Bannaby Battery Energy Storage System

Application Number: **03372** Commencement Date: **13/03/2026** Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Bannaby Battery Energy Storage System

1.1.2 Project industry type *

Energy Generation and Supply (renewable)

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/07/2027

1.1.4 Estimated end date *

30/06/2059

1.2 Proposed Action details

1.2.1 Provide an overview of the proposed action, including all proposed activities. *

Bannaby Unit Holding Pty Ltd (the Applicant) is seeking to construct, operate and decommission a battery energy storage system (BESS) and ancillary infrastructure at Bannaby, NSW (the project, which comprises the 'proposed action' that is the subject of this referral).

The project is currently being assessed as a State Significant Development (SSD) under clause 2.6 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

The project is located across three properties at 365, 409, and 486 Hanworth Road in Bannaby, NSW, situated approximately 18 kilometres east of the township of Taralga. This rural setting offers the necessary land availability and environmental conditions suitable for the project. The project area includes the existing Bannaby 500 kilovolt (kV) substation, to facilitate connection to the NSW high voltage electricity transmission network. The project area and associated disturbance footprint and avoidance area are shown on Figure 1 (Attachment (Att) 1). The various project components that make up the disturbance footprint for the project are shown on Figure 2 (Att 2).

The key features of the project include:

- a utility scale 700 MW battery energy storage system
- a project substation, operations and maintenance facilities, internal access roads
- fire safety, security, drainage, power control, transformers, switchgear and other associated electrical infrastructure
- connection infrastructure from the project substation to the existing Bannaby 500 kV substation
- associated temporary and permanent ancillary infrastructure, including a site office, compounds and laydown areas
- works at the existing Bannaby 500 kV substation to facilitate connection to the existing NSW high-voltage transmission system.

The project would require the clearance of native vegetation and associated threatened species habitat during construction to facilitate access, earthworks and general site preparation. Clearing methods have been determined with consideration to vegetation type or structure, slope and terrain, and environmental and ecological constraints. Suitable construction and operational access to the project area is available via Hanworth Road and the existing Bannaby 500 kV substation access road and so the project does not include any upgrades to these formed roads.

It is anticipated that construction would start in 2027 subject to obtaining all necessary approvals and would take approximately 18 months to complete. The project will require a peak construction workforce of 150 personnel over the period of approximately 5 months.

The project is proposed to operate remotely 24 hours a day seven days a week. The project is currently anticipated to be operated for at least 30 years. The project will be regularly and routinely maintained, and infrastructure may be repaired and/or replaced as required. If the project were to be decommissioned, decommissioning activities would remove above-ground infrastructure from the site and take about 12-24 months to complete.

The project is subject to approval by the Minister for Planning and Public Spaces and is to be assessed in accordance with the provisions of section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A 'Biodiversity Development Assessment Report' (BDAR) has been prepared by an accredited assessor in accordance with the *NSW Biodiversity Conservation Act 2016* (BC Act) and Biodiversity Assessment Method 2020 (BAM). Biodiversity offsets forunavoidable residual impacts will be secured in accordance with the NSW Biodiversity Offset Scheme (BOS).

Project need

The NSW energy system is undergoing significant change, driven by the progressive retirement of the coal fired generation fleet that now provide approximately 60% of NSW generation [1]. Traditional energy generation is being replaced by new generation sources and increasingly firmed by battery and other

storage projects. To maintain a stable, secure and reliable energy system, energy storage plays a central role by providing firm and dispatchable energy capacity, enabling electricity to be supplied during periods of high demand, reduced variable output or broader system stress.

The NSW Electricity Strategy (NSW Government, 2019) sets out the NSW Government's plan to deliver a reliable, affordable and sustainable electricity system (Department of Planning, Industry and Environment (DPIE), 2019). The strategy recognises that renewable generation, supported by firming and storage technologies including battery energy storage systems, is required to replace retiring coal fired capacity while maintaining grid stability and energy security. More recently, the Energy Security Target framework and associated Energy Security Target Monitor have been established to identify and manage forecast shortfalls during peak demand periods through procuring support from utility scale battery projects.

The Bannaby BESS project would support the NSW electricity system by providing large scale, firm and dispatchable capacity, contributing to system reliability and resilience and supporting the secure operation of the NSW energy system. The project would contribute to grid stability and reliability by storing electricity during periods of higher generation and dispatching it when required. This capability supports the efficient utilisation of existing and proposed generation in the region by providing storage capacity to the high voltage transmission network. In doing so, the project would assist in meeting periods of peak demand, responding to unexpected outages, and helping to firm generation.

Project components

The project involves the construction and operation of a utility scale BESS, with associated ancillary facilities and connection infrastructure. A conceptual layout of key project components is provided in Figure 2 (Att 2) which includes:

- A BESS compound including:
    - Battery containers comprising lithium-ion type batteries, battery management system, fire suppression system and thermal management system
    - Medium and low voltage cabling, communications and earthing, underground cable pits and conduits
    - Power conversion systems
    - Stormwater infrastructure and detention basin
    - Dedicated fire water tanks
- A substation including:
    - Switch rooms and a control room
    - Transformers
    - Underground cabling
    - Connection infrastructure:
    - An overhead transmission line from the BESS substation to the existing Bannaby 500 kV substation
    - Enabling works at the Bannaby 500 kV substation to facilitate the physical connection of the project to the existing high voltage electricity network.

Other temporary ancillary works required for construction and operation of the project include:

- operation and maintenance facilities (including a site office), access tracks and site parking
- security systems
- sitepower, water and wastewater facilities landscaping and maintained asset protection zones.
- temporary construction compound and amenities
- temporary access tracks and carpark
- stockpiles, refuelling and laydownareas for equipment and materials during construction.

Activities associated with construction of this infrastructure would include:

- site preparation and earthworks – clearing, grubbing, and stripping of topsoil/subsoil; grading and cut/fill to establish level construction platforms and drainage.
- foundation and civil works – construction of concrete slabs and foundations for BESS infrastructure, including battery units, transformers and associated equipment.
- BESS installation – delivery, placement and electrical fit-out of battery containers/modules, power conversion systems and transformers (including OSOM movements), and installation of earthing systems.
- substation and switchyard construction – installation of on-site switchyard and substation to integrate the BESS with the transmission network.
- transmission connection works – construction of the 500 kV overhead transmission line and modification works at the existing Bannaby substation.
- ancillary infrastructure installation – development of drainage (including bio-retention basins), internal access, and parking areas, and fit-out of on-site buildings.
- progressive stabilisation and material management – stockpiling and reuse of soils/vegetation, erosion and sediment control, and progressive rehabilitation of disturbed areas.
- commissioning and testing would include final inspection and testing of all proposed facilities to ensure they operate as intended.

Activities associated with the operation of the project would include:

- remote monitoring and operation of the site, 24 hours a day 7 days a week
- regular and routine maintenance.

Activities associated with the decommissioning of the project would include:

- operational wind-down and planning – preparation of a Decommissioning Management Plan in consultation with relevant stakeholders.
- demobilisation of infrastructure – removal of all above-ground infrastructure, plant, equipment and utilities (excluding infrastructure within the existing Bannaby 500 kV substation, unless otherwise agreed).
- dismantling and removal works – staged deconstruction and removal of BESS components, substation elements (excluding Bannaby substation), and associated infrastructure over approximately 12–24 months.
- material management and reuse – salvage, recycling or disposal of materials, with consideration of adaptive reuse of buildings, infrastructure or utilities where feasible.
- site rehabilitation – restoration of disturbed areas to an agreed condition in consultation with landowners.

1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? *

Commonwealth legislation:

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's primary environmental legislation. It provides a legal framework to protect matters of national environmental significance (MNES), the environment of Commonwealth land, and actions undertaken by Commonwealth agencies. In accordance with the EPBC Act, actions that have, or are likely to have, a significant impact on a matter protected under the Act must be approved by the Australian Minister for the Environment and Water.

The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES), which are listed in section 4.1 of this form.

An assessment of the project has been undertaken following more than two years of on-ground ecology survey and extensive iterative design. The project is being referred on the basis that the impacts to MNES are not significant. This assessment is based on multiple rounds of targeted biodiversity surveys through 2024 and 2025 as documented in the Final Draft Biodiversity Development Assessment Report (BDAR), attached in support (Att. 3).

The project is not being carried out by a Commonwealth agency and does not involve Commonwealth land.

Native Title Act 1993

The *Native Title Act 1993* recognises and protects native title rights in Australia. It allows a native title determination application (native title claim) to be made for land or waters where native title has not been extinguished by (for example) the grant of freehold title to land. A register of native title claims is maintained by the National Native Title Tribunal (NNTT.)

The project is located on land held in fee simple. A search of the NNTT was undertaken in April 2026 and the project is within the located within the Gundungurra Area Agreement ILUA (Tribunal No: NI2014/001, registered in February 2015.) The ILUA covers an area of about 6,942 square kilometres southwest of Sydney (OEH 2014) and does not include the recognition of native title.

New South Wales legislation

Environmental Planning and Assessment Act 1979

The project is SSD under section 4.36(2) of the EP&A Act and clause 2.6(1) of the Planning Systems SEPP. The project meets the definition of SSD under clause 20 of Schedule 1 to the Planning Systems SEPP as it has a capital investment value exceeding $30 million.

The project is characterised as electricity generating works under clause 2.36 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) and is permissible with development consent on land zoned for prescribed non-residential purposes, including RU2 Rural Landscape. The project is located on land zoned RU2 Rural Landscape under the *Upper Lachlan Local Environmental Plan 2010* and is therefore permissible with consent under clause 2.36(1)(b) of the Transport and Infrastructure SEPP. Clause 2.36 of the Transport and Infrastructure SEPP prevails over the zoning provisions of the Upper Lachlan LEP to the extent of any inconsistency.

In accordance with section 4.5 of the EP&A Act, the consent authority for SSD is the NSW Minister for Planning and Public Spaces. An Environmental Impact Statement (EIS) is in preparation for the project in accordance with Division 4.7 of the EP&A Act and the Secretary's Environmental Assessment Requirements (SEARs) issued 23 January 2025.

In accordance with section 4.41 of the EP&A Act, certain approvals that may otherwise have been required under other legislation are not required for an approved SSD. Approvals under other specified NSW legislation that may apply to the project must instead be applied consistently with any SSD consent granted, in accordance with section 4.42 of the EP&A Act.

