Australian Government
Department of Climate Change, Energy, the Environment and Water

Statement of Reasons for Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

I, Kate Gowland, Branch Head, Environment Assessments (NSW, ACT) Branch, Department of Climate Change, Energy, the Environment and Water (the **department**), delegate for the Minister for the Environment and Water (the **Minister**), provide the following statement of reasons for my decision of 18 December 2024, under subsection 130(1) and section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), to approve the proposed action by NSW Electricity Networks Operations Pty Ltd (the **proponent**) to construct approximately 360 km of new high-voltage transmission lines and associated infrastructure, as varied by the variation request dated 20 May 2024 (EPBC 2021/9121) (the **proposed action**).

Legislation

1. Relevant legislation is set out in Annexure A.

Background

Description of proposed action and location

2. The proponent proposes to construct approximately 360 km of new 500 kilovolt (KV) high-voltage transmission lines and associated infrastructure between Wagga Wagga, Bannaby and Maragle. The proposed action area is 8,835 hectares (ha), with a permanent infrastructure footprint of 3,176 ha (**project footprint**). The exact position of the project footprint will be fine-tuned in response to ongoing detailed design and surveys.
3. The proposed action area is located within the Local Government Areas (**LGAs**) of Wagga Wagga City, Snowy Valleys, Cootamundra-Gundagai Regional, Yass Valley and Lachlan Shire in New South Wales.
4. The proposed action will cut across mostly rural land used for agriculture, forestry and renewable power generation and the Bago, Green Hills and Red Hill state forests. Several national parks and reserves are within 10 km of the project footprint, including Tarlo River National Park and Minjary National Park.
5. Approximately 613 ha of native vegetation will be cleared, and 313 ha partially impacted by the proposed action. This vegetation represents 12 vegetation formations, including alpine complex, dry sclerophyll forests, eastern riverine forests, forested and freshwater wetlands, grasslands, grassy woodlands and semi-arid woodlands.
6. The proposed action area intersects the catchments of O' Briens Creek, Kyeamba Creek, Keajura Creek, Umbango Creek, Tarcutta Creek, Gilmore Creek, Tumut River, Adjungbilly Creek, Murrumbidgee River, Lachlan River, Wollondilly River and Tarlo River.
7. In NSW, the proposed action is classified as Critical State Significant Infrastructure (**CSSI**) under section 5.13 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) as it is essential for economic, environmental and social reasons.

Procedural history

Referral and assessment approach

8. On 16 March 2022, the proponent submitted a valid referral in accordance with section 68 of the EPBC Act. That same day, in accordance with section 74 of the EPBC Act, comments on the referral were invited from the public, and relevant State and Commonwealth Ministers.

9. On 13 April 2022, in accordance with section 75 of the EPBC Act, I determined that the proposed action was a controlled action, and that the controlling provisions for the proposed action were:

    - National Heritage (sections 15B and 15C)
    - listed threatened species and communities (sections 18 and 18A) and
    - listed migratory species (sections 20 and 20A).

10. I also decided that the proposed action would be assessed under the Bilateral Agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the New South Wales Government.

NSW assessment

11. In late August 2023, the proponent provided the NSW Department of Planning, Housing and Infrastructure (**DPHI**) with the Environment Impact Statement (**EIS**) for the proposed action.

12. The DPHI publicly exhibited the EIS between 30 August and 10 October 2023. In total, 158 submissions were made.

13. I noted that 112 submissions were made from the community and 11 from special interest groups during the exhibition period and that most of these submissions (108) objected to the proposed action with the primary concerns being:

    - project location and design (including transmission infrastructure being above ground) and impacts on landscape and visual amenity
    - impacts on biodiversity
    - bushfire risk
    - social and economic impacts, including impacts to local businesses, tourism and property values.

14. I noted other issues raised in submissions included impacts to agriculture and biosecurity risks, potential health issues from electric and magnetic field radiation and stress, noise, aviation and general hazards, impacts to water and soil, heritage impacts and concerns about the adequacy of the proponent's consultation efforts and the EIS.

15. I noted that DPHI received submissions on the proposed action from 18 government agencies and four host Councils and that the concerns expressed, and comments and recommendations made in relation to aspects of the proposed action, related to their administrative and regulatory responsibilities.

16. On 16 May 2024, the proponent provided its Response to Submissions report and amendment report to DPHI.

17. I noted that NSW accepted an amended project application on 15 May 2024. As part of the amendment request, the proponent had provided further and updated information on:
    - assessment of potential serious and irreversible impacts to biodiversity;
    - landowner and visual impacts, including 3D modelled views of the landscape; and
    - a recent revision of the biodiversity offset package.

Proposed action variation

18. On 17 May 2024, the department received a variation request for the proposed action under section 156A of the EPBC Act, which was determined to be a valid request on 20 May 2024.
19. On 5 June 2024, another delegate of the Minister approved the proposed variation in accordance with section 156B(1) of the EPBC Act. The variation provided for the inclusion of a transmission line alignment through Green Hills State Forest, new worker accommodation facilities and construction compounds and the nomination of access tracks to facilitate improved access from the transmission line corridor to the road network.

NSW decision

20. In October 2024, DHPI completed an Assessment Report that recommended the NSW Minister approve the proposed action with conditions under Part 5 of the EP&A Act (**Assessment Report**). DPHI considered that the likely impacts on MNES would not be unacceptable provided the action is consistent with avoidance, mitigation and offset measures proposed by the proponent and undertaken in accordance with the relevant conditions.
21. On 13 November 2024, the Hon Paul Scully, Minister for Planning and Public Spaces in New South Wales adopted the recommendation to approve the proposed action subject to conditions (**NSW Approval**).

Proposed approval

22. On 14 November 2024, DPHI provided the department with their Assessment Report, the NSW Approval and notice of decision and recommended that the Minister approve the proposed action and endorse the relevant NSW conditions.
23. On 28 November 2024, I made a proposed decision to approve the proposed action, with conditions, as delegate of the Minister. That same day, I also invited comments on the proposed decision from the:
    - Proponent
    - Minister for Agriculture, Fisheries and Forestry, the Hon. Julie Collins MP
    - Minister for Climate Change and Energy, the Hon. Chris Bowen MP
    - Minister for Defence, the Hon. Richard Marles MP
    - Minister for Indigenous Australians, Senator the Hon. Malarndirri McCarthy
    - Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon. Catherine King MP

- Minister for Finance, Senator the Hon. Katy Gallagher
- Minister for Industry and Science, the Hon. Ed Husic MP
- delegated contact for the NSW Minister for Planning and Public Spaces, The Hon. Paul Scully MP.

Response to the proposed decision: Minister responses

24. On 9 December 2024, the National Indigenous Australians Agency (**NIAA**) responded to the invitation to comment on the proposed decision on behalf of the Minister for Indigenous Australians. I noted that the NIAA:
    - had no comment on the proposed conditions
    - provided comments in relation to First Nations-related economic and social matters based on information in the EIS and NSW Approval documentation
    - provided comments on best practice First Nations engagement, noting that the proposed Action traverses the country of several different First Nations groups
    - noted the importance of the additional Aboriginal Cultural Heritage Assessment report and the development of an Aboriginal Heritage Management Plan, as required in the conditions of the NSW Approval
    - encouraged the proponent to develop a First Nations employment, training and procurement plan in consultation with local First Nations groups and organisations.
25. In the context of the NIAA comments, I noted the importance of conditions B31 – B33 of the NSW Approval, which include requirements for an Addendum Aboriginal Cultural Heritage Assessment Report, protection of heritage items and a Heritage Management Plan.
26. On 11 December 2024, a delegate for the Minister for Agriculture, Fisheries and Forestry responded to the invitation to comment, and:
    - noted the proposed conditions in relation to clearing limits, reporting on biodiversity offset measures, preparing a Biodiversity Management Plan (**BMP**) and annual compliance reporting requirements, and that annual compliance reporting serves to ensure biodiversity and natural capital remain suitably protected, which benefits agriculture over the long term
    - noted the conclusion of the Agricultural Impact Assessment that overall impacts to agriculture and land capability would be small
    - recommended that the approval conditions for any future proposals for renewable energy and transmission line projects in the area consider the cumulative impacts of the various projects approved in the region
    - recommended the proponent continue to communicate and consult with surrounding stakeholders
    - recommended that any approval of the proposed action should include measures to protect Indigenous cultural heritage.

27. I considered and was satisfied that the various plans proposed in the NSW approval conditions, including the Social Impact Management Plan, Heritage Management Plan, and the conditions to minimise erosion and sedimentation and pollution of waters will address the points raised above.

28. As I explain below, I noted and agreed with the department's proposed conditions to reinforce the conditions of the NSW Approval that require preparation of a BMP that will include measures to control erosion, weeds and feral pests and ensure the action does not adversely affect native vegetation outside the project footprint.

29. I noted that:

- on 29 November 2024, a delegate for the Minister for Finance, Senator the Hon. Katy Gallagher responded that they had no comments on the proposed action
- on 12 December 2024, a delegate for the Minister for Defence, the Hon. Richard Marles MP responded that they had no comments on the proposed action
- no other comments were received in response to the proposed decision from Commonwealth Ministers.
- No comments were received from the NSW Minister for Planning and Public Spaces.

