recognise this alone does not establish an EPBC connection.

Separately, the site is less than 1km from the Garvan Institute's Australian BioResources facility, a nationally significant medical research facility supporting federally funded cancer and Alzheimer's research. We raise this as a matter your office may wish to be aware of, rather than as an independent basis for intervention: continuous, 24-hour reciprocating gas engine vibration and noise from a facility of this scale, including exhaust stacks of up to 23.5 metres, in proximity to this research facility.

5. The proposal has proceeded without the agency consultation the law requires

A GIPA application (26-4235) established that the NSW Department of Planning, Housing and Infrastructure did not consult the EPA, NSW Health, Endeavour Energy or Wingecarribee Shire

Council before issuing SEARs for the SSD application in December 2025, and that this occurred after the proponent indicated it would commence legal action if SEARs were delayed. We consider this

relevant to whether the state process to date can be relied upon to capture Commonwealth-level risks, and why Commonwealth oversight is needed now rather than deferred to a later EIS stage.

6. What we are asking

Specifically, we ask that you:

- As the Minister responsible for water: direct your department to assess the cumulative runoff, contamination and drawdown risks this proposal poses to the Sydney Drinking Water Catchment, and to the EPBC-listed species dependent on it.
- As the Minister responsible for the environment: exercise powers under Section 70(1) to direct Nakar Property Pty Ltd to formally refer the action, or issue a determination under Section 70(2) so that the proposal receives a unified federal environmental assessment rather than proceeding piecemeal through state and local approval pathways.
- As a matter of process: we would welcome the opportunity to meet with the National EPA to discuss the matters raised in this letter directly, ahead of any advice it provides to you on this request.

We recognise this is a significant step, and we do not ask for it lightly. We would welcome the opportunity to discuss this request, and the material underpinning it, with your office directly.

Thank you for your consideration.

This letter is made on behalf of the Stop the Gas Plant – Southern Highlands community campaign and is authorised by its coordinating volunteers, the signatories below.

Signed:

Names, titles and signatures of the signatories removed for online publication