Biodiversity Conservation Act 2016

The BC Act provides the statutory framework for conserving biodiversity in NSW and aims to maintain a healthy, productive and resilient environment consistent with the principles of ecologically sustainable development. The BC Act provides for the listing of threatened species and threatened ecological communities (Part 4), establishes the NSW Biodiversity Offset Scheme (Part 6), and sets out requirements for biodiversity assessment and approvals under Part 7 of the EP&A Act.

Sections 7.9(1) and 7.9(2) of the BC Act provide that an application for approval of SSD under the EP&A Act must be accompanied by a BDAR prepared by an accredited assessor in accordance with the BAM.

Section 7.14(2) of the BC Act further provides that, when determining an application in accordance with the EP&A Act, the Minister for Planning and Public Spaces must take into account the likely impacts of the proposed development on biodiversity values as assessed in the BDAR and may require biodiversity offsets to be secured through the NSW Biodiversity Offset Scheme.

A BDAR has been prepared for the Bannaby BESS project in accordance with section 7.9 of the BC Act and the Biodiversity Assessment Method 2020. The referral is informed by detailed biodiversity surveys and assessment undertaken for the purposes of the BDAR. The Final Draft BDAR is included as Att. 3. The Final BDAR will be certified in accordance with the BC Act and included as an attachment to the EIS for the project. However, it is important to note that the version of the BDAR attached to this referral is complete and based on finalised surveys and assessment in accordance with the BAM and associated guidelines. The BDAR includes an assessment of potential impacts for each MNES relevant to the project area including assessments of significance for species that have been recorded and/or that have a ‘Moderate’ or ‘High’ potential quantum of impact (Att. 3 section 5.3 and Appendix H). The conclusions of these assessments are that the project is unlikely to result in a significant impact on any MNES.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides the statutory framework for the protection and management of Aboriginal objects, places and cultural heritage in New South Wales. Archaeological investigations undertaken for the BESS, undertaken in consultation with the Registered Aboriginal Parties (including Gundungurra Aboriginal Heritage Association, Mulwaree Aboriginal Community, and Pejar Local Aboriginal Land Council, Lachlan Coe, Sonione Rogers, and a confidential Stakeholder 1), identified the presence of a potential archaeological deposit (PAD) within the broader project area. The project design has been refined to avoid this PAD, which is located outside the proposed disturbance footprint.

In accordance with the requirements of the project EIS, an Aboriginal Cultural Heritage Assessment Report (ACHAR) is being prepared for the proposed action.

In accordance with section 4.41 of the EP&A Act, an Aboriginal Heritage Impact Permit under section 90 of the NPW Act is not required for an approved SSD.

Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides the statutory framework for the sustainable management and protection of water resources in New South Wales, including surface water, groundwater and catchment conditions, for the benefit of present and future generations.

During construction of the project, non-potable water would primarily be required for dust suppression and earthworks. During operation, limited water use (potable and non-potable) would be required for fire protection and maintenance activities. With the implementation of appropriate erosion and sediment

controls, potential impacts on surface water and groundwater resources are expected to be negligible. Construction and operational activities would be undertaken in accordance with a project-specific Soil and Water Management Plan.

In accordance with section 4.41 of the EP&A Act, a water use approval, water management work approval or activity approval under sections 89, 90 or 91 of the WM Act is not required for an approved SSD.

NSW Environmental Planning Instruments

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across New South Wales.

Clause 2.36(1)(b) of the Transport and Infrastructure SEPP applies to development for the purpose of electricity generating works and provides that development for this purpose is permissible with development consent if carried out on land within a prescribed non-residential zone.

The project is located within the Upper Lachlan Shire Council local government area and is zoned RU2 Rural Landscape under the Upper Lachlan Local Environmental Plan 2010. In accordance with clause 2.36 of the Transport and Infrastructure SEPP, RU2 Rural Landscape is a prescribed non-residential zone. The project is therefore permissible with development consent on the project area. Clause 2.36 of the Transport and Infrastructure SEPP prevails over the zoning provisions of the Upper Lachlan LEP to the extent of any inconsistency.

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP establishes the framework for identifying development that is SSD, State Significant Infrastructure and regionally significant development.

Section 4.36(2) of the EP&A Act provides that a State environmental planning policy may declare development, or a class of development, to be SSD.

The project is SSD in accordance with clause 2.6(1) of the Planning Systems SEPP, as it constitutes electricity generating works with a capital investment value exceeding $30 million, consistent with clause 20 of Schedule 1 to the Planning Systems SEPP. As a result, the project is subject to assessment and approval as SSD under the EP&A Act. Planning SEARs have been issued for the project in January 2025, and an EIS has been prepared in accordance with those requirements.

1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. *

Consultation with key stakeholders has been ongoing during the development of the project and has continued throughout preparation of the EIS. Following the public announcement of the project in January 2025, the applicant commenced a continuous program of community and stakeholder engagement to raise awareness of the project, understand stakeholder issues and gather feedback to inform project design and assessment.

The consultation approach supports:

- compliance with statutory requirements and expectations (including SEARs-related engagement expectations)
- keeping the community and stakeholders informed about the project and opportunities to participate
- identifying and considering stakeholder feedback and key issues during design refinement and assessment.

Engagement channels and communication materials

Key communication materials and engagement channels include:

- a dedicated project website providing a central source of project information and engagement materials: https://www.bannaby-bess.com.au/
- a free call information line and project email contact for enquiries and feedback (including 1800 810 680 and cominput@ghd.com)
- distribution of communication materials (e.g., project updates, newsletters, fact sheets and letters/emails) via direct mail, letterbox drops and email lists to support awareness and invite participation
- notification letters issued to local residents/landholders during the project's planning phases, including scoping and EIS preparation updates
- in-person community engagement sessions.

Stakeholder and agency engagement

During preparation of the EIS, consultation has been undertaken with stakeholder groups including relevant local, State and Commonwealth government agencies, infrastructure/service providers, community groups and landowners. Engagement has included the following meetings and briefings (including one-on-one and small group discussions), site visits, and ongoing landholder engagement:

- Upper Lachlan Shire Council project briefings and updates held in November 2024, December 2025 and March 2026
- Taralga Rural Fire Service project briefing held in February 2026
- Field survey with Registered Aboriginal Parties in December 2026, and ongoing engagement
- Discussions with neighbouring properties of the project area.

Government agencies have been consulted throughout the preparation of the BDAR. Meeting dates, attendance and agenda topics are summarised in Table 2.1 of the BDAR Att. 3 and include:

- NSW DCCEEW meetings and email communication to discuss survey methodology, cumulative impacts, refining the subject land and habitat connectivity
- Cth DCCEEW pre-referral meeting to discuss BDAR surveys and assessment completed, potentially affected MNES and initial conclusion of our assessment of potential impacts to MNES as not significant

Community consultation

Community consultation has included advertised drop-in information and consultation sessions held in November 2024 and March 2026 to provide opportunities for community members and stakeholders to discuss project details with the project team, ask questions and provide feedback.

The project has also committed to ongoing engagement during the EIS public exhibition period, including continued updates via the project website and additional community information/consultation sessions as appropriate.

Consultation with Indigenous stakeholders

The applicant has undertaken culturally informed engagement to support the Aboriginal cultural heritage assessment and broader engagement for the project, consistent with NSW engagement guidance and EIS requirements. This has included numerous briefings, project updates and site visits since 2024 with Aboriginal stakeholders including Gundungurra stakeholder organisations and Registered Aboriginal Parties noted as Gundungurra Aboriginal Heritage Association, Mulwaree Aboriginal Community, and Pejar Local Aboriginal Land Council, Lachlan Coe, Sonione Rogers, and a confidential Stakeholder 1.

Consultation to continue

Engagement will continue during the public exhibition of the EIS and, if the project is approved, through construction, operation and decommissioning. Stakeholders will be encouraged to provide feedback through the formal submissions process during exhibition, and issues raised will be addressed in a Submissions Report / Amendment Report.

1.3.1 Identity: Referring party

Privacy Notice:

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

By completing and submitting this form, you consent to the collection of all personal information contained in this form. If you are providing the personal information of other individuals in this form, please ensure you have their consent before doing so.

The Department of Climate Change, Energy, the Environment and Water (the department) collects your personal information (as defined by the Privacy Act 1988) through this platform for the purposes of enabling the department to consider your submission and contact you in relation to your submission. If you fail to provide some or all of the personal information requested on this platform (name and email address), the department will be unable to contact you to seek further information (if required) and subsequently may impact the consideration given to your submission.

Personal information may be disclosed to other Australian government agencies, persons or organisations where necessary for the above purposes, provided the disclosure is consistent with relevant laws, in particular the Privacy Act 1988 (Privacy Act). Your personal information will be used and stored in accordance with the Australian Privacy Principles.

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☑ **Confirm that you have read and understand this Privacy Notice ***

1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	39008488373
Organisation name	GHD PTY LTD
Organisation address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia

Referring party details

Name	Ben Harrington
Job title	Technical Director - Biodiversity
Phone	0407 049 006
Email	ben.harrington@ghd.com
Address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia

1.3.2 Identity: Person proposing to take the action

1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? *

No

1.3.2.2 Is Person proposing to take the action an organisation or business? *

Yes

Person proposing to take the action organisation details

ABN/ACN	677023611
Organisation name	Bannaby Unit Holding Pty Ltd
Organisation address	10-20 Gwynne St, Cremorne VIC 3121

Person proposing to take the action details

Name	Ronch Willner
Job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	10 - 20 Gwynne Street, Cremorne VIC 3121

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

Yes

1.3.2.16 Describe the nature of the trust arrangement in relation to the proposed action. *

The proposed action will be taken by Bannaby Unit Holding Pty Ltd (ACN 677 023 611) as trustee for Bannaby Unit Trust (ABN 33 132 681 067). The project is owned by the Bannaby Unit Holding Pty Ltd. The Bannaby Unit Trust acts through Bannaby Unit Holding Pty Ltd which is the entity appointed to represent the Bannaby Unit Trust, control its assets, and assumes the rights, obligations and liabilities for and on behalf of the trust. The trust deed will not be made publicly available as it is a confidential document.

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

Bannaby Unit Holding Pty Ltd has a satisfactory record of responsible environment management. There are no past or present proceedings under any relevant Commonwealth, State or Territory law associated with Bannaby Unit Holding Pty Ltd.