Ministerial correspondence

30. I noted that the department had received seven comments from the public in the form of ministerial correspondence, all of which opposed the proposed action. Concerns raised in the ministerial correspondence included that:

- the proposed action poses a risk to the nation's biodiversity, poses a high risk of serious and irreversible impacts, and is an unacceptable risk to protected matters. Submissions considered impacts to biodiversity in light of the *2021 Australia State of the Environment Report* and noted that the loss of habitat values (including EPBC protected matters in Yass and the regions' landscape) cannot be replaced in the short-term
- no on-ground surveys prior to issuing maps in February 2024 had accurately understood landscape complexities
- the Bilateral Agreement is not fulfilling the objects of the EPBC Act and is failing to maintain the required high environmental standards, and Australia is not complying with its international environmental obligations
- the Assessment Report fails to establish that there are no other feasible options available for the proposed action with a lesser impact on the environment, and that the overhead option for the proposed action has a benefit to NSW and Australia, as a whole
- there has been an inadequate consideration of undergrounding transmission infrastructure and a failure to assess alternatives. In this regard:
  - because the conditions of the NSW Approval do not require the proposed action to be delivered as an undergrounding option, the conditions do not address impacts to Matters of National Environmental Significance to the greatest extent possible.

  - Undergrounding of the proposed action had been costed at only 1.5 times the overhead transmission cost in the Amplitude report (HumeLink Undergrounding – Review of Transgrid Report and Costing for HVDC).
  - Undergrounding would result in lower maintenance costs, reduce fire hazard and have greater social, environmental and aesthetic benefits.

- The National Electricity Rules exclude significant environmental and community impacts from the cost-benefit analysis of the Integrated System Plan (**ISP**) and regulatory investment test for transmission of actionable ISP projects, when planning project options
- the conditions of the NSW Approval are premised on the proposed action not being part of a larger action, therefore underestimate cumulative impacts, and there has been a failure to assess the biodiversity impacts of the Optimal Development Path of the ISP and Snowy 2.0 Transmission Connection Project
- biodiversity impacts can be largely avoided by undergrounding, and the offsets proposed are contrary to the biodiversity offset policy in which only unavoidable impacts can be offset
- there are social, cultural and economic concerns associated with the proposed action, including that:
  - construction and use of the access road will damage a Cultural Heritage Site which is significant for women's ceremony and as a birthing area, and destroy the natural beauty, and that the proponent has not followed criteria in reporting a new cultural heritage survey
  - the proposed action has no social licence
  - there is a significant mental health and emotional toll associated with the proposed action, including for landowners
  - there is a bushfire risk and transmission lines hinder aerial and ground bushfire control.

31. I noted that these issues were also raised during the NSW assessment process and had been addressed in the Assessment Report. I discuss these in my reasons below.

Proponent's Comments

32. Throughout December 2024, the proponent engaged in consultation with the department on the proposed conditions. The substantive changes proposed by the proponent were to:
    - improve understanding and enforceability of condition 3 that requires the proponent to prepare an Orchid Management Plan (**OMP**) for four listed orchid species
    - make the timeframe for implementation of the OMP in condition 4 more specific
    - provide better alignment with the NSW Approval in relation to the timing of reports to the department on implementation of biodiversity offset measures (condition 9)

- limit the provision of monitoring data to the department to that required under the conditions of the Commonwealth approval
- improve specificity of the definitions of:
  - suitably qualified orchid specialist, with a definition of the Interim Biogeographic Regionalisation for Australia (**IBRA**) Region
  - project footprint, using updated maps provided by the proponent on 12 December 2024.

33. In addition, I noted advice from the proponent that the legal entity that will be undertaking the proposed action is NSW Electricity Networks Operations Pty Limited with ACN 609 169 959, not ABN 70 250 995 390 as stated in the proposed approval decision notice, which relates to the Trustee for the NSW Electricity Networks Operations Trust.
34. On 12 December 2024, the proponent advised the department that it accepted the conditions as amended in response to the proponent's comments.

Request for reconsideration

35. On 17 December 2024, Johnson Legal Pty Ltd (**Johnson Legal**), acting on behalf of HumeLink Alliance, provided a letter to the Minister which sought for reconsideration of the controlled action decision, on the basis of substantial new information and/or substantial change in circumstances.
36. On 18 December 2024, I determined that the request for reconsideration was not a valid request under section 78A of the EPBC Act because the request did not contain new information for the relevant protected matters that was not considered when the controlled action decision was made.

Approval decision

37. On 18 December 2024, I approved the taking of the proposed action under sections 130(1) and 133 of the EPBC Act, subject to conditions.

Evidence or other material on which my findings were based

38. In making my decision to approve the proposed action under subsection 130(1) and section 133 of the EPBC Act, I considered the information in the final approval decision brief (**approval decision brief**) prepared for me by officers of the department dated 18 December 2024, and all of its attachments. A full list of the attachments to the approval decision brief is set out at Annexure B.
39. I considered that the information before me was sufficient for me to decide whether or not to approve the proposed action.

Findings on material questions of fact and reasons for decision

40. In deciding whether to approve the proposed action, I considered all impacts that the proposed action would have or was likely to have on each matter protected by the controlling provisions for the proposed action (being sections 15B and 15C, 18 and 18A, and 20 and 20A of the EPBC

Act). My findings in relation to relevant controlling provisions for the proposed action, and other matters which I was required to take into account in my decision making, are set out below.

National heritage places – sections 15B and 15C

41. I considered that the following National Heritage places have the potential to be impacted by the proposed action:

- the Australian Alps National Parks and Reserves (**AANPR**); and
- the Snowy Mountains Scheme.

Australian Alps National Parks and Reserves

42. The AANPR National Heritage place covers approximately 1.6 million hectares of alpine and subalpine landscapes across NSW, Victoria, and the ACT. It covers eleven national parks and nature reserves, including Kosciuszko National Park. The AANPR contains a wide range of mountain environments and plants communities, from tall, wet fern-filled forests to snow gum woodlands and open expanses of alpine meadows with an average elevation of 330 metres above sea level.

National Heritage values

43. The AANPR is listed on the National Heritage List for the National Heritage criteria a, b, d, e, g and h, which provide:

a. the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history

b. the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history

d. the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:

i. a class of Australia's natural or cultural places or

ii. a class of Australia's natural or cultural environments

e. the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group

g. the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

h. the place has outstanding heritage value to the nation because of the place's special association with the life works of a person, or group of persons, of importance in Australia's natural or cultural history.

Proposed action area

44. I noted that the proposed action area does not extend into the AANPR but is 80 m from the heritage boundary at its closest point.

Impacts

45. The EIS concluded that the proposed action will have negligible impacts on National Heritage values of the AANPR. Specifically, the EIS concluded that the proposed action:

    - posed no impact to criterion (a) due to the location of the proposed action outside of the AANPR boundary, nor criterion (h)
    - will have no bearing on criterion (b) which relates to the rarity value of natural features including landscape and topography, glacial and periglacial features, fossils, alpine and sub-alpine ecosystems and eucalypt flora communities
    - passes through forested landscapes and does not impact the north-east Kosciuszko pastoral landscape, therefore there is no likelihood of impact
    - will have low visual impact to the aesthetic values of the AANPR. A landscape character and visual impact assessment was conducted by the proponent, concluding that no viewpoints are located in proximity to the proposed action or in a location where the proposed action would pose a visual intrusion into the significant views
    - will not diminish the social value of the heritage of AANPR
    - will have no impact on the connection of the AANPR to significant people who are Baron Ferdinand von Mueller, Eugen von Guerard, Andrew Barton 'Banjo' Paterson, Elyne Mitchell and poet David Campbell.

46. I noted the Assessment Report concluded that the proposed action would have a negligible impact on the AANPR because it would not have any 'direct impact on the parks and reserves that comprise the larger Australian Alps National Parks and Reserves heritage place' but 'may result in an indirect visual impact due to vegetation clearance and the proximity of transmission line structures'.

47. I agreed that the proposed action:

    a) will not impact any of the physical components of the AANPR (that is, I agreed that there would be no direct impact on the AANPR arising from the proposed action)

    b) had the potential to result in indirect visual impacts to the AANPR.

Avoidance and mitigation measures

48. I acknowledged that the proponent had stated in the EIS:

    > *Through the refinement of the transmission line corridor, the project has been developed to avoid direct impacts to the Snowy Mountain Scheme and the Australian Alps National Parks and Reserves, both listed on the National Heritage List.*

49. I noted that the proponent did not propose any specific mitigation measures in relation to the potential indirect visual impact on the AANPR National heritage place.

Assessment

50. The Department's Significant Impact Guidelines 1.1 provides the following guidance in assessing impacts on National Heritage Places:

> *An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:*
>
> - *one or more of the National Heritage values to be lost*
> - *one or more of the National Heritage values to be degraded or damaged, or*
> - *one or more of the National Heritage values to be notably altered, modified, obscured or diminished.*

51. I considered that, when assessed against the heritage criteria for which it was listed and notwithstanding its potential indirect visual impacts, there was not a real chance or possibility that the proposed action would cause the loss of, or degrade or damage, or notably alter, modify, obscure or diminish, the AANPR's National Heritage values.

Conclusion

52. For the reasons given above, I found that the proposed action would not have a significant impact on the AANPR and therefore no conditions relating to this protected matter were necessary or convenient.

Snowy Mountains Scheme

53. The Snowy Mountains Scheme is widely regarded as one of the engineering wonders of the world. The scheme is the most significant project to be undertaken as part of the post-war reconstruction program and has become an enduring symbol of Australia's identity as a multicultural, independent, and resourceful country.

National Heritage values

54. The Snowy Mountains Scheme is listed on the National Heritage List for the National Heritage criteria a, b, d, f, g and h, which provide:

    a. the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history

    b. the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history

    d. the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:

        i. a class of Australia's natural or cultural places or

        ii. a class of Australia's natural or cultural environments

    f. the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative and technical achievement at a particular period

g. the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

h. the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

55. The department considered, and I agreed, that the National Heritage values of the Snowy Mountains Scheme predominately relate to the scheme itself, and its significance as an unprecedented Australian engineering project.

Proposed action area

56. I noted that the proposed action area does not extend into the Snowy Mountains Scheme area, but is 80 m from the heritage boundary at its closest point.