1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

Bannaby Unit Holding Pty Ltd environmental policy and planning framework requires compliance with all Commonwealth and State environmental and planning legislation. Bannaby Unit Holding Pty Ltd environmental policy and planning framework can be provided to the Department upon request.

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details

ABN/ACN	677023611
Organisation name	Bannaby Unit Holding Pty Ltd
Organisation address	10-20 Gwynne St, Cremorne VIC 3121

Proposed designated proponent details

Name	Ronch Willner
Job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	10 - 20 Gwynne Street, Cremorne VIC 3121

1.3.4 Identity: Summary of allocation

Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN/ACN	39008488373
Organisation name	GHD PTY LTD
Organisation address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia
Representative's name	Ben Harrington
Representative's job title	Technical Director - Biodiversity
Phone	0407 049 006
Email	ben.harrington@ghd.com
Address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia

Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	677023611
Organisation name	Bannaby Unit Holding Pty Ltd
Organisation address	10-20 Gwynne St, Cremorne VIC 3121
Representative's name	Ronch Willner
Representative's job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	10 - 20 Gwynne Street, Cremorne VIC 3121

Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? *

No

1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? *

No

1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?

No

1.4.7 Has the department issued you with a credit note? *

No

1.4.9 Would you like to add a purchase order number to your invoice? *

No

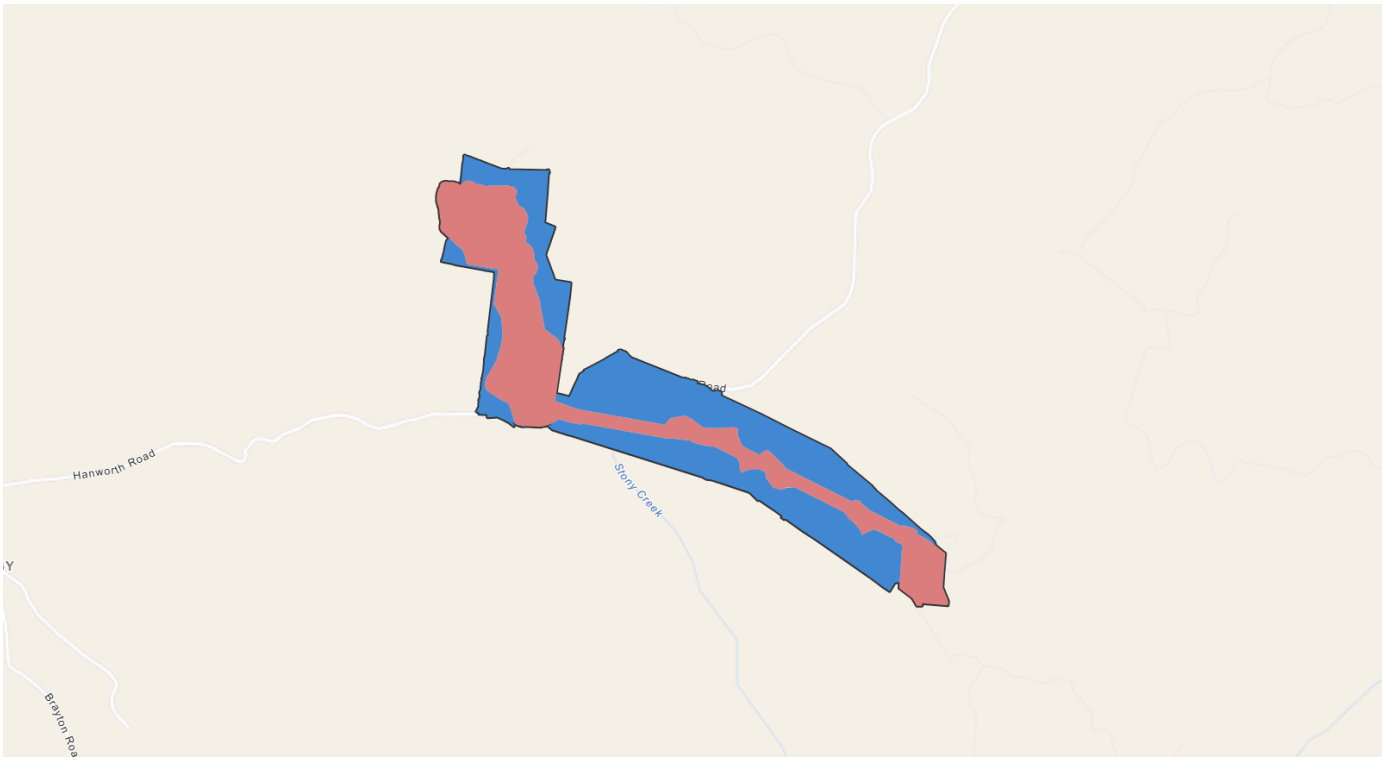
1.4 Payment details: Payment allocation

1.4.11 Who would you like to allocate as the entity responsible for payment? *

Proposed designated proponent

2. Location

2.1 Project footprint



Project Area: 156.59 Ha **Disturbance Footprint:** 67.83 Ha **Avoidance Area:** 88.76 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

365, 409 and 486 Hanworth Road, Bannaby NSW 2580

2.2.2 Where is the primary jurisdiction of the proposed action? *

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

The project is located on freehold land.

3. Existing environment

3.1 Physical description

3.1.1 Describe the current condition of the project area’s environment.

The project is located in the Upper Lachlan Shire local government area near Bannaby, NSW, across multiple land parcels at 365, 409 and 486 Hanworth Road, Bannaby NSW (Figure 1, Att 1). The project area comprises approximately 68 hectares. The project area includes Lot 16 DP 750005, Lot 17 DP 750005, Lot 1 DP 938180, Lot 1 DP 873186, Lot 2 DP 1096390 and Lot 401 DP 1265813, and is zoned RU2 Rural Landscape under the Upper Lachlan Local Environmental Plan 2010.

The project area encompasses three properties, two of which are located north of Hanworth Road and one located south of Hanworth Road as well as parts of the Hanworth Road road reserve between the northern and southern properties. The proposed BESS and ancillary infrastructure would be located on the north of Hanworth Road, with connection infrastructure extending from the project substation in the north to the existing Bannaby 500 kV substation located on the southern side of Hanworth Road.

Parts of the project area overlap with the footprint of the approved HumeLink project which is currently in construction (NSW SSI-36656827, EPBC 2021/9121). As HumeLink is an approved project, the project footprint has been assessed for biodiversity impacts and appropriate offsets calculated for removal of threatened species habitat as documented in the approved BDAR (Niche 2024). As of the date of this referral, a significant portion of the HumeLink project area which overlaps with the project area have been cleared of vegetation. The parts of the project area already approved for vegetation removal do not require calculation of biodiversity impacts and offset requirements. Additional details regarding the approach to the HumeLink project footprint are provided throughout the BDAR (Att. 3). Note that the terms for the various parts of the project area used throughout the BDAR are in accordance with the BAM and differ from the terms used in this referral as follows:

- BDAR ‘study area’ is equivalent to referral ‘project area’
- BDAR ‘project area’ is equivalent to referral ‘disturbance footprint’.

The project area is part of a rural agricultural landscape and has historically been used for grazing, hosting existing transmission lines and other rural activities. The project area contains existing farm infrastructure as well as the existing Bannaby 500 kV substation. Patches of planted native vegetation occur within the project area, primarily forming boundaries between paddocks, with other areas comprising cleared or modified land typical of agricultural use.

The project area contains existing unsealed access tracks connecting to Hanworth Road, with additional access tracks established as part of HumeLink construction activities. Areas containing existing infrastructure, access tracks and previously disturbed land have limited biodiversity value compared to surrounding agricultural and planted vegetation areas.

Habitat within the project area and surrounding locality is generally fragmented and degraded. Extensive clearing has occurred for agricultural activities. Remnant scattered trees and windrows of planted native vegetation provides limited habitat connectivity to a small number of mapped watercourses within and adjacent to the project area.

Two native plant community types over five distinct condition classes occur within the project area comprising:

- 3486 - Wollondilly-Shoalhaven Slopes Grassy Open Forest occurring as:
    - Derived native grassland (DNG) in moderate condition over 6.89 ha
    - DNG in poor condition over 42.74 ha
    - Derived shrubland in good condition over 1.03 ha
    - Woodland in moderate condition over 4.60 ha
- 3376 – Southern Tableland Box Woodland occurring as planted windrows over 1.78 ha

The project area also includes the following areas of non-native vegetation:

- 1.78 ha of exotic grassland containing pasture species and weeds

- 7.76 ha of formed tracks, existing farm buildings, planted exotic gardens and screens, the existing substation and compacted bare earth.

Around 18 ha of the project area described above overlaps with the footprint of the HumeLink project. HumeLink enabling works commenced in February 2025 and main construction works commenced in September 2025. Extensive vegetation clearing and construction for the HumeLink project were observed in the November 2025 and January-February 2026 survey rounds.

The project area contains few habitat resources for threatened or migratory species and many habitat features have been substantially degraded or modified. Waterbody habitat occurs within small farm dams up to 50 metres wide. Juncus reeds are present on the edges of some of these farm dams and ephemeral first order drainage lines within paddocks, but do not occur within any of the waterbodies present. Waterbody habitat is heavily degraded and is currently used by stock as a water source. There are no natural freshwater wetlands or river environments with rocky substrate.

Additional detail about the condition of vegetation and habitats resources in the project area is provided in sections 4.5. 5.2 and 5.3 of the BDAR.

The project area has not suffered recent effects from bushfire, flood or other major events.

The project area is surrounded predominantly by agricultural land, with sparsely distributed rural residential dwellings in the surrounding area. The nearest rural residential properties are located approximately 400 to 900 metres from the project area.

There are a several first and second order watercourses located within the project area, including a number of farm dams. The project is located in the Bannaby Creek catchment, which is a tributary to Guineacor Creek and eventually the Wollondilly River. Wollondilly River flows into Lake Burragorang, a major water supply for Sydney and as such, is part of the Sydney Drinking Water Catchment. The project is not within any NSW special or controlled areas. No named waterways or third order and above creeks intersect the project area.

The proposed access route to the project area is via Goulburn and Taralga, then along Taralga Road, Bannaby Road and Hanworth Road, followed by an unsealed private access track within the northern portion of the site and the existing access road to the Bannaby 500 kV substation in the southern portion. The existing access track north from Hanworth Road would be upgraded for construction, operation and maintenance, with additional short temporary sections of access track required to facilitate construction of connection infrastructure. The existing access road to the Bannaby substation would not require upgrade for construction access.

3.1.2 Describe any existing or proposed uses for the project area.

The existing land uses of the project area consist of:

- Agricultural land uses, including rural and grazing purposes
- Electricity transmission infrastructure, including the existing Bannaby 500 kV substation and existing high voltage transmission lines (330 kV lines and 500 kV lines) and associated infrastructure
- Unsealed access tracks and disturbed areas associated with the construction of HumeLink.

The proposed uses of the project area consist of the construction, operation and decommissioning of a BESS, together with associated on site substation infrastructure, connection infrastructure, access tracks, and ancillary facilities and works. Construction would typically be sequenced to include site establishment, main construction works, commissioning and demobilisation, and is anticipated to take approximately 18 months to complete.

The project is proposed to operate remotely 24 hours a day, seven days a week, with periodic attendance by up to six operational staff to undertake routine inspection, testing and maintenance activities. These activities would include equipment testing and maintenance, vegetation management, pest control and general site maintenance. Operations and maintenance activities would generally be undertaken during standard working hours, with emergency response, inspections or maintenance undertaken outside these hours if required.

Access to the project during operation would be consistent with access during construction and be controlled and not available to members of the public. As the facility would be operated remotely, traffic movements during operation would be minimal, with light vehicles occasionally accessing the site for maintenance activities. Heavy vehicles may also occasionally access the site for the replacement of larger components, as required.

3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

There are no outstanding natural features or other important or unique natural values within the project area. The project area has been extensively disturbed and modified with both historic and continuing agricultural land use (grazing and associated rural activities). Existing features within the project area include access tracks, farm infrastructure and areas associated with existing electricity infrastructure. The project area is not located within a National Park, nature reserve, or other area recognised for outstanding natural, scenic or conservation values. The project area is not located within or proximate to a World Heritage Area.

3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The project area is characterised by gently undulating to locally variable terrain, consistent with its rural agricultural setting. The landform generally comprises relatively flat to gently sloping areas, particularly where existing agricultural activities, access tracks and infrastructure are located. Localised areas of moderate slope occur within parts of the broader project area, reflecting natural variations in topography typical of the Southern Tablelands landscape.

3.2 Flora and fauna

3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

The description of the flora and fauna within the project area has been informed by desktop assessments, including a Protected Matters Search Tool (PMST) search dated March 16 2026, and targeted field surveys in accordance with the BAM and threatened species guidelines in August and October 2024. February, March, April, June and November 2025, and January and February 2026 (see BDAR Chapter 2, Att 3). The BDAR attached to this referral is complete and based on finalised surveys and assessment in accordance with the BAM and associated guidelines.

Vegetation is in varying condition across the project area (summarised in section 3.2.2 below) and shown on Figure 3, and forms part of a larger patch of vegetation within the locality, interspersed with cleared lands. The project area has connectivity to intact native vegetation along a gully on the property to the south of Hanworth Road.

Most biodiversity values within the project area are associated with the more intact patches of woodland within the gully where Cabbage Gum (*Eucalyptus ampifolia*), Black Wattle (*Acacia decurrens*) and Blakely's Red Gym (*Eucalyptus blakelyi*) would provide foraging habitat for nectivorous fauna, including honeyeaters, lorikeets and parrots. Overstorey vegetation also contains hollows of varying sizes. The combination of hollows available on site may provide roosting, refuge and breeding habitat for a range of native species, including arboreal mammals, microbats and birds. The project is not proposing to locate any infrastructure (temporary or permanent) within the gully. Conductors associated with the connection infrastructure would overfly the gully.

Poor quality grassland associated with remnants of woodland in the project area provide habitat through shelter and foraging resources for several reptile and bird species.

Desktop assessment revealed several flora and fauna species listed under the EPBC Act which may occur within or in proximity to the project area as identified in Table 5.12 (threatened species), and Table 5.13 (migratory species) of the BDAR (Att 3).

The terrestrial field surveys for fauna conducted by field ecologists and accredited assessors in August 2024, February, March, April, June and November 2025, January and February 2026 identified 122 fauna species in the project area and surrounds, comprising 78 bird species, 30 mammal species, 10 frog species and four reptile species. Terrestrial field surveys confirmed the presence of the following listed species within the disturbance footprint:

- Large-eared Pied Bat (*Chalinolobus dwyeri*, listed as an endangered species under the EPBC Act)
- Diamond Firetail (*Stagonopleura guttata*, listed as a vulnerable species under the EPBC Act) and
- Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*, listed as a vulnerable species under the EPBC Act).

EPBC Act-listed species recorded during surveys (to date) are shown on Figure 3 (Att. 4).

Surveys also revealed the following species listed as threatened under the NSW BC Act:

- Scarlet Robin (*Petroica boodang*)
- White-bellied Sea-Eagle (*Haliaeetus leucogaster*)
- Southern Myotis (*Myotis macropus*)
- Large Bent-winged Bat (*Miniopterus orianae oceanensis*)
- Eastern False Pipistrelle (*Falsistrellus tasmaniensis*).

Targeted terrestrial surveys for flora conducted in October 2024, and November 2025 identified 201 flora species. No flora species listed as threatened under the EPBC Act or BC Act were identified in these surveys. The targeted threatened flora searches undertaken included systematic traverses in multiple seasons as appropriate to detection times for candidate species.

Weeds, classified as priority under *Biosecurity Act 2015*, were also recorded in the project area and will be managed during the construction and operation of the project.

3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

The project area is located in the South Eastern Highlands Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and Bungonia subregion.

Native vegetation extent was initially mapped across the disturbance footprint using the SVTM (NSW DCCEEW 2025) with high-resolution aerial photographs and then ground-truthed and adjusted based on the site surveys. Field surveys in August 2024, February, March and November 2025, and February 2026 confirmed the presence of the following plant community types (PCTs) and condition classes occurring within the project area:

- Southern Tableland Grassy Box Woodland (PCT 3376) occurring as planted condition.
- Wollondilly-Shoalhaven Slopes Grassy Open Forest (PCT 3486) occurring as woodland, shrubland, and derived native grassland (DNG) in moderate and poor condition.

Vegetation zones (i.e. PCTs and broad condition classes) are shown on shown on Figure 3 (Att 3).

The disturbance footprint contains large areas of land that supports agricultural production and cattle grazing. The project area is largely cleared of canopy and midstorey species, with more intensive agriculture and only sparsely scattered remnant or planted trees in Cross Station. Patches of remnant woodland and shrubland, paddock trees and rows of planted native trees are found on land to the south of Hanworth Road. Due to the history of agricultural use, much of the vegetation present is in poor condition with low native vegetation cover and structural diversity and high exotic plant cover.

Areas that have been mapped as non-native vegetation include:

- grassland with substantially less than 15 per cent cover of native plant species
- formed tracks, hard stand and compacted bare earth
- human-made dams, ponds and other waterbodies
- buildings
- planted exotic vegetation, including pine trees and fruit orchards in the west of the project area
- waterbodies.

Multiple threatened ecological communities (TEC) are known or predicted to occur around the project area based on the Department's online MNES database accessed via the referral portal. No EPBC Act listed threatened communities were found to occur in the project area after vegetation zone mapping and sampling of vegetation integrity (VI) plots was completed. One BC Act listed CEEC is present: White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands (Box Gum Woodland) associated with planted patches of PCT 3376. PCT 3376 is associated with the related CEEC White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland as listed under the EPBC Act, however the patch in the disturbance footprint does not comprise part of an occurrence of the EPBC Act listed CEEC due to the absence of a predominantly native ground layer (Att 3. Table 4.11).

Field observations of soil and geomorphology confirm that the disturbance footprint matches the description of the Wollondilly – Bindook Tableland and Gorges, NSW (Mitchell) landscapes, as mapped over the entire area. The vegetation at the disturbance footprint is broadly similar to the description of the Mitchell landscape but apparently reflects local variation in floristics.

No karst or caves are present in the disturbance footprint. The disturbance footprint contains some loose surface rock on hilltops.

The site's soil composition does not include hazardous levels of acid sulphate soils. There are localised areas of sheet and gully erosion typical of cleared and grazed agricultural landscapes.

3.3 Heritage

3.3.1 Describe any Commonwealth Heritage Places Overseas or other places recognised as having heritage values that apply to the project area.

There are no Commonwealth Heritage Places or National Heritage Places or Commonwealth Heritage Places Overseas at or near the project area. A search of relevant Commonwealth and State heritage databases and the Upper Lachlan Local Environmental Plan 2010 did not identify any listed historic heritage items within or near the project area.

A site inspection identified an unlisted twin grave site within the project area, east of existing farm shedding. The identified grave site and the surrounding area is of local historical significance and has been avoided through design refinement and therefore would not be disturbed by project activities.

The heritage database search identified one historic heritage item of State significance and three items of local significance located within approximately two kilometres of the project area. These include Hillas Farm Homestead and Outbuildings, Bannaby Homestead, Bannaby Shearing Shed and St Matthew's Anglican Church and Churchyard. These items are located outside the project area and would not be directly or indirectly impacted by the project.

3.3.2 Describe any Indigenous heritage values that apply to the project area.

The project area is located on the lands of the Gundungurra people and within the Gundungurra Area Agreement ILUA. The project has consulted with identified Registered Aboriginal Parties (refer to section 1.2.7) in undertaking an assessment of Aboriginal cultural heritage values within and around the project area in support of an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared to support the EIS.

The project area has experienced a moderate level of disturbance associated with historical and ongoing land uses, including vegetation clearing, livestock grazing, construction of farm infrastructure, water-source modification, dam excavation and the establishment of vehicle tracks.

Aboriginal Heritage Information Management System (AHIMS) searches were undertaken most recently in March 2026 which identified two registered Aboriginal heritage sites within the project area. These sites have been impacted by works at the existing Bannaby 500 kV substation, most likely before the commencement of the HumeLink East works. Further, these sites were approved for impact under the HumeLink East Heritage Management Plan (KNC 2025). No further impact to these sites is therefore expected from the project and the proposed unexpected finds protocol would apply if additional material is encountered.

A field survey with heritage specialists and Registered Aboriginal Parties was undertaken in December 2025. A total of four sites were identified within the project area, including the two previously listed sites and two new sites. The two new sites (isolated finds) were identified within the area to the north of Hanworth Road.