Impacts

57. I noted that the EIS concluded that the proposed action would have no impact on the National Heritage values of the Snowy Mountains Scheme. Specifically, the EIS stated:

Criterion	Heritage value	Potential impact of project
Criterion A Events, Processes	Unprecedented civil engineering project. Major impetus in the development of Australia's engineering expertise and industrial relations environment in the post-war period Multicultural co-operation-Australia's commitment to accept approximately 60,000 European Displaced Persons	The project will not have an impact on the engineering features nor diminish its legacy as multi-cultural project.
Criterion B Rarity	Rare example of an engineering program of enormous complexity and scale Rare engineering features	The project will not impact any of the engineering features
Criterion D Principal characteristics of a class of places	Exemplar as a currently operating, intact hydro-electric scheme	The project will not impact the hydroelectric scheme
Criterion F Creative or technical achievement	One of the engineering wonders of the world	The engineering wonder is encapsulated within the boundary of the heritage listed item and the project is located outside the boundary of this heritage listed item.
Criterion G Social value	Strongly symbolic for large parts of the Australian community, especially by the thousands of former Snowy workers and their families.	The project will have no impact on the social value of the heritage item.
Criterion H Significant people	Association with Sir William Hudson and Olav Olsen	The project will have no impact on this value.

58. I noted that the Assessment Report stated:

> *The project would not impact any of the physical components of the Snowy Mountains Scheme. The heritage assessment found that while the amended project footprint is located in close proximity to the Snowy Mountains Scheme, impacts would be limited to potential*

indirect visual impacts. The potential indirect visual impacts were assessed as not impacting the heritage values associated with this item.

Avoidance and mitigation measures

59. As for the AANPR, the proponent has avoided direct impacts to the Snowy Mountains Scheme through revisions to the transmission line corridor. The proponent otherwise did not propose any specific mitigation measures in relation to the Snowy Mountains Scheme National heritage place.

Assessment

60. I considered, when assessed against the heritage criteria for which it was listed and having regard to the Significant Impact Guidelines 1.1 for assessing impacts on National Heritage Places (see paragraph 50), there was not a real chance or possibility that the proposed action would cause the loss of, or degrade or damage, or notably alter, modify, obscure or diminish, the National Heritage values of the Snowy Mountains Scheme.

Conclusion

61. For the reasons given above, I found that the proposed action would not have a significant impact on the National Heritage values of the Snowy Mountains Scheme and therefore no conditions relating to this protected matter were necessary or convenient.

Listed threatened species and communities – sections 18 and 18A

62. I noted that an updated Protected Matters Search Tool (**PMST**) report dated 26 November 2024 identified 116 threatened species and seven ecological communities that may, are likely to, or are known to occur within 10 km of the proposed action area.

63. The Revised Biodiversity Development Assessment Report (**BDAR**), prepared in response to submissions received on the EIS, concluded that impacts from the proposed action were likely to be significant in relation to:

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland - Critically Endangered ecological community
- Yass Daisy (*Ammobium craspedioides*) – Vulnerable
- Hoary Sunray (Leucochrysum albicans subsp. tricolor) – Endangered
- *Pimelea bracteata* – Critically Endangered
- Swamp Everlasting (*Xerochrysum palustre*) – Vulnerable
- Koala (Phascolarctos cinereus) – Endangered
- Pink-tailed Worm-lizard (*Aprasia parapulchella*) – Vulnerable.

64. The Revised BDAR concluded that there is potential for the proposed action to have significant impacts on:

- Bynoe's Wattle (*Acacia bynoeana*) – Vulnerable
- Buttercup Doubletail (*Diuris aequalis*) – Endangered
- Cambage Kunzea (*Kunzea cambagei*) – Vulnerable

- Cotoneaster Pomaderris (*Pomaderris cotoneaster*) – Endangered
- Bago Leek-orchid (*Prasophyllum bagoense*) – Critically Endangered
- Brandy Marys Leek-orchid (*Prasophyllum innubum*) - Critically Endangered
- Kelton's Leek-orchid (*Prasophyllum keltonii*) - Critically Endangered
- Blue-tongued Orchid (*Pterostylis oreophila*) - Critically Endangered
- Austral Toadflax (*Thesium austral*) – Vulnerable
- Regent Honeyeater (*Anthochaera phrygia*) - Critically Endangered
- Southern Whiteface (*Aphelocephala leucopsis*) – Vulnerable
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable; Marine; Migratory
- Gang-gang Cockatoo (*Callocephalon fimbriatum*) – Endangered
- South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*) – Vulnerable
- Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable; Marine; Migratory
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Swift Parrot (*Lathamus discolor*) - Critically Endangered
- South-Eastern Hooded Robin (*Melanodryas cucullata cucullata*) - Endangered
- Superb Parrot (*Polytelis swainsonii*) – Vulnerable
- Pilotbird (*Pycnoptilus floccosus*) – Vulnerable
- Diamond Firetail (*Stagonopleura guttata*) – Vulnerable
- Key's Matchstick Grasshopper (*Keyacris scurra*) – Endangered
- Golden Sun Moth (*Synemon plana*) – Vulnerable
- Spotted-tailed Quoll (*Dasyurus maculatus maculatus* (SE mainland population)) – Endangered
- Greater Glider (southern and central) (*Petauroides Volans*) – Endangered
- Yellow-bellied Glider (south-eastern) (*Petaurus australis australis*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Striped Legless Lizard (*Delma impar*) – Vulnerable.

65. DPHI agreed with the proponent's identification of the relevant species and communities, and its assessment of the significance of the impacts (save for the Grey-headed Flying Fox). The Assessment Report concluded that impacts of the proposed action on these species and communities would be acceptable, subject to the avoidance and mitigation measures described in the EIS and the Assessment Report, which would be implemented by way of the conditions attached to the NSW Approval, and the offsetting of the residual biodiversity impacts.

66. In accordance with section 158A of the EPBC Act, the department advised that I should disregard species and ecological communities which were not, at the time of the controlled action decision, listed threatened species and communities. The department also advised that I should disregard any 'uplisting' of listed threatened species and communities which occurred after my controlled action decision.

67. I accepted the department's recommendation that the proposed action will, or is likely to, impact upon the listed threatened species and communities identified at paragraphs 63 and 64 for reasons set out below.

White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered

Protected matter ecology

68. The White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (**BGW**) is dominated (or was formerly dominated) by a range of eucalypts, most commonly including White Box (*Eucalyptus albens*), Yellow Box (*E. melliodora*) and/or Blakely's Red Gum (*E. blakelyi*) in the woodlands, and also includes 'derived grasslands' that have resulted from the loss of the characteristic tree layer but retain an intact ground layer. This ground layer is dominated by perennial tussock grasses, augmented by a range of forbs.

69. The community is known to occur on hilly to undulating landscapes in areas with soils of moderate fertility derived from a range of lithologies, including alkaline and acid volcanics, granites, sediments, serpentinites and metamorphism.

70. The *Approved Conservation Advice for White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* defines the key diagnostic characteristics of the community as follows:

> The ecological community occurs in the following bioregions: Brigalow Belt South, Murray Darling Depression, Nandewar, New England Tableland NSW North Coast, NSW South Western Slopes, Riverina, South Eastern Queensland, South East Corner, South East Coastal Plain, South Eastern Highlands, Southern Volcanic Plain, Sydney Basin and Victorian Midlands.
>
> It has, or previously had, an overstorey dominated or co-dominated by:
>
> - *Eucalyptus albens (white box) and/or E. melliodora (yellow box) and/or E. blakelyi (Blakely's red gum) (applicable across the entire range of the ecological community); or,*
> - *in the Nandewar bioregion, any of the above three species and/or E. microcarpa (western grey box) and/or E. moluccana (grey box, coastal grey box);*
>
> It has a predominantly native ground layer.
>
> Tussock grasses are conspicuous in the ground layer (except in some situations, such as under dense groves of shrubs or regenerating trees), usually with several native species from some the following genera: *Austrostipa, Bothriochloa, Chloris, Cymbopogon, Dichanthium, Microlaena, Poa, Themeda, Rytidosperma* or *Sorghum*.

Amongst the grass tussocks and sometimes in swathes, a range of broad-leaved forbs and petaloid monocots (e.g. lilies sens. lat.) may be a major component of the plant diversity.

While shrubs may be dominant locally within areas of the ecological community, areas of native vegetation with a more continuous shrub layer, in which the average shrub cover of the whole patch is greater than 30%, is considered to be a shrubby woodland and so is not part of the listed ecological community. In assessing this, the effects of disturbance need to be considered, for example where heavy grazing may result in high densities of shrubs during a recovery phase.

71. Given the highly fragmented and degraded state of the community, the BGW Conservation Advice defines habitat critical to the survival of BGW as all areas that meet the minimum condition criteria for the ecological community.

72. The BGW Conservation Advice identifies the main threats to BGW as changes to soil nutrient levels, land clearing, inappropriate grazing, weed invasion, changed hydrology and associated dryland salinity, inappropriate fire regimes and impacts of climate change. The National Recovery Plan for the BGW identifies the major ongoing threats to the ecological community as clearing and fragmentation from land use change (including for urban, rural residential, agricultural and infrastructure development), degradation resulting from inappropriate management, and weed invasion by introduced perennial grasses.

73. Three threat abatement plans (**TAPs**) are relevant to BGW:

    - *TAP for the biological effects, including lethal toxic ingestion, caused by cane toads* (**TAP for cane toads**)
    - *TAP for predation, habitat degradation, competition and disease transmission by feral pigs* (**TAP for feral pigs**)
    - *TAP for disease in natural ecosystems caused by* Phytophthora cinnamomi (**TAP for P. cinnamomi**).