Impacts to the new sites would be managed by salvage. Salvage is considered appropriate because of the combination of low archaeological value, the disturbed nature of the environment and the site type (small scatter / isolated find).

To date, no specific Aboriginal cultural values have been identified by RAPs in relation to the project area. Notwithstanding this, the cultural significance of the broader landscape to Aboriginal people is recognised, and further opportunities for RAP input would be provided through ongoing consultation as part of the EIS and during construction.

3.4 Hydrology

3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. *

The project area is located within the Bannaby Creek catchment, which is a tributary of Guineacor Creek and ultimately drains to the Wollondilly River. Some areas of the project area (specifically the transmission line corridor) drain to Tarlo River, which also drains to the Wollondilly River. The Wollondilly River flows into Lake Burragorang and forms part of the Sydney Drinking Water Catchment. Surface water features within the project area are limited. The upper reaches of several unnamed first and second drainage lines which drain into Bannaby Creek are located within the project area. No named waterways or third order and above creeks intersect the project area. The reaches of each of these water courses through the project area are ephemeral and did not contain flowing surface water or pools during field surveys.

There are around eight human-made waterbodies in the project area comprising farm dams across drainage lines. None of these waterbodies contained any notable wetland or aquatic habitat. Vegetation cover was too low to assign a freshwater wetland PCT.

Stormwater management infrastructure would be established as part of the project to manage surface water runoff and water quality within the site. A bio-retention basin would be provided to treat stormwater runoff prior to discharge, in accordance with Water NSW requirements for protection of the Sydney Drinking Water Catchment. The basin would also provide fire water capture storage during operation.

4. Impacts and mitigation

4.1 Impact details

Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	Yes	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No World Heritage properties occur within a 20 km radius of the project area. Considering the closest World Heritage property is at least 20 km away, these protected matters are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

No National Heritage properties occur within a 20km radius of the project area. Considering the closest World Heritage property is at least 20 km away, these protected matters are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

None of the waterbodies within the project area or 1500 m assessment area surrounding the project area assessed in accordance with the BAM are wetlands that are listed in the Ramsar Convention on Wetlands of International Importance (Ramsar wetlands).

The EPBC Act Protected Matters Search Tool did not reveal any Ramsar Wetlands that relate to the project area i.e. no Ramsar wetlands occur in the same catchment as the project area.

No impacts to the ecological character (the biological, physical and chemical components) of Ramsar wetlands are anticipated during construction or operation as described below.

The implementation of on-site soil and surface water management measures would control against the risk of indirect impacts to downstream waterbodies caused by project earthworks during construction. The project area would be revegetated and/or stabilised after the 18-month construction period. All Ramsar wetlands are well beyond the maximum potential extent of direct or indirect impacts arising from the project, noting:

- The gentle topography at the project area, relatively small proposed clearing areas, and short period that soils would be exposed, meaning that the risk of erosion or sedimentation would be readily mitigated by the proposed construction methodology and erosion controls
- Small extent of changes to surface landforms and water flows in the project area which would result in a negligible effect on the many thousands of square kilometres of catchment feeding Ramsar Wetlands and their tributaries
- Physical separation of >100 km in a straight line and well over 100km downstream via connected drainage lines

Negligible effect on the hydrology, water quality or environmental values of any Ramsar Wetlands based on these factors.

4.1.4 Threatened Species and Ecological Communities

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Acacia bynoeana	Bynoe's Wattle, Tiny Wattle
Yes	Yes	Anthochaera phrygia	Regent Honeyeater
No	No	Aphelocephala leucopsis	Southern Whiteface
Yes	Yes	Aprasia parapulchella	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
Yes	Yes	Callocephalon fimbriatum	Gang-gang Cockatoo
Yes	Yes	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo
Yes	Yes	Chalinolobus dwyeri	Large-eared Pied Bat, Large Pied Bat
Yes	Yes	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
Yes	Yes	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	Dodonaea procumbens	Trailing Hop-bush
No	No	Eucalyptus aggregata	Black Gum
No	No	Falco hypoleucos	Grey Falcon
Yes	Yes	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Grantiella picta	Painted Honeyeater
No	No	Hibbertia acaulothrix	
Yes	Yes	Hirundapus caudacutus	White-throated Needletail
No	No	Kunzea cambagei	
Yes	Yes	Lathamus discolor	Swift Parrot

Direct impact	Indirect impact	Species	Common name
No	No	Leucochrysum albicans subsp. tricolor	Hoary Sunray, Grassland Paper-daisy
No	No	Macquaria australasica	Macquarie Perch
Yes	Yes	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	Neophema chrysostoma	Blue-winged Parrot
No	No	Petauroides volans	Greater Glider (southern and central)
No	No	Petaurus australis australis	Yellow-bellied Glider (south-eastern)
No	No	Petrogale penicillata	Brush-tailed Rock-wallaby
Yes	Yes	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	Polytelis swainsonii	Superb Parrot
No	No	Pomaderris cotoneaster	Cotoneaster Pomaderris
No	No	Pomaderris pallida	Pale Pomaderris
No	No	Pseudomys novaehollandiae	New Holland Mouse, Pookila
Yes	Yes	Pteropus poliocephalus	Grey-headed Flying-fox
No	No	Pycnoptilus floccosus	Pilotbird
No	No	Rhizanthella slateri	Eastern Underground Orchid
Yes	Yes	Rostratula australis	Australian Painted Snipe
Yes	Yes	Stagonopleura guttata	Diamond Firetail
No	No	Thesium australe	Austral Toadflax, Toadflax

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Natural Temperate Grassland of the South Eastern Highlands
No	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

Assessments of likelihood of occurrence were undertaken for threatened species and communities and included in the BDAR based on desktop assessment, habitat assessments and targeted field surveys over two years (Appendix A of Att 3). Based on this assessment approach, various threatened species and communities are unlikely to occur at the project area given the absence of habitat resources that are essential to the life history of the matter and/or because the project area is outside of their known geographic range. MNES with an 'unlikely' or 'nil' likelihood of occurrence would not be directly or indirectly affected by the project and are not considered further in this assessment.

Based on desktop searches, vegetation and habitat assessments, and targeted surveys, the project would likely result in direct and/or indirect impacts on known populations of the:

- Brown Treecreeper (southeastern subspecies) (*Climacteris picumnus victoriae*)
- Diamond Firetail (*Stagnopleura guttata*)
- Large-eared Pied Bat (*Chalinolobus dwyeri*)

Locations where these MNES were recorded are shown on Figure 3. The project may also result in direct or indirect impacts to several additional protected matters that may occur in the project area (Table 5.12 in Att 3). The project would result in the removal or modification to up to 43.42 ha of native vegetation and up to 3.69 ha of potential threatened species habitat associated with non-native vegetation and 0.35 ha of waterbodies. No roosts for any EPBC listed microbat species were identified in the project area. Dedicated ultrasonic call recording and surveillance of a microbat roost in a wool shed during the dusk emergence period did not reveal any evidence of MNES (Appendix E of Att 3). The roost is unlikely to be utilised by the Large-eared Pied Bat with local populations likely to roost and breed in caves around two kilometres from the project area.

A breakdown of the maximum disturbance footprint into various proposed activities and the associated intensity and duration of impacts is provided in the BDAR (Section 5.2.3 of Att 3). The majority of the disturbance footprint will comprise partial and/or temporary vegetation removal associated with activities such as maintaining asset protection zones surrounding infrastructure or minimum safety clearances to connection infrastructure. Full and permanent vegetation removal would be restricted to permanent operational infrastructure, which has an area of approximately 31 ha.

The majority of the disturbance footprint is moderate or poor condition habitat reflecting the existing agricultural use of the project area. Based on the mapping of vegetation zones, sampling of BAM vegetation integrity (VI) plots and BAM credit calculations, the 49.76 ha disturbance footprint comprises:

- 1.99 ha of woodland vegetation with a VI of 30.8 and that contains foraging, shelter and roosting habitat for species of woodland and forest
- 1.03 ha of shrubland vegetation with a VI of 40 and that contains foraging habitat for woodland species
- 0.88 ha of planted treed vegetation with a VI of 22.3 and that contains foraging and shelter habitat for species of woodland and forest41.82 ha of moderate and poor condition DNG vegetation with a VI score of <15, which is below the threshold for calculating ecosystem credits according to the BAM and as such comprises a negligible impact on habitat for most threatened flora and fauna species
- 3.69 ha of non-native vegetation, including exotic grassland and trees, and agricultural infrastructure which comprises habitat for native fauna of open country and/or that are tolerant of human disturbance
- 0.35 ha of farm dams that could provide drinking water or foraging habitat

The project would increase the degree of fragmentation of habitat in the locality by widening existing gaps in habitat as well as creating new barriers to fauna movement up to 60m wide where connection infrastructure is proposed and up to ~500m in the location of the proposed BESS.

Threatened fauna known in the project area

Large-eared Pied Bat (*Chalinobolus dwyeri*)

The Large-eared Pied Bat was recorded within the disturbance footprint. The project would involve the removal or modification of up to a maximum of 49.41 ha of occupied habitat for the Large-eared Pied Bat comprising:

- 41.82 ha of known foraging habitat within native grassland vegetation with poor habitat value and with a VI score below the threshold for calculating ecosystem credits according to the BAM.
- 3.90 ha of foraging habitat in native woodland and shrubland, and planted trees in windrows.
- 3.69 ha of non-native vegetation within and above exotic grassland, pine trees, fruit orchard, grasslands and infrastructure. Infrastructure. The single observation of the species in the study area was in this non-native vegetation.
- 0.35 ha of waterbodies that would provide a drinking source for the species.
- The single observation of the species in the study area was in non-native vegetation.

No known potential roosting or breeding habitat occurs in close proximity to the disturbance footprint, with no clifflines, caves or escarpments present within 1 km.

Vulnerable woodland bird species - Diamond Firetail (*Stagonopleura guttata*) and Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*)

Three Diamond Firetails were recorded foraging in non-native vegetation at a single location during two years of survey. The project would involve the removal or modification of up to a maximum of 47.32 ha of occupied habitat for the Diamond Firetail comprising:

- 41.82 ha of known foraging habitat within native grassland vegetation with poor habitat value and with a VI score below the threshold for calculating ecosystem credits according to the BAM
- 3.90 ha of foraging habitat in native woodland and shrubland, and planted trees in windrows
- 3.69 ha of non-native vegetation within and above exotic grassland, pine trees, fruit orchard, grasslands and infrastructure. Infrastructure. The single observation of the species in the study area was in this non-native vegetation.
- 0.35 ha of waterbodies that would provide a drinking source for the species.

Two Brown Treecreepers were recorded at a single location foraging in the shrubland south of Hanwood Road during two years of ecological survey. The project would remove or modify of up to a maximum of 3.90 ha of occupied habitat for the Brown Treecreeper. This would comprise foraging habitat within planted trees in windrows (PCT3376_Planted) in addition to shrubland (PCT 3486_Shrubland) and woodland (PCT3486_Woodland) vegetation zones and potential breeding habitat within the five hollow-bearing trees present within the disturbance footprint. The species is unlikely to occur in derived grassland or exotic grassland at the disturbance footprint.

The project would also remove 0.35 ha of waterbodies (farm dams) that may provide a drinking source for the species and potential foraging or travelling habitat in a small proportion of the derived native grassland and non-native vegetation, where there is suitable cover in the vicinity of native vegetation.

Threatened fauna with a moderate or high likelihood of occurrence in the project area

Grey-headed Flying-fox (*Pteropus poliocephalus*)

The Grey-headed Flying-fox was not recorded despite targeted surveys and habitat assessments in the project area, undertaken over two years. The project would involve the removal or modification of up to a maximum of 3.90 ha of potential foraging habitat for the Grey-headed Flying-fox comprising sub-mature planted trees in windrows in addition to trees within woodland and the occasional tree occurring within shrublands.

Spotted-tailed Quoll (*Dasyurus maculatus*)

The Spotted-tailed Quoll was not observed despite field surveys in the project area, undertaken over two years. The project would involve the removal or modification of up to 3.90 ha of potential foraging, denning and breeding habitat for the Spot-tailed Quoll comprising sub-mature planted trees in windrows in addition

to trees within woodland and the trees and Acacias occurring within shrublands.

Koala (*Phascolarctos cinereus*)

The Koala was not recorded in the project area despite six Spot Assessment Technique (SAT) surveys over 1.73 ha of suitable habitat and 8.3 person hours of targeted spotlighting field surveys, undertaken in accordance with the relevant survey guidelines. The project would involve the removal or modification of up to a maximum of 3.90 ha of potential foraging and breeding habitat for the Koala comprising sub-mature planted trees in windrows in addition to trees within woodland and the trees and taller woody shrubs occurring within shrublands.

South-eastern Hooded Robin (*Melanodryas cucullata cucullata*)

The South-eastern Hooded Robin was not recorded in the project area despite 8.3 person hours of targeted diurnal bird surveys, undertaken over two years. The species has been recorded historically in the broader locality and suitable habitat is present within the disturbance footprint.

The project would involve the removal or modification of up to a maximum of 3.90 ha of potential habitat for the South-eastern Hooded Robin. This would comprise foraging and breeding habitat in shrubland (PCT 3486_Shrubland) and woodland (PCT 3486_Woodland) vegetation zones and potentially also within planted trees in windrows (PCT 3376_Planted). The species is unlikely to occur in derived grassland or exotic grassland at the disturbance footprint other than in the vicinity of denser patches of native vegetation.

The project would also remove 0.35 ha of waterbodies (farm dams) that may provide a drinking source for the species and potential foraging or travelling habitat in a small proportion of the derived native grassland and non-native vegetation at the disturbance footprint where there is suitable cover in the vicinity of native vegetation.

4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.4.6 Describe why you do not consider this to be a Significant Impact. *

The project has assessed the significance of impacts to the identified matters in accordance with *the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance* and concluded that the impacts would not be significant (see Att. 3 Appendix H).

The project would result in the removal or modification to up to 43.42 ha of native vegetation and up to 3.69 ha of potential threatened species habitat associated with non-native vegetation and 0.35 ha of waterbodies (farm dams.)(see Figure 3).

The significant majority of the native vegetation to be removed or modified (41.82 ha out of around 45.72 ha) is in very poor condition with a VI of <6.8 compared to the threshold of >15 for requiring calculation of ecosystem credits for removal of threatened species according to the BAM.

The connection infrastructure traverses gently sloping agricultural land with poor condition vegetation and steep gullies with higher quality native vegetation. Within this corridor, vegetation would be selectively removed or trimmed where necessary to construct the towers and maintain required safety clearances to the overhead transmission lines. As such, majority of the woodland and shrubland vegetation between towers on steeper sloped land and within the gullies would be retained, as the terrain constraints allow for sufficient height clearances and does not require wholescale clearing of vegetation. It should also be noted that during the operational phase of the project, the value of aerial foraging habitat and of habitat connectivity would be similar to the current, baseline condition as part of an extensively cleared agricultural landscape. Only permanent project infrastructure, totalling around 13 ha, would comprise permanent removal of habitat.

Assessments of significance (AoS) have been completed pursuant to the Australian Department of Environment (2013), *Matters of National Environmental Significance impact guidelines 1.1, Environment Protection and Biodiversity Conservation Act 1999* (the 'AoS guidelines 1.1') and are presented in Section 5.3 of Att 3. Individual AoS were undertaken for biota with a 'high' or 'moderate' quantum of impact as determined from the assessment of likelihood, extent and consequences of impact included in the BDAR (Appendix H of Att3,). The conclusions of these assessments are that the project is unlikely to result in a significant impact on any of these species, with further species-specific details provided below.

Large-eared Pied Bat (*Chalinobolus dwyeri*)

The project is unlikely to have a significant impact on the Large-eared Pied Bat as:

- While the project would have a moderate quantum of impact the habitat to be removed or modified is in poor condition and much of the current value would be maintained through the operational phase of the project.
- No escarpment or cave habitat comprising known or potential breeding or roosting habitat would be affected.
- Potential breeding habitat is likely to be present within 2 km of the project to the south-east and north-west which is well beyond the maximum extent of direct or indirect impacts of the project.
- Vegetation removal or modification would not interfere with the ability of local populations to travel between potential roosting habitat in the north-west and south-east (for breeding) and fertile valley floors adjacent to the study area (for foraging and drinking).

Vulnerable woodland bird species - Diamond Firetail (*Stagonopleura guttata*) and Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*)

The project is unlikely to have a significant impact on the Diamond Firetail or Brown Treecreeper (south-eastern) as:

- An important population is not identified for either species, and habitat within the subject land does not support a key source population for breeding or dispersal.
- The subject land is unlikely to represent core habitat for a local population, with important habitat features such as scarce woody debris mostly absent for the Brown Treecreeper.

- The project would result in the removal or modification of up to 49.76 ha of vegetation, the majority of which is low-value or exotic vegetation.
- Potential breeding habitat is limited across the subject land. This includes the five hollow-bearing trees for the Brown Treecreeper (south-eastern), and scattered woodland, windrow and shrubland vegetation for the Diamond Firetail.
- Comparable foraging and breeding habitat for both species is widespread in the surrounding locality, and individuals would not be reliant on the subject land to support ongoing use of the area.
- Vegetation removal or modification would not interfere with the ability of local populations to move through the landscape, isolate habitat patches, or disrupt local movement and gene flow.

Grey-headed Flying-fox (*Pteropus poliocephalus*)

The project is unlikely to have a significant impact on the Grey-headed Flying-fox, given that:

- The species was not recorded in the project area and no roost camps for the species occur in the locality.
- No roosting or breeding habitat would be directly impacted.
- Only potential foraging habitat would be removed or modified, including one key tree feed species (White Box) which only occurs in planted condition PCT 3376.
- There is no evidence that the habitat to be removed in the disturbance footprint is particularly important to maintaining the regional population of the species given the extensive areas of habitat in the locality that would also comprise habitat critical to the survival of the species.
- The project would not create a barrier to movements between roost camps and foraging areas.

Spotted-tailed Quoll (*Dasyurus maculatus*)

The project is unlikely to have a significant impact on the Spotted-tailed Quoll given:

- The relatively small extent (3.90 ha) of potential foraging or breeding habitat to be removed by the project in comparison to the large amount and higher quality habitat to be retained in the locality.
- The minor contribution to fragmentation of habitat in an extensively cleared agricultural landscape.
- The high mobility of the species (large home ranges: 600–3,500 ha (Belcher 1995; 1997) or up to 5,512 ha (DELWP 2016)), with females capable of traversing up to 4 km and males up to 10 km (DEH 2004).
- Implementation of mitigation measures to retain habitat features wherever possible, and hygiene practices to prevent introduction of diseases that can affect vegetation and habitat quality.

Koala (*Phascolarctos cinereus*)

The project is unlikely to have a significant impact on the Koala given:

- The species was not recorded during field surveys, and no important population has been identified in the disturbance footprint.
- A maximum of 3.90 ha of shrubland, woodland and planted vegetation which includes preferred feed trees would be removed or modified. This habitat is unlikely to be critical to the lifecycle of local populations of koala.
- The project would fragment small isolated or linear patches of potential Koala habitat in the disturbance footprint.
- The project would not impact known koala populations in the locality from Tarlo River and Bangadilly National Parks or see a reduction in movement corridors between these important local populations.
- Better-quality wildlife corridors are present both south and north-west of the disturbance footprint that would be likely used as dispersal agents than habitat in the disturbance footprint.
- The project could potentially impact breeding of Koalas that occur in the disturbance footprint but is unlikely to affect the breeding cycle of the population as a whole.
- The removal of 3.90 ha of potential habitat within this area would not reduce the area of occupancy of the species.

South-eastern Hooded Robin (*Melanodryas cucullata cucullata*)

The project is unlikely to have a significant impact on the South-eastern Hooded Robin as:

- The South-eastern Hooded Robin was not recorded during field surveys, and no important population has been identified within the disturbance footprint.
- Habitat within the disturbance footprint does not support a key source population for breeding or dispersal.
- The project would result in the removal or modification of up to 3.90 ha of potential habitat, comprising planted trees in windrows and woodland/shrubland vegetation zones, with windrows representing lower-quality, opportunistic habitat.
- The project would not remove large, intact patches of structurally diverse woodland used by the South-eastern Hooded Robin, nor would it isolate habitat or restrict movement between areas of suitable habitat. Extensive areas of comparable habitat remain available in the surrounding locality, providing continued access to foraging and breeding resources.