74. The objective of the *National Recovery Plan for White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland* is to promote the recovery and minimise the risk of extinction of the ecological community through:

    - achieving no net loss in extent and condition of the ecological community throughout its geographic distribution;
    - increasing protection of sites with high recovery potential;
    - increasing landscape function of the ecological community through management and restoration of degraded sites;
    - increasing transitional areas around remnants and linkages between remnants; and
    - bringing about enduring changes in participating land manager attitudes and behaviours towards environmental protection and sustainable land management practices to increase extent, integrity and function of BGW.

Impacts

75. I noted that the Assessment Report states:

> *Direct impacts of the amended project on Box Gum Woodland includes the removal of approximately 117.15 ha of habitat. Indirect effects include edge effects, resource partitioning, changes in community structure and reduced genetic exchange. The project will increase fragmentation of this community within the landscape. The amended project is considered likely to have a significant impact on Box Gum Woodland.*

76. I agreed that the proposed action was likely to have a significant impact on the BGW.

Avoidance and mitigation measures

77. The Assessment Report noted that the proposed action had been designed to avoid and minimise impacts through a process of:

- route selection / project design, including locating infrastructure within areas of low or no biodiversity values, avoiding areas of higher quality vegetation where possible, minimising the number of waterway crossings and targeting narrow waterway crossing points, and utilising double circuit design
- co-location of infrastructure with existing transmission lines or in areas of existing disturbance
- re-location of the transmission line alignment to avoid intact native vegetation within Bago State Forest and impacts to native riparian vegetation
- partial clearing measures to retain vegetation within the easement where possible
- utilising existing access tracks where possible to minimise vegetation clearing
- establishing exclusion zones to avoid impacts to listed threatened species associated with McPhersons Plain within Bago State Forest
- commitment to micro-siting of infrastructure in the detailed design phase to further avoid and minimise impacts to areas of high biodiversity value.

78. I noted that the proponent has committed to further surveys and design adjustments during finalisation of the project footprint to further reduce impacts to protected matters where practicable.

79. The department advised, and I noted, that the Assessment Report:

- did not consider the TAP for cane toads. The department considered, and I agreed, that, based on the potential distribution of cane toads in Australia and the location and nature of the action, specific mitigation measures were not required to manage threats from cane toads and approval of the action would not be inconsistent with the objectives of this TAP; and
- considered all other relevant TAPs and that DPHI considered the action could be carried out in a manner compatible with the relevant TAPs. DPHI has included measures for the control of feral animals under the recommended Biodiversity Management Plan for the project, including specific requirements for the proponent to consider the actions identified in relevant TAPs.

80. I also noted the advice from the Biodiversity and Conservation and Science Division of NSW (**BCS**) that the Biodiversity Management Plan include suitable hygiene protocols for *Phytophthora cinnamomi* areas.

81. Despite these avoidance, mitigation and management measures (and their required implementation by way of conditions which I discuss below), I considered that clearing 117.15 ha of BGW will have a residual significant impact on the ecological community as it will reduce the extent of an ecological community and adversely affect habitat critical to the survival of an ecological community.

Offsets

82. Accepting that the proposed action would have a residual significant impact, I noted that the proponent had identified compensatory measures, by way of an offset, for the residual significant impact. The proponent proposes to meet their offset obligation through implementing a combination of offsetting mechanisms available under the NSW Biodiversity Offset Scheme, including the purchase and retirement of existing biodiversity credits, establishing a biodiversity stewardship site and payment into the Biodiversity Conservation Fund, in accordance with the NSW Biodiversity Assessment Method (which the department endorsed as a basis for providing offsets under the EPBC Act).

83. The Assessment Report concluded that the proponent's proposed offsets accord with the NSW Biodiversity Assessment Method and the *EPBC Act Environmental Offsets Policy* (2012). The department agreed with the DPHI, and I accepted, that the proposed offset was consistent with the key policy principles of the EPBC Act Environmental Offsets Policy and the requirements of the EPBC Act.

84. The Assessment Report stated that impacts to 117.15 ha of BGW will be offset with the retirement of 5,168 **ecosystem credits** (a type of biodiversity credit that measures unavoidable impacts to threatened ecological communities or to threatened species habitat for species that can be reliably predicted to occur with the Plant Community Types (**PCTs**) identified). I noted that the Assessment Report concluded:

> *The Department is satisfied that with further avoidance measures during detailed design and the conservatism for assumed presence of some species, the number and class of credits required to be offset is likely to be lower than the calculations presented above.*
>
> *Subject to the recommended conditions, the Department and BCS are satisfied that the project could be undertaken in a manner that improves, or at least maintains, the biodiversity values of the locality over the medium to long term.*
>
> *…*
>
> *The Department and BCS agree with the outcome of Transgrid potential impacts on these species would be appropriately offset via the species credit requirements*

85. Where DPHI and the BCS considered that the residual significant impacts could be appropriately offset, and the department confirmed the proposed offset was consistent with the key policy principles of the EPBC Act and the department's Environmental Offsets Policy, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the BGW.

Conditions

86. The department noted that the following conditions of the NSW Approval were relevant:

- Conditions A2(c) and A2(d) which require the proponent to undertake the development generally in accordance with the EIS and the Development Layout of the NSW Approval.
- Condition B25(a) which specified vegetation and habitat clearing limits that must not be exceeded. For the BGW, this must not exceed 117.15 ha.
- Condition B26 which requires the proponent, prior to carrying out any activity that would impact on biodiversity values or within 3 months of the 13 November 2024 (whichever is sooner), to update the Biodiversity Offset Package (**Package**) consistent with the EIS, to the satisfaction of the NSW Planning Secretary (and in accordance with specific requirements) and, following the Planning Secretary's approval, the proponent must implement and deliver the Package including providing biannual reports and a requirement that offsets are to be delivered no later than 13 November 2026 (unless otherwise agreed).
- Condition B28 which requires the proponent, prior to carrying out any activity that would impact on the relevant biodiversity values (subject to a specific exclusion), to prepare a Supplementary Biodiversity Strategy (**Strategy**) as committed to in the EIS, in consultation with BCS and to the satisfaction of the Planning Secretary. Unless otherwise agreed by the Planning Secretary, the Strategy must be peer reviewed by a suitably qualified, experienced and independent biodiversity consultant and detail survey methods.
- Condition B29 which requires the proponent, prior to carrying out any activity that would impact on the relevant biodiversity values in the Supplementary Biodiversity Strategy, to prepare a Biodiversity Assessment Verification Report (**BAV Report**) in consultation with BCS and to the satisfaction of the Planning Secretary. Further, any changes to biodiversity offsets or mitigation measures arising from the BAV Report must be incorporated into a revised version of the Package and be addressed in a revised version of the BMP (referred to in Condition B30 below).
- Condition B30 which requires the proponent to prepare a BMP to the satisfaction of the Planning Secretary, and implement that strategy, to ensure that prior to carrying out any work that could impact biodiversity values the BMP must include protocols for unexpected and incidental finds of listed threatened species and threatened ecological communities within the disturbance footprint and the steps to be taken in these circumstances, and provide for the rehabilitation and restoration of temporary disturbance areas to their pre-existing condition and to progressively monitor the areas of partial clearance and monitor evaluate and publicly report on the effectiveness of the measures in the BMP.

87. The department recommended that the conditions of approval of the proposed action include conditions requiring compliance with the conditions summarised above. I accepted that recommendation.

88. I considered that the conditions would ensure that the proponent does not exceed the proposed clearing limit for BGW, which also ensures that the required offset will compensate for the residual significant impact that would result from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of

the BGW and that, in particular, the offset based conditions were necessary to mitigate the damage to the BGW.

Conclusion

89. For the reasons given above, I accepted that there was likely to be a significant residual impact on the BGW. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the BGW, nor would it be inconsistent with the Recovery Plan and the TAPs for cane toads, feral pigs and *P. cinnamomi*.

Yass Daisy (*Ammobium craspedioides*) – Vulnerable

Protected matter ecology

90. Yass Daisy is a rosette-forming perennial herb that bears single-flower headed stems in spring. It is found from near Crookwell on the southern tablelands to near Wagga Wagga and occurs in dry forest, Box-Gum Woodland and secondary derived grassland from cleared ecological communities and grows with a large range of eucalypts. The distribution of the species overlaps with the White Box-Yellow Box woodland and other ecological communities.

91. The *Approved Conservation Advice for Ammobium craspedioides (Yass Daisy)* provides the key diagnostic characteristics of the species and further ecological information and identifies the key threats to the Yass Daisy, including agricultural development, grazing, habitat disturbance, fragmentation, land clearing and invasive species.

92. I noted that there is:

- one TAP relevant to the species – *Threat abatement plan for competition and land degradation by rabbits* (**TAP for rabbits**); and
- no Recovery Plan for the Yass Daisy.

Impacts

93. I noted that the Assessment Report states that the proposed action involves direct impacts to 297.74 ha of known and potential habitat for Yass Daisy, with potential for indirect impacts on retained areas due to edge effects and weed incursion, and that this impact has the potential to be significant. Further, the BDAR stated:

> *However, in line with the precautionary principle, the amended project is considered to have the potential to lead to a long-term decrease in these species or a population of the species due to the removal of around 14.6% of known and potential habitat present across the amended project footprint.*
>
> *…*
>
> *No important populations for Yass Daisy have been defined. Despite this, the amended project has the potential to significantly impact Yass Daisy through the modification, destruction, removal and isolation of habitats within the amended project footprint.*

94. I accepted that the proposed action was likely to have a significant impact on the Yass Daisy.

Avoidance and mitigation measures

95. I considered the measures identified at paragraphs 77-78 were relevant to this species.

96. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing 297.74 ha of known and potential Yass Daisy habitat will have a residual significant impact on the species.

Offsets

97. The Assessment Report states that, in accordance with the Biodiversity Assessment Method, 17,366 species credits are required to compensate for the impact to 297.74 ha of Yass Daisy habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82). A **species credit** is a type of biodiversity credit that measures unavoidable impacts to threatened species that cannot reliably be predicted based on the vegetation identified in the impact area.

98. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Yass Daisy.

99. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Yass Daisy.

Conditions

100. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant and, in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 297.74 ha for the Yass Daisy.

101. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Yass Daisy, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of the Yass Daisy, and that in particular, the offset based conditions were necessary to compensate for the damage to the Yass Daisy.

102. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Yass Daisy.

Conclusion

103. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Yass Daisy. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Yass Daisy, nor would it be inconsistent with the TAP for rabbits.

Hoary Sunray (*Leucochrysum albicans subsp. tricolor*) – Endangered

Protected matter ecology

104. The Hoary Sunray is a perennial everlasting daisy which has a probable flowering period between October to December in NSW. The species is endemic to south-eastern Australia and occurs in three geographically separate areas, with the majority of subpopulations in NSW and the Australian Capital Territory (ACT).

105. The species occurs in a wide variety of grassland, woodland and forest habitats (including in several threatened ecological communities), generally on relatively heavy soils. It needs bare ground for germination and establishment.

106. According to the *Conservation Advice for Leucochrysum albicans subsp. tricolor (Hoary Sunray)*:

> *… habitat critical to the survival of Hoary Sunray likely includes suitable native grassland and grassy woodland habitat occupied by Hoary Sunray in Vic, Tas and NSW/ACT… in NSW and ACT, habitat critical to the survival of Hoary Sunray includes Natural Temperate Grassland of the South Eastern Highlands and White Box–Yellow Box–Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands.*

107. The Conservation Advice identifies the major threats to Hoary Sunray as clearing of native grasslands, a lack of biomass reduction (e.g. burning, light grazing) in productive grassland habitat, road maintenance works damaging roadside subpopulations, weed invasion, drought and genetic risks associated with small, fragmented subpopulations. The National Recovery Plan for the Hoary Sunray identifies threats to the species as habitat destruction, clearing, weed invasion, poor reservation status, lack of appropriate biomass reduction, inappropriate fire regimes, grazing by livestock and small population size.

108. I noted no TAPs have been identified as relevant for this species.

109. The overall objective of the *National Recovery Plan for the Hoary Sunray* Leucochrysum albicans *var.* tricolor recovery is to minimise the probability of extinction of Hoary Sunray in the wild and to increase the probability of populations becoming self-sustaining in the long term. Specific objectives include to:

- determine distribution, abundance, population structure and habitat requirements
- manage threats to populations and ensure that key populations and their habitat are protected, monitored and managed appropriately
- manage threats to populations
- build community support for conservation.

Impacts

110. I noted that the Assessment Report states that the Hoary Sunray was recorded in the project footprint, that the proposed action will clear 186.8 ha of Hoary Sunray habitat and that:

> *Based on the removal of a relatively large area of known and potential habitat, that likely supports what is likely an important population and habitat that may be critical to the species survival, the amended project is considered likely to have a significant impact on the Hoary Sunray.*

111. I agreed that the proposed action is likely to have a significant impact on the Hoary Sunray as it will adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

112. I considered the measures identified at paragraphs 77-78 were relevant to this species.

113. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 186.8 ha of known and potential Hoary Sunray habitat will have a residual significant impact on the species.

Offsets

114. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 107,500 species credits are required to compensate for the impact to 186.8 ha to Hoary Sunray habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

115. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Hoary Sunray.

116. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact to the Hoary Sunray.

117. I considered that the provision of offsets helps to manage threats to populations and ensure that key populations and their habitat are protected, monitored and managed appropriately, and is therefore not inconsistent with the objectives of the Recovery Plan.

Conditions

118. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 297.74 ha for the Hoary Sunray.

119. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Hoary Sunray, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Hoary Sunray and that, in particular, the offset based conditions were necessary to mitigate the damage to the Hoary Sunray.

120. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Hoary Sunray.

Conclusion

121. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Hoary Sunray. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Hoary Sunray, nor would it be inconsistent with the Recovery Plan for the species.

***Pimelea bracteata* – Critically Endangered**

Protected matter ecology

122. *Pimelea bracteata* is a shrub endemic to NSW and occurs in the Southern Tablelands, with the majority of populations in Kosciuszko National Park. The species has a highly restricted geographic distribution and typically grows along creek lines. A population may have a linear

distribution along a creek for many kilometres. As a result, populations of the species are difficult to define and quantify.

123. The *Conservation Advice* Pimelea bracteata provides:

> *The main threat to Pimelea bracteata is inferred to be pathogens or invertebrates causing plant dieback and death. The species is also threatened by habitat disturbance from feral horses, pigs and deer, as well as access to sites by people and vehicles. One site may be partially submerged in the future as a part of the Snowy 2.0 plan.*

124. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impacts

125. I noted that the Assessment Report states:

- *Pimelea bracteata* was recorded in the project footprint and has been recorded nearby.
- The proposed action will clear 4.76 ha of known and suitable *Pimelea bracteata* habitat.
- The proposed action and has the potential to cause associated indirect impacts including edge effects and weed incursion.

126. Further, DPHI considered the proposed action will have a significant impact on the species as the proposed action area bisects known habitat containing *Pimelea bracteata,* which has the potential to fragment an existing important population into two or more populations.

127. I agreed that the proposed action is likely to have a significant impact on the *Pimelea bracteata* because it will fragment an existing population into two or more populations.

Avoidance and mitigation measures

128. I considered the measures identified at paragraphs 77-78 were relevant to this species.

129. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 4.76 ha of known and suitable habitat for *Pimelea bracteata* will have a residual significant impact on the species.

Offsets

130. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 88 species credits are required to compensate for the impact to 4.76 ha of *Pimelea bracteata* habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

131. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for *Pimelea bracteata*.

132. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact to *Pimelea bracteata*.

Conditions

133. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 4.76 ha for *Pimelea bracteata*.

134. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for *Pimelea bracteata*, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of *Pimelea bracteata* and that, in particular, the offset based conditions were necessary to mitigate the damage to the *Pimelea bracteata*.

135. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the *Pimelea bracteata*.

Conclusion

136. For the reasons given above, I accepted that there was likely to be a significant residual impact on *Pimelea bracteata*. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the *Pimelea bracteata*.

Swamp Everlasting (*Xerochrysum palustre*) – Vulnerable

Protected Matter Ecology

137. Swamp Everlasting is a perennial herb that can grow up to a metre tall. The Swamp Everlasting is endemic to south-eastern Australia, where it is widely distributed from south-eastern New South Wales, through Victoria, to north-eastern Tasmania. The *Conservation Advice for* Xerochrysum palustre *(Swamp Everlasting)* states that the species grows in wetlands including sedge-swamps and shallow freshwater marshes, often on heavy black clay soils.

138. I noted that the *National Recovery Plan for Swamp Everlasting* Xerochrysum palustre identifies the main threats to the species as wetland drainage and modification, weed invasion, grazing and climate change. Specific threats to significant populations in NSW also include damage by feral animals (horses, pigs, deer).

139. I noted that no TAPs have been identified as relevant for this species.

140. The overall objective of the National Recovery Plan is to minimise the probability of extinction of the species in the wild and to increase the probability of important populations becoming self-sustaining in the long term. Specific objectives include to:

- acquire information on population abundance and trends for management and conservation
- identify habitat that is critical, common or potential
- identify and manage threats to populations and ensure that key populations and their habitat are protected and managed appropriately.

Impact

141. The Assessment Report records that:

No important populations have been defined for Swamp Everlasting. Swamp Everlasting has a wide but scattered distribution, with a population estimate of about 10,000 plants nationally. Within the areas surveyed, this species was not recorded occurring in large populations (i.e. only six individuals recorded). Swamp Everlasting was recorded in the Snowy Mountains IBRA subregion portion of the amended project footprint, and these records are just outside the western edge of the predicted habitat as per the species SPRAT profile. Therefore, it is likely that these individuals may constitute part of an important population.

142. Further, the Assessment Report also stated that the proposed action will clear 0.77 ha of known and potential habitat and that 'indirect impacts (such as edge effects and weed incursion) may occur to any retained areas of the species habitat within or adjacent to the amended project footprint'. In the Revised BDAR, the precautionary principle was applied, and it was considered that the proposed action had the potential to have a significant impact on the Swamp Everlasting. I also noted that the department concluded that there was likely to be a significant impact on the species.

143. Noting the analysis of the Assessment Report, proponent and the department, I agreed that the proposed action was likely to have a significant impact on the Swamp Everlasting.

Avoidance and mitigation measures

144. I considered the measures identified at paragraphs 77-78 were relevant to this species.

145. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 0.77 ha of known and suitable habitat for Swamp Everlasting will have a residual significant impact on the species.

Offsets

146. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 8 species credits are required to compensate for the impact to 0.77 ha of Swamp Everlasting habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

147. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Swamp Everlasting.

148. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Swamp Everlasting.

149. I considered that the provision of offsets helps identify and manage threats to populations and ensure that key populations and their habitat are protected and managed appropriately and is therefore not inconsistent with the objectives of the Recovery Plan.

Conditions

150. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 0.77 ha for Swamp Everlasting.

151. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Swamp Everlasting, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Swamp Everlasting and that, in particular, the offset based conditions were necessary to mitigate the damage to the Swamp Everlasting.

152. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Swamp Everlasting.

Conclusion

153. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Swamp Everlasting. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Swamp Everlasting, nor would it be inconsistent with the Recovery Plan for the species.

Koala (combined populations of Qld, NSW and the ACT) (*Phascolarctos cinereus*) – Endangered

Protected matter ecology

154. The Koala inhabits eucalypt forests in eastern Australia, from north-east Queensland to south-east South Australia, both coastal and inland. The *Approved Conservation Advice for Koala (combined populations of Qld, NSW and the ACT) (Phascolarctos cinereus)* identifies Koala habitat as Eucalyptus forests and woodlands that contain biophysical attributes necessary for foraging, survival (including predator avoidance), growth, reproduction and movement of the species.

155. The Conservation Advice identifies the following considerations in determining habitat critical to the survival of the Koala:

- whether the habitat is used during periods of stress (examples: flood, drought or fire)
- whether the habitat is used to meet essential life cycle requirements (examples: foraging, breeding, nesting, roosting, social behaviour patterns or seed dispersal processes)
- the extent to which the habitat is used by important populations
- whether the habitat is necessary to maintain genetic diversity and long-term evolutionary development
- whether the habitat is necessary for use as corridors to allow the species to move freely between sites used to meet essential life cycle requirements
- whether the habitat is necessary to ensure the long-term future of the species or ecological community through reintroduction or re-colonisation
- any other way in which habitat may be critical to the survival of a listed threatened species or a listed threatened ecological community.

156. I noted that the Conservation Advice identifies the main threats to the Koala as loss of climatically suitable habitat, increased intensity/frequency of drought, heatwaves and bushfires, declining nutritional value of foliage, clearing and degradation of habitat, vehicle mortality and dog attacks. The Koala also suffers from Koala retrovirus and Chlamydia (*Chlamydia percorum*).

157. I noted there is one TAP relevant to the species – *Threat abatement plan for predation by feral cats* (**TAP for feral cats**).

158. I noted the objectives of the *National Recovery Plan for the Koala (*Phascolarctos cinereus*) (combined populations of Queensland, New South Wales and the Australian Capital Territory)* are to:

- stabilise and then increase the area of occupancy and estimated size of populations that are declining, suspected to be declining, or predicted to decline
- maintain or increase the area of occupancy and estimated size of populations that are suspected and predicted to be stable
- maintain or improve metapopulation processes
- ensure that partners, communities and individuals have a greater role and capability in listed Koala monitoring, conservation and management.

Impacts

159. I noted that the Assessment Report states the proposed action will clear 487.37 ha of Koala habitat, and that there is the potential for indirect impacts (such as edge effects) to occur to any retained areas of Koala habitat within or adjacent to the project footprint.

160. I considered the clearing of habitat is likely to increase edge effects and weed incursion on retained areas of species habitat within or adjacent to the project footprint, reduce habitat connectivity, which will impact the Koala's ability to safely traverse remaining patches of vegetation, presenting a potential barrier for dispersal and that the proposed action could also impact the species due to vehicle strike during clearing and construction. I also noted that the BDAR considered the habitat to potentially be habitat critical to the survival of the species.

161. I agreed with the conclusion of DPHI that the proposed action is likely to have a significant impact on the Koala as it will adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

162. I considered the measures identified at paragraphs 77-78 were relevant to this species.

163. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 487.37 ha of habitat for the Koala will have a residual significant impact on the species.

Offsets

164. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 12,776 species credits are required to compensate for the impact to 487.37 ha of Koala habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

165. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Koala.

166. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Koala.

Conditions

167. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 487.37 ha of Koala habitat.

168. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for the Koala, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Koala and that, in particular, the offset based conditions were necessary to mitigate the damage to the Koala.

169. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Koala.

Conclusion

170. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Koala. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Koala, nor would it be inconsistent with the Recovery Plan for the Koala and the TAP for feral cats.

Pink-tailed Worm-lizard (*Aprasia parapulchella*) – Vulnerable

Protected matter ecology

171. The Pink-tailed Worm-lizard is a small, legless and very slender lizard that lives underground. The species' habitat includes primary and secondary grassland, grassy woodland and woodland communities, and the species usually inhabits sloping sites that contain rocky outcrops or scattered, partially buried rocks. These rocky habitats tend to be well-drained mid-slope or ridge-top sites with loosely embedded rocks on soil substrate with ant galleries present. Individuals are most commonly found sheltering under these rocks and spend considerable time in ant burrows below these rocks, which are considered important foraging and shelter sites. A cover of predominantly native grasses, particularly kangaroo grass (*Themeda australis*) characterises the majority of sites.

172. The *Conservation Advice for the Pink-tailed Worm-lizard* identifies the main threats to the Pink-tailed Worm-lizard as including habitat loss, fragmentation and degradation, removal of rocks, inappropriate fire regimes and predation.

173. In relation to predation, I noted that the TAP for feral cats and the TAP for rabbits were relevant to this species.

174. I noted that there is no Recovery Plan for this species.

Impacts

175. I noted that the Assessment Report states that the species was recorded in the proposed action area, that it was assumed to be an important population due to its restricted home range, and that the proposed action will clear 37.29 ha of Pink-tailed Worm-lizard habitat. The Revised BDAR also states that due to the risk of reduced habitat connectivity, and the potential to directly impact individuals and their habitats through the removal of grassland habitats, and surface rock, the proposed action is likely to have a significant impact.

176. I considered the clearing is likely to reduce habitat connectivity, which will impact the Pink-tailed Worm-lizard's ability to disperse between areas of habitat. The removal of non-native vegetation may also impact the Pink-tailed Worm-lizard as the species is known to use disturbed areas dominated by exotic species. As such, I agreed with the conclusion of DPHI that the proposed action is likely to have a significant impact on the Pink-tailed Worm-lizard.

Avoidance and mitigation measures

177. I considered the measures identified at paragraphs 77-78 were relevant to this species.

178. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 37.29 ha of habitat for the Pink-tailed Worm-lizard will have a residual significant impact on the species.

Offsets

179. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 618 species credits are required to compensate for the impact to 37.29 ha of Pink-tailed Worm-lizard habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

180. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Pink-tailed Worm-lizard.

181. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Pink-tailed Worm-lizard.

Conditions

182. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 37.29 ha of Pink-tailed Worm-lizard habitat.

183. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Pink-tailed Worm-lizard, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Pink-tailed Worm-lizard and that, in particular, the offset based conditions were necessary to mitigate the damage to the Pink-tailed Worm-lizard.

184. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Pink-tailed Worm-lizard.

Conclusion

185. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Pink-tailed Worm-lizard. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Pink-tailed Worm-lizard, nor would it be inconsistent with the TAP for feral cats and the TAP for rabbits.

Bynoe's Wattle (*Acacia bynoeana*) – Vulnerable

Protected Matter Ecology

186. Bynoe's Wattle is tiny wattle that has stems laying on the ground but rising at the tip. Its flowers between September and March and seedpods mature between September and January. It is found in central eastern NSW from the Hunter District south to the Southern Highlands and west to the Blue Mountains. The species is currently known from about 30 locations, with the size of the populations at each location being very small, typically 1-5 plants, with only a few sites with 30-50 individuals.

187. Bynoe's wattle occurs in dry sclerophyll forest on sandy soils and prefers open areas sometimes slightly disturbed. The distribution of the species overlaps with the White Box-Yellow Box woodland. The *Approved Conservation Advice for* Acacia bynoeana *(Bynoe's wattle)* identifies its main threats as:

- land clearing, leading to habitat loss and fragmentation
- inappropriate habitat disturbance, noting that a level of disturbance is possibly required for species maintenance. Inappropriate disturbance can include extensive road, trail and power line maintenance, and a high frequency of vehicle use. As specimens are often found on trail margins, plants can be damaged by recreational vehicles, horse riding and pedestrian use
- fragmentation of the populations. Due to the fragmented nature of the populations, their small size, fire mitigation activities and the proximity of urbanisation, the species is susceptible to catastrophic events and localised extinction
- invasion of the species' habitat by weeds
- inappropriate fire regimes.

188. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

189. I noted the Assessment Report assumed the species is present in the proposed action area and would likely constitute an important population as it occurs at the limits of the species range and that the proposed action involves clearing of 4.17 ha of Bynoe's wattle habitat.

190. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on an important population of Bynoe's wattle.

Avoidance and mitigation measures

191. I considered the measures identified at paragraphs 77-78 were relevant to this species.

192. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 4.17 ha of habitat for the Bynoe's wattle will have a residual significant impact on the species.

Offsets

193. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 128 species credits are required to compensate for the impact to 4.17 ha of Bynoe's wattle habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

194. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Bynoe's wattle.

195. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact.

Conditions

196. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 4.17 ha of Bynoe's wattle habitat.

197. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Bynoe's wattle, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Bynoe's wattle and that, in particular, the offset based conditions were necessary to mitigate the damage to Bynoe's wattle.

198. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Bynoe's wattle.

Conclusion

199. For the reasons given above, I accepted that there was likely to be a significant residual impact on Bynoe's wattle. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on Bynoe's wattle.

Buttercup Doubletail (*Diuris aequalis*) - Endangered

Protected matter ecology

200. The Buttercup Doubletail is described as a terrestrial herb and flowers in a golden yellow to orange colour. The species has been recorded in montane eucalypt forest, low open woodland with grassy understorey and secondary grassland, often on gentle slopes and associated with gravelly clay-loam soils.

201. The majority of the populations exist in small, fragmented remnants in predominantly agricultural landscapes. The species has a highly restricted geographical range and is known from

fewer than 20 small and fragmented populations between Braidwood and the Blue Mountains in the central and southern tablelands of NSW.

202. The *Conservation Advice* Diuris aequalis *Buttercup Doubletail* states that key threats to the species are from loss of habitat and declining habitat quality due to grazing and road maintenance.

203. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

204. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 46.05 ha of Buttercup Doubletail habitat, which the department considered will reduce the area of occupancy of the species.

205. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on an important population of Buttercup Doubletail.

Avoidance and mitigation measures

206. I considered the measures identified at paragraphs 77-78 were relevant to this species.

207. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 46.05 ha of habitat for the Buttercup Doubletail will have a residual significant impact on the species.

Offsets

208. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 1,075 species credits are required to compensate for the impact to 46.05 ha of Buttercup Doubletail habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

209. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Buttercup Doubletail.

210. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Buttercup Doubletail.

Conditions

211. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 46.05 ha of Buttercup Doubletail habitat.

212. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Buttercup Doubletail, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Buttercup Doubletail and that, in particular, the offset based conditions were necessary to mitigate the damage to Buttercup Doubletail.

213. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Buttercup Doubletail.

Conclusion

214. For the reasons given above, I accepted that there was likely to be a significant residual impact on Buttercup Doubletail. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on Buttercup Doubletail.

Cambage Kunzea *(Kunzea cambagei)* – Vulnerable

Protected matter ecology

215. Cambage Kunzea is a small shrub that grows to around 0.6 m tall and flowers a cream to yellow colour. The species occurs in the western and southern parts of the Blue Mountains NSW, with four main populations from 20 to 150 individuals. Cambage Kunzea occurs in wet heath and woodland on coarse sandy soil on sandstone and quartzite. The distribution of this species overlaps with BGW and two other threatened ecological communities listed under the EPBC Act.

216. The *Approved Conservation Advice for* Kunzea cambagei identifies the main threats to the species as high fire frequency, road widening and habitat degradation by rubbish dumping and trail bikes, with potential threats including weed spraying where plants occur on roadsides and bush rock removal near populated areas.

217. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

218. I noted the Assessment Report assumed the species is present in the proposed action area and would likely constitute an important population and that the proposed action involves clearing of 8.27 ha of Cambage Kunzea habitat, which the department considered would modify, destroy, remove or isolate or decrease the availability or quality to habitat to the extent that the species is likely to decline.

219. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on an important population of Cambage Kunzea.

Avoidance and mitigation measures

220. I considered the measures identified at paragraphs 77-78 were relevant to this species.

221. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 8.27 ha of habitat for the Cambage Kunzea will have a residual significant impact on the species.

Offsets

222. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 282 species credits are required to compensate for the impact to 8.27 ha of Cambage Kunzea habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

223. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Cambage Kunzea.

224. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Cambage Kunzea.

Conditions

225. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 8.27 ha of Cambage Kunzea habitat.

226. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Cambage Kunzea, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Cambage Kunzea and that, in particular, the offset based conditions were necessary to mitigate the damage to Cambage Kunzea.

227. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Cambage Kunzea.

Conclusion

228. For the reasons given above, I accepted that there was likely to be a significant residual impact on Cambage Kunzea. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on Cambage Kunzea.

Cotoneaster Pomaderris (*Pomaderris cotoneaster*) – Endangered

Protected matter ecology

229. Cotoneaster Pomaderris is a species of dense shrub that can reach up to four metres tall. It occurs in south-eastern Australia from Mudgee to northwest of Sydney to far eastern Victoria. In total, 19 subpopulations have been recorded, with 16 of these recorded in the last 20 years. Three subpopulations are only known from historical records more than 30 years old, and it is not known if they persist. The total number of plants known to exist in the wild is at least 3,200 although the *Conservation Advice for* Pomaderris cotoneaster *(Cotoneaster Pomaderris)* states that this may not be accurate as not all subpopulations have been counted.

230. Due to the small and fragmented population, all populations are critical to the long-term survival of the species and all habitat is considered habitat critical to the survival of the species.

231. The Conservation Advice identifies the main threats to Cotoneaster Pomaderris as climate change, invasive weeds, genetic threats from small subpopulation sizes and other fire related threats.

232. I noted that no TAPs have been identified as relevant for this species.

233. The objectives of the *National Recovery Plan for* Pomaderris cotoneaster *(Cotoneaster pomaderris)* are to ensure that all natural populations of Cotoneaster pomaderris are stable or increasing in size, reduce or manage threats, increase knowledge of the reproductive biology of

this species and undertake supplementary planting of this species and promote its recruitment wherever possible.

234. I noted the recommendation of the Recovery Plan that assessment for development should conclude that no net loss of populations or individuals of Cotoneaster Pomaderris is acceptable.

Impact

235. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 8.96 ha of Cotoneaster Pomaderris habitat, which the department considered will reduce the area of occupancy of the species.

236. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on Cotoneaster Pomaderris.

Avoidance and mitigation measures

237. I considered the measures identified at paragraphs 77-78 were relevant to this species.

238. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 8.96 ha of habitat for the Cotoneaster Pomaderris will have a residual significant impact on the species.

Offsets

239. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 300 species credits are required to compensate for the impact to 8.96 ha of Cotoneaster Pomaderris habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

240. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Cotoneaster Pomaderris.

241. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Cotoneaster Pomaderris.

242. I considered that the offsets ensure that, consistent with the Recovery Plan, there will be no net loss of populations or individuals.

Conditions

243. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 8.96 ha of Cotoneaster Pomaderris habitat.

244. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Cotoneaster Pomaderris, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Cotoneaster Pomaderris and that, in particular, the offset based conditions were necessary to mitigate the damage to Cotoneaster Pomaderris.

245. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Cotoneaster Pomaderris.

Conclusion

246. For the reasons given above, I accepted that there was likely to be a significant residual impact on Cotoneaster Pomaderris. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on Cotoneaster Pomaderris, nor would it be inconsistent with the Recovery Plan for the Cotoneaster Pomaderris.

Bago Leek-orchid (*Prasophyllum bagoense*) – Critically Endangered

Protected Matter Ecology

247. The Bago Leek-orchid is a terrestrial herb that belongs to the Orchidacaeae Family. It grows singly or in loose groups and grows to be approximately 30 centimetres tall with pink scented flowers. The *Approved Conservation Advice for* Prasophyllum bagoense *(Bago leek-orchid)* states that the species is known from a single population at McPhersons Plain, east of Tumbarumba in the Southern Tablelands of New South Wales. Both its extent of occurrence and area of occupancy are less than one square kilometre.

248. The main identified threats to the Bago Leek-orchid are changes to hydrology in their habitat, agricultural grazing, soil disturbance by feral pigs and horses, plant removal and trampling, weed invasion and inappropriate land management.

249. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

250. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 0.04 ha of potential Bago Leek-orchid habitat that may be critical to the survival of the species.

251. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on Bago Leek-orchid habitat, which the department considered could lead to a long-term decrease in the size of a population, reduce the area of occupancy of the species and adversely affect habitat that may be critical to the survival of the species.

Avoidance and mitigation measures

252. I considered the measures identified at paragraphs 77-78 were relevant to this species.

253. Notwithstanding these measures (and their required implementation by way of conditions), and noting the very restricted distribution of the species, I considered the clearing of 0.04 ha of potential habitat for the Bago Leek-orchid will have a residual significant impact on the species.

Offsets

254. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 3 species credits are required to compensate for the impact to 0.04 ha of potential Bago Leek-orchid habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

255. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Bago Leek-orchid.

256. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Bago Leek-orchid.

Conditions

257. While the proponent has committed to mitigation measures, and the conditions of the NSW Approval required the proponent to undertake additional surveys, the department considered that the risk of any clearing of the species and its habitat is too significant, and therefore specific targeted conditions of approval were recommended. These were:

- Condition 3 – requiring that prior to carrying out any development that could impact habitat for Bago Leek-orchid, Brandy Marys Leek Orchid, Kelton's Leek-orchid and Blue-tongued Orchid, the proponent must prepare a plan (Orchid Management Plan) for the Minister's approval to avoid impacts to the habitat of each of the orchid species.
- Condition 4 – providing that the proponent must not harm any habitat of the four orchid species and must implement the Orchid Management Plan from commencement until expiry of the approval.
- Condition 5 – specifying the very detailed requirements the Orchid Management Plan was required to meet, and the expertise of which the person preparing the plan was required to hold.

258. I accepted the department's recommendation that these conditions be imposed. I considered that they were necessary to ensure the protection of the species, and would be appropriately supported by, and consistent with, the conditions of the NSW Approval requiring further surveys to be conducted.

Conclusion

259. For the reasons given above, I accepted that there was likely to be a significant residual impact on Bago Leek-orchid. However, I agreed that if approved subject to NSW conditions and those conditions recommended by the department relating to measures requiring the proponent to avoid all Bago Leek-orchids and their habitat, the proposed action will not have an unacceptable impact on Bago Leek-orchid.

Brandy Marys Leek-orchid (*Prasophyllum innubum*) - Critically Endangered

Protected Matter ecology

260. The Brandy Marys Leek-orchid, like the Bago leek-orchid, is a terrestrial herb that belongs to the Orchidacaeae Family. It grows singly or in loose groups and grows to be approximately 50 centimetres tall with brownish-purple flowers with white or pinkish labellums. The *Approved Conservation Advice for* Prasophyllum innubum *(Brandy Mary's leek-orchid)* states that the species has an area of occupancy of 1.5 ha. The Brandy Marys Leek-orchid population size fluctuates between 0 and 200 visible plants in eight small populations, with one population now thought to be extinct.

261. The Conservation Advice identifies the main threats to Brandy Marys Leek-orchid as logging, hydrological changes due to dam construction, grazing by domestic stock and feral horses (*Equus caballus*), soil disturbance by feral pigs (*Sus scrofa*), mineral fossicking, weed invasion by Yorkshire fog (*Holcus lanatus*) and blackberry (*Rubus fruticosus*) and inappropriate land

management, and potential threats as soil disturbance and habitat destruction by four-wheel drive vehicles, trail-bike and horse trail-riding activities, illegal collection and stochastic events such as wildfire.

262. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

263. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 0.02 ha of potential Brandy Marys Leek-orchid that may be critical to the survival of the species.

264. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on Brandy Marys Leek-orchid habitat, which the department considered could lead to a long-term decrease in the size of a population, reduce the area of occupancy of the species and adversely affect habitat that may be critical to the survival of the species.

Avoidance and mitigation measures

265. I considered the measures identified at paragraphs 77-78 were relevant to this species.

266. Notwithstanding these measures (and their required implementation by way of conditions), and noting the very restricted distribution of the species, I considered the clearing of 0.02 ha of potential habitat for the Brandy Marys Leek-orchid will have a residual significant impact on the species.

Offsets

267. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 1 species credit is required to compensate for the impact to 0.02 ha of potential Brandy Marys Leek-orchid habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

268. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Brandy Marys Leek-orchid.

269. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Brandy Marys Leek-orchid.

Conditions

270. For the reasons I have stated at paragraphs 257 to 258, I considered it necessary to impose conditions for the protection of the Brandy Marys Leek-orchid.

Conclusion

271. For the reasons given above, I accepted that there was likely to be a significant residual impact on Brandy Marys Leek-orchid. However, I agreed that if approved subject to NSW conditions and those recommended by the department relating to measures requiring the proponent to avoid all Brandy Marys Leek-orchids and their habitat, the proposed action will not have an unacceptable impact on Brandy Marys Leek-orchid.

Kelton's Leek-orchid (*Prasophyllum keltonii*) - Critically Endangered

Protected Matter ecology

272. The Kelton's Leek-orchid is a terrestrial herb that belongs to the Orchidacaeae Family. It grows singly or in loose groups and grows to be approximately 35 cm long with brown, red or purple flagrant flowers. The *Approved Conservation Advice for* Prasophyllum keltonii *(Kelton's leek-orchid)* states that the species occurs on McPhersons Plain in Bago State Forest, east of Tumbarumba in the Southern Tablelands. Kelton's Leek-orchid grows on a tussock grassland plain, in moisture retentive brown loam. The Kelton's Leek-orchid has an extent of occurrence of approximately 12 ha and area of occupancy of less than 1 ha. Its population size fluctuates between 10 and 250 individuals.

273. The main identified threats to the Kelton's Leek-orchid are largely the same as those identified in relation to the Brandy Marys Leek-orchid at paragraph 261.

274. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

275. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 0.03 ha of potential Kelton's Leek-orchid that may be critical to the survival of the species.

276. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on Kelton's Leek-orchid habitat, which the department considered could lead to a long-term decrease in the size of a population, reduce the area of occupancy of the species and adversely affect habitat that may be critical to the survival of the species.

Avoidance and mitigation measures

277. I considered the measures identified at paragraphs 77-78 were relevant to this species.

278. Notwithstanding these measures (and their required implementation by way of conditions), and noting the very restricted distribution of the species, I considered the clearing of 0.03 ha of potential habitat for the Kelton's Leek-orchid will have a residual significant impact on the species.

Offsets

279. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 2 species credits are required to compensate for the impact to 0.03 ha of potential Kelton's Leek-orchid habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

280. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Kelton's Leek-orchid.

281. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Kelton's Leek-orchid.

Conditions

282. For the reasons I have stated at paragraphs 257 to 258, I considered it necessary to impose conditions for the protection of the Kelton's Leek-orchid.

Conclusion

283. For the reasons given above, I accepted that there was likely to be a significant residual impact on Kelton's Leek-orchid. However, I agreed that if approved subject to NSW conditions and those recommended by the department relating to measures requiring the proponent to avoid all Kelton's Leek-orchid and their habitat, the proposed action will not have an unacceptable impact on Kelton's Leek-orchid.

Blue-tongued Orchid, Kiandra Greenhood (*Pterostylis oreophila*) - Critically Endangered

Protected matter ecology

284. The Blue-tongued Orchid, also known as the Kiandra Greenhood, is a terrestrial orchid that belongs to the Orchidacaeae Family. The species grows to 20 cm tall and has a distinctive bluish or blue-green labellum. The species is restricted to growing beside small montane and subalpine streams under tall dense thickets of mountain tea tree, in black oozing mud or less commonly in peaty soils and sphagnum mounds.

285. The *Approved Conservation Advice for* Pterostylis oreophila *(Kiandra greenhood)* states that in 2008 the Blue-tongued Orchid occurred in 20 locations. The estimated population is 240 mature individuals. The extent of occurrence and area of occupancy of this species are unknown, however due to the low number of mature individuals and severe fragmentation it is likely that the species has a very restricted geographic distribution.

286. The Conservation Advice identifies the main threats to the Blue-tongued Orchid as grazing and trampling by cattle and feral horses at some sites; altered hydrology due to the impacts of grazing, and adjacent land uses such as logging; soil disturbance by feral pigs, horse trail riding, trampling; mineral fossicking in the Bago area; weed invasion by blackberry in the Bago area and some Victorian sites; inappropriate land management including inappropriate fire regimes.

287. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

288. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 0.65 ha of potential Blue-tongued Orchid habitat that may be critical to the survival of the species.

289. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on Blue-tongued Orchid habitat, which the department considered could lead to a long-term decrease in the size of a population, reduce the area of occupancy of the species and adversely affect habitat that may be critical to the survival of the species.

Avoidance and mitigation measures

290. I considered the measures identified at paragraphs 77-78 were relevant to this species.

291. Notwithstanding these measures (and their required implementation by way of conditions), and noting the very restricted distribution of the species, I considered the clearing of 0.65 ha of potential habitat for the Blue-tongued Orchid will have a residual significant impact on the species.

Offsets

292. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 10 species credits are required to compensate for the impact to 0.65 ha of potential Blue-tongued Orchid habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

293. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Blue-tongued Orchid.

294. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Blue-tongued Orchid.

Conditions

295. For the reasons I have stated at paragraphs 257 to 258, I considered it necessary to impose conditions for the protection of the Blue-tongued Orchid.

Conclusion

296. For the reasons given above, I accepted that there was likely to be a significant residual impact on Blue-tongued Orchid. However, I agreed that if approved subject to NSW conditions and those recommended by the department relating to measures requiring the proponent to avoid all Blue-tongued Orchid and their habitat, the proposed action will not have an unacceptable impact on Blue-tongued Orchid.

Austral Toadflax (*Thesium austral*) – Vulnerable

Protected matter ecology

297. Austral Toadflax is a perennial herb that grows up to 40 cm tall with a yellow-green colour and flowers during spring and summer. The species' distribution is sporadic but widespread and occurs between the Bunya Mountains in south-east Queensland to northeast Victoria and as far inland as the southern, central and northern tablelands in New South Wales and the Toowoomba region.

298. The *Approved Conservation Advice for* Thesium australe *(austral toadflax)* states that the species' main threats are intensified grazing by livestock, native herbivores and feral herbivores, lack of fire disturbance, urban and agricultural development, weed invasion and expansion of infrastructure (road and rail).

299. I noted that:

- the TAP for rabbits was relevant to this species
- there is no Recovery Plan for this species.

Impact

300. I noted the Assessment Report assumed the species is present in the proposed action area and would likely constitute an important population and that the proposed action involves clearing of 149.12 ha of Austral Toadflax habitat.

301. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on Austral Toadflax. I noted the department considered the proposed action would adversely affect habitat critical to the species and interfere with the recovery of the species.

Avoidance and mitigation measures

302. I considered the measures identified at paragraphs 77-78 were relevant to this species.

303. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 149.12 ha of habitat for the Austral Toadflax would have a residual significant impact on the species.

Offsets

304. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 902 species credits are required to compensate for the impact to 149.12 ha of Austral Toadflax habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

305. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Austral Toadflax.

306. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Austral Toadflax.

Conditions

307. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 149.12 ha of Austral Toadflax habitat.

308. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Austral Toadflax, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Austral Toadflax and that, in particular, the offset based conditions were necessary to mitigate the damage to Austral Toadflax.

309. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Austral Toadflax.

Conclusion

310. For the reasons given above, I accepted that there was likely to be a significant residual impact on Austral Toadflax. However, I agreed that if approved subject to the recommended conditions,

the proposed action will not have an unacceptable impact on Austral Toadflax, nor would it be inconsistent with the TAP for rabbits.

Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered

Protected matter ecology

311. The Regent Honeyeater (*Anthochaera phrygia*) is a striking, predominantly black and yellow bird. Its diet primarily consists of nectar but also includes invertebrates (mostly insects) and their exudates, and occasionally fruit. It obtains nectar chiefly from eucalypts and mistletoe and appears reliant on select species which provide reliable nectar flows.

312. The *Conservation Advice for Anthochaera Phrygia* states there are four known key breeding areas, three of which are in NSW. The timing of breeding varies between regions and appears to correspond with the flowering of key eucalypt and mistletoe species.

313. The Conservation Advice states that the decline of the species is mainly due to clearing, fragmentation and degradation of its habitat. It is particularly vulnerable to the removal of large mature trees which are important feeding and breeding habitat.

314. I noted that two TAPs are relevant to the Regent Honeyeater:

- TAP for feral cats
- TAP for rabbits.

315. The objectives of the *National Recovery Plan for the Regent Honeyeater* (Anthochaera phrygia) are to:

- reverse the long-term population trend of decline and increase the numbers of Regent Honeyeaters to a level where there is a viable, wild breeding population, even in poor breeding years, and
- enhance the condition of habitat across the Regent Honeyeater range to maximise survival and reproductive success and provide refugia during periods of extreme environmental fluctuation.

Impact

316. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 188.31 ha of potential Regent Honeyeater foraging habitat.

317. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on Regent Honeyeater. I noted the department considered the proposed action would reduce the area of occupancy of the species and adversely affect habitat critical to the species.

Avoidance and mitigation measures

318. I considered the measures identified at paragraphs 77-78 were relevant to this species.

319. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 188.31 ha of potential foraging habitat for the Regent Honeyeater would have a residual significant impact on the species.

Offsets

320. I noted that the Regent Honeyeater is a dual credit species under the Biodiversity Assessment Method but, because the proposed action will not impact any areas mapped as Important Habitat for the species, the residual impact to the species will be offset through