4.1.4.7 Do you think your proposed action is a controlled action? *

No

4.1.4.9 Please elaborate why you do not think your proposed action is a controlled action. *

The project is unlikely to be a controlled action as impacts to threatened species and communities are not likely to be significant (Appendix H of Att 3). The BDAR attached to this referral is complete and based on finalised surveys and assessment in accordance with the BAM and associated guidelines providing a high degree of certainty in the conclusions of the assessments of significance.

Residual direct impacts to terrestrial listed species habitats as summarised in Table 8.1 of the BDAR (Att. 3) are minor in extent, duration and severity in the context of the extent of alternative habitat in the surrounding area. The habitat to be removed or modified would comprise a small portion of potential habitat for threatened fauna in the locality. Where threatened species have been recorded during surveys, these known habitats proposed for removal are unlikely to comprise important habitat critical to the survival of the species.

4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

Impact avoidance and minimisation is a key consideration of the NSW BC Act and BAM. These measures are detailed in the BDAR (section 7, section 9 of Att 3). Avoidance and mitigation measures undertaken as part of the EIS process are summarised below.

The Applicant selected the site for the project based on proximity to the existing high voltage transmission network and Bannaby 500 kV substation. During early project design, a broad project area was assessed for environmental constraints. Subsequent assessment enabled the project to refine the design to avoid topographical and biodiversity constraints associated with greater environmental impacts and more extensive earthworks.

Early concept layouts were prepared to establish an indicative project footprint and test high-level assumptions regarding the location of the BESS compound, on-site substation, connection assets, access arrangements and ancillary infrastructure, as well as opportunities to avoid environmentally sensitive areas. A broader project area was initially considered for the project. Preliminary biodiversity assessment undertaken in 2024 noted large areas of moderate and high constraint biodiversity values to the north of the disturbance footprint. The Applicant elected to avoid these higher constraint areas and accommodate a smaller development. As further site specific information became available through detailed on site surveys, geotechnical investigations and environmental assessments, the project design was progressively refined to better avoid known constraints, including steep land and vegetation around gullies and within the riparian margins of first order watercourses.

Overall, the project has been subject to an iterative design process to avoid and minimise impacts on biodiversity values within the disturbance footprint. This process has been informed by progressive environmental assessment, including detailed site surveys and ecological constraints mapping, and has sought to reduce the extent and intensity of impacts on native vegetation, fauna habitat values and habitat connectivity.

The progression of detailed biodiversity studies between 2024 and 2026 also allowed refinement of the design to respond more effectively to biodiversity values present within the disturbance footprint. This iterative approach enabled the relocation and adjustment of infrastructure to avoid higher value vegetation and habitat features where practicable. Figure 7.1 of Att 3 shows the design iterations to avoid environmental constraints, respond to topography and improve constructability, while retaining the same core project infrastructure. Additional detail about avoidance and minimisation of biodiversity impacts is provided in Table 7.1 of Att 3.

The project has adopted all standard construction and environmental management measures. The biodiversity assessment undertaken in the BDAR has identified mitigation measures are recommended to minimise likely impacts on biodiversity values. These measures are presented according to the hierarchy of avoidance and mitigation of impacts, and the identification of residual impacts of the project that cannot be avoided or mitigated. The project will include, as a minimum, industry-standard measures for the management of soil, surface water, weeds and pollutants, as well as site-specific measures for the management of flora and fauna.

The project will include implementation of measures to mitigate residual impacts, specified in a CEMP. The CEMP will provide detailed environmental controls to manage key environmental issues. The CEMP will be reviewed and updated as necessary throughout the relevant phases of the project.

A Biodiversity Management Plan (BMP) would also be required from the commencement of construction and for the operational life of the project. The BMP will apply to the construction, operation and rehabilitation phases of the project.

The CEMP will include, as a minimum, industry-standard measures for the management of soil, surface water, weeds and pollutants. The BMP will prescribe site-specific measures for the management of flora and fauna including:

- protocols to prevent introduction or spread of weeds or disease

- pre-clearing surveys prior to construction
- protocols for the management of fauna and habitats with a particular focus on hollow-bearing trees and the microbat roost in the wool shed
- restoration to their previous condition of all areas impacted by the project during construction that are not required during operation, unless otherwise agreed with a landowner.

The minimum measures that would be included in CEMPs and implemented at the project area are presented in the BDAR (Att. 3 section 7.2.1, section 9).

4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

The BDAR presents credit calculations in accordance with the BAM to determine the biodiversity offsets required for residual impacts on native vegetation and threatened species habitat. Species and ecosystem credits appropriate to the quantum of offset would be retired according to the BAM and the NSW Biodiversity Offset Scheme (BOS) (Chapter 9 and Appendix G of Att 3).

Under the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (DSEWPaC 2012) (the EPBC Act Environmental Offsets Policy) biodiversity offsets are required to compensate for significant residual impacts on MNES. The BDAR includes the identification and assessment of potentially affected MNES, consideration of the potential significance of impacts on MNES pursuant to the *Matters of National Environmental Significance Significant impact guidelines 1.1* Environment Protection and Biodiversity Conservation Act 1999 (DotE 2013). The outcome of these assessments is that the project is not likely to result in a significant impact to any listed species or communities (Appendix H of Att 3). On this basis, no biodiversity offsets are anticipated to be required under the EPBC Act Environmental Offsets Policy (DSEWPaC 2012).

The BDAR includes the identification and assessment of potentially affected MNES (see section 5.3 of Att 3). Residual impacts to threatened species or communities listed under the EPBC Act (irrespective of significance of the impact) is a requirement under the BC Act and would be offset through biodiversity credits under the NSW BOS as summarised in Table 9.5 of Att 3 for those MNES that have a moderate or greater likelihood of tangible residual impacts.

Impacts to species listed under the EPBC Act (irrespective of significance of the impact) would be offset through biodiversity credits under the NSW BOS (see section 9.6.2 and Appendix G of Att 3). This would include species credits for removal of Large-eared Pied Bat habitat and ecosystem credits for removal of habitat for other EPBC Act-listed threatened and migratory fauna.

4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	Actitis hypoleucos	Common Sandpiper
Yes	Yes	Apus pacificus	Fork-tailed Swift
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris melanotos	Pectoral Sandpiper
Yes	Yes	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
Yes	Yes	Hirundapus caudacutus	White-throated Needletail
Yes	Yes	Motacilla flava	Yellow Wagtail
No	No	Pandion haliaetus	Osprey

4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.5.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

No migratory species have been recorded and there is limited extent and quality of potential habitat for migratory species at the project area. Assessments of likelihood of occurrence were undertaken for migratory species and included in the BDAR (section 5.3.3 of Att 3). Various migratory species are unlikely to occur at the project area given the absence of habitat resources that are essential to the life history of the matter and/or because the project area is outside of their known geographic range. Migratory fauna and their habitats do not have a 'Moderate' or 'High' potential quantum of impact from the project and so further assessment of significance of impacts is not required.

Some migratory terrestrial and wetland species may occur in the project area (see Table 5.13 of Att 3) on a transient basis. The disturbance footprint does not contain and would not modify intertidal flats or emergent refuge vegetation along waterbodies that may provide habitat for shorebird migratory species.

The project would require vegetation modification and removal of native vegetation that comprises potential habitat for the wetland and terrestrial migratory species noted as being directly or indirectly impacted (Table 5.13 of Att 3) including removal of trees, waterbodies and modification of native groundcover associated with the proposed infrastructure (see section 4.1.4.2 above for additional detail about the quantum of impact).

Migratory species that were determined to have a 'low' potential quantum of impact include the White-throated Needletail, Fork-tailed Swift, Yellow Wagtail and Latham's Snipe. The project would remove habitat resources that may be used by migratory fauna such as foraging or roosting habitat in woodland, grassland and waterbodies. The proposed clearing of vegetation and erection of structures may also affect use of aerial foraging habitat.

The project area may comprise non-breeding habitat for these species. There is non-breeding habitat for the Fork-tailed Swift throughout mainland Australia, whereas the White-throated Needletail has a core non-breeding range restricted to the eastern parts of Australia with a vagrant range extending to the Northern Territory and northern parts of Western Australia. The Yellow Wagtail breeds in temperate Europe and Asia (BirdLife Australia, 2026). The Latham's Snipe breeds in Japan and on the east Asian mainland.

Large tracts of native vegetation are likely to have greater value for the White-throated Needletail and may comprise important habitat, however, the project area contains only fragmented patches of woodland, portions of which have been previously cleared. The Fork-tailed Swift is known to occur across a range of habitats however habitat within the site is unlikely to be important given its broad habitat preferences. Both species are known to be almost exclusively aerial (DoE, 2015) and are unlikely to land on or use vegetation within the project area. The value of aerial habitat would be largely maintained after construction of the project. Important habitat for the Yellow Wagtail is associated with foraging habitat in well-watered open grasslands and the fringes of wetlands along with roosting habitat in mangroves and other dense vegetation (DoE, 2015). Important habitat for Latham's snipe is described as areas that have previously been identified as internationally important for the species, or areas that support at least 18 individuals of the species (Cwlth DCCEEW 2024). The project area does not contain any important habitat for these species.

The project would increase the degree of fragmentation of habitat in the locality by widening existing gaps in habitat as well as creating new barriers to fauna movement up to 60 m where connection infrastructure is proposed and up to ~500 m in the location of the proposed BESS.

4.1.5.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.5.6 Describe why you do not consider this to be a Significant Impact. *

As stated above, some migratory terrestrial and wetland species may occur in the project area (section 5.3.3 of Att 3) on a transient basis, however the project area is unlikely to comprise important habitat for any of these species as it would not support an ecologically significant proportion of the population, is not critical to the lifecycle of these species and is not at the limit of these species' range. While these species may occur on occasion, they would not rely on the habitats present for their survival in the locality.

The project would not result in a direct or indirect impact on important habitat for migratory species. The project would result in the removal or modification a notable area of native vegetation and increase the degree of fragmentation of habitat in the locality however this would comprise a relatively minor effect in the context of the overall area of occupancy of migratory fauna species. There are no specific habitat features or resources that suggest that the project area would be important to maintaining the populations of any terrestrial migratory species.

The project would involve connection infrastructure that may increase the risk or energy required for migratory species to move between areas of habitat. The 2.8 km of transmission line and structures would comprise a relatively minor effect in the overall range of potentially affected migratory species and in the context of similar structures associated with existing power generation and transmission infrastructure in the local area.

4.1.5.7 Do you think your proposed action is a controlled action? *

No

4.1.5.9 Please elaborate why you do not think your proposed action is a controlled action. *

The project would not affect any known or likely important habitat for migratory species. The proposed removal or modification of native vegetation and fragmentation of habitat and erection of structures would comprise a relatively minor impact in the context of the overall area of occupancy of the migratory fauna species that could be affected. The BDAR attached to this referral is complete and based on finalised surveys and assessment in accordance with the BAM and associated guidelines providing a high degree of certainty in the conclusions of assessments of significance (section 5.3.3 of Att 3).

4.1.5.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

Impact avoidance and minimisation is a key consideration for the NSW BC Act and BAM. The project has been subject to an iterative design process over two years to avoid and minimise impacts on biodiversity values within the disturbance footprint. This process has been informed by progressive environmental assessment, including detailed site surveys and ecological constraints mapping, and has sought to reduce the extent and intensity of impacts on native vegetation, fauna habitat values and habitat connectivity. These measures are detailed in the BDAR (Chapter 7 of Att 3). There is no known or likely important habitat for migratory species in the project area.

A CEMP would be required for the construction phase of the project and would include industry-standard measures for the management of soil, surface water, weeds and pollutants and minimisation of impacts to native flora and fauna and their habitats. The BDAR includes a comprehensive list of mitigation measures which would help minimise impacts to potential habitat for migratory species including:

- Clear demarcation of the limits of clearing
- Measures to avoid indirect impacts to soil, air or surface water
- Supervision of clearing by an ecologist and implementation of measures to minimise risk of harm to resident fauna and salvage habitat resources (see Chapter 7 of Att 3).

Given the limited scale and duration of the proposed works, and limited value of the migratory species habitat within or near the project area, these measures are likely to be effective in mitigating against further impacts.

4.1.5.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

The BDAR presents credit calculations in accordance with the BAM to determine the biodiversity offsets required for residual impacts on native vegetation and threatened species habitat. Species and ecosystem credits appropriate to the quantum of offset would be retired according to the BAM and the NSW Biodiversity Offset Scheme (BOS) (see Chapter 9 and Appendix G of Att 3).

Under the EPBC Act Environmental Offsets Policy (DSEWPaC 2012) biodiversity offsets are required to compensate for significant residual impacts on MNES. The BDAR includes the identification and assessment of potentially affected MNES, consideration of the potential significance of impacts on MNES pursuant to the *Matters of National Environmental Significance Significant impact guidelines 1.1* Environment Protection and Biodiversity Conservation Act 1999 (DotE 2013). Migratory species identified with a possible likelihood of occurrence at the disturbance footprint are detailed in Table 5.13 of the BDAR (Att 3). There is no ‘important habitat’ for any of these migratory species, as defined in the guidelines (DotE 2015) and there is a negligible risk of a significant impact. No biodiversity offsets for impacts on these MNES are therefore proposed in accordance with the EPBC Act Environmental Offsets Policy (DSEWPaC 2012).

4.1.6 Nuclear

4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project does not involve a nuclear action.

The project *does not* propose:

- Establishing or significantly modifying a nuclear installation or a facility for storing spent nuclear fuel, transporting spent nuclear fuel or radioactive waste products arising from reprocessing
- Establishing or significantly modifying a facility for storing radioactive waste products arising from reprocessing
- Mining or milling uranium ore
- Establishing or significantly modifying a large-scale disposal facility for radioactive waste
- De-commissioning or rehabilitating any facility or area in which an activity described above has been undertaken, or
- Establishing, significantly modifying, decommissioning or rehabilitating a facility where radioactive materials at or above the activity level specified in regulation 2.02 of the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) are, were, or are proposed to be stored.

4.1.7 Commonwealth Marine Area

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is terrestrial and is not located within or hydrologically connected to a Commonwealth Marine Area. There are no Commonwealth Marine Areas within 100 km of the project, with the nearest Commonwealth Marine Area being the Jervis Special Purpose Zone, 124km southeast of the project. These protected matters are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.8 Great Barrier Reef

4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The project is terrestrial and is not located within the Great Barrier Reef. The project area is over 1000 kilometres to the southwestern edge of the Great Barrier Reef and does not drain to the waters surrounding this protected matter. This protected matter is well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.9 Water resource in relation to large coal mining development or coal seam gas

4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action does not involve coal seam gas or a large coal mining development.

4.1.10 Commonwealth Land

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located on Commonwealth Land. There are no Commonwealth Land sites within 20 km of the project area. The closest occurrences of Commonwealth Land are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.11 Commonwealth Heritage Places Overseas

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located within a Commonwealth Heritage Place Overseas. The closest is well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

None

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

The objective of the project includes the development of a utility scale BESS that minimises potential impacts. This was achieved, in part, through a process of site selection which sought to maximise proximity to the existing high voltage transmission network. Next, the project undertook assessment of potential impacts within the project site to identify the most suitable location which balanced project objectives with geotechnical and construction risks, environmental and social impacts, together with rapid desktop assessment of potential constraints.

A number of locations in the broader vicinity of the Bannaby 500 kV substation were considered but not ultimately progressed due to identification of constraints including distance from the substation, environmental sensitivities, land use conflict potential, or construction complexity. The selected project area was identified as the most suitable option, presenting the lowest overall risk and greatest suitability to meet project objectives.

Within the broader project area, layout options were developed iteratively to avoid environmentally sensitive areas, including steep terrain, higher biodiversity value vegetation, riparian margins, and gully areas. As site-specific information became available through field surveys, geotechnical investigations, and environmental assessments, the design was progressively refined. Key design refinements included:

- relocating infrastructure to flatter terrain to reduce earthworks extent
- refining the location, layout and designs of project infrastructure to improve operational efficiency and maintenance access
- adjusting internal access tracks, temporary construction areas, and connection alignments to minimise impacts on native vegetation, watercourses, location of project infrastructure within areas already extensively disturbed, which contained extant buildings, were characterised by exotic and non-native vegetation and were of low ecological value.

These successive iterations reduced the overall disturbance footprint within the selected site. The project design and location represent the optimal outcome of a rigorous, constraint-led, iterative design process that has attempted to avoid impacts as far as reasonably possible Alternative locations and configurations for the project, representing poorer overall outcomes, have previously been considered and not pursued further.

The ‘do nothing approach’

The ‘do nothing’ approach would involve not constructing and operating the project. While this approach would avoid potential localised environmental impacts and maintain the project area in its current form, it would not achieve the project objectives of contributing to a stable, secure, reliable and diverse energy system. As a result, this option is not considered feasible.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12640132_EPBC_001_ProjectOverview.pdf Project overview figure	15/04/2026	No	High
#2.	Document	12640132_EPBC_002_ProjectComponents.pdf Project components figure	17/04/2026	No	High

1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	24/04/2026	No	High

1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026	No	High

1.3.2.16 (Person proposing to take the action) Nature of the trust arrangement in relation to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	cONFIDENTIAL Bannaby Unit Trust Trust Deed.pdf	01/05/2024	Yes	

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12640132_EPBC_001_ProjectOverview.pdf Project overview figure	16/04/2026	No	High
#2.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document				

12640132_EPBC_003_BiodiversityValues.pdf Biodiversity values figure			15/04/2026	No	High
#2.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High
#2.	Link	The NSW State Vegetation Type Map (SVTM) https://datasets.seed.nsw.gov.au/dataset/95437fb..			High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Link	HumeLink East Heritage Management Plan https://www.transgrid.com.au/media/majdedpr/hume..	12/12/2025		High

4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12640132_EPBC_003_BiodiversityValues.pdf Biodiversity values figure	14/04/2026		High
#2.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.4.6 (Threatened Species and Ecological Communities) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12640132_EPBC_003_BiodiversityValues.pdf Biodiversity values figure	14/04/2026		High

#2.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.4.9 (Threatened Species and Ecological Communities) Why you do not think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High
#2.	Link	Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy https://www.dcceew.gov.au/environment/epbc/publi..			High
#3.	Link	Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protect https://www.dcceew.gov.au/environment/epbc/publi..			High

4.1.5.2 (Migratory Species) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitivity	Confidence
#1.	Document				

Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project		23/04/2026	High	
#2.	Link	Conservation Advice for Gallinago hardwickii (Lathams snipe) http://www.environment.gov.au/biodiversity/threa..		High
#3.	Link	Draft referral guideline for 14 birds listed as migratory species under the EPBC Act https://www.dcceew.gov.au/environment/biodiversi..		High
#4.	Link	Handbook of Australian, New Zealand and Antarctic Birds (HANZAB) https://hanzab.birdlife.org.au/header-and-footer..		High

4.1.5.6 (Migratory Species) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.5.9 (Migratory Species) Why you do not think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.5.10 (Migratory Species) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High

4.1.5.11 (Migratory Species) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 3 12640132-REP_Bannaby BESS BDAR Rev 0 (low res).pdf The Biodiversity Development Assessment Report (BDAR) for the Bannaby BESS project	23/04/2026		High
#2.	Link	Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy https://www.dcceew.gov.au/environment/epbc/publi..			High
#3.	Link	EPBC Act Policy Statement 3.21 - Industry guidelines for avoiding, assessing and mitigating impacts https://www.dcceew.gov.au/environment/epbc/publi..			High
#4.	Link	Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protect https://www.dcceew.gov.au/environment/epbc/publi..			High

5.2 Declarations

Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN/ACN	39008488373
Organisation name	GHD PTY LTD
Organisation address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia
Representative's name	Ben Harrington
Representative's job title	Technical Director - Biodiversity
Phone	0407 049 006
Email	ben.harrington@ghd.com
Address	Level 15 / 133 Castlereagh St. Sydney NSW 2000 Australia

☑ Check this box to indicate you have read the referral form. *

☑ Check this box to confirm these are the correct identification details. *

☑ By checking this box, I, **Ben Harrington of GHD PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	677023611
Organisation name	Bannaby Unit Holding Pty Ltd
Organisation address	10-20 Gwynne St, Cremorne VIC 3121
Representative's name	Ronch Willner

Representative's job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	10 - 20 Gwynne Street, Cremorne VIC 3121

☑ Check this box to indicate you have read the referral form. *

☑ Check this box to confirm these are the correct identification details. *

☑ I, **Ronch Willner of Bannaby Unit Holding Pty Ltd**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

✔ Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

☑ Check this box to indicate you have read the referral form. *

☑ Check this box to confirm these are the correct identification details. *

☑ I, **Ronch Willner of Bannaby Unit Holding Pty Ltd**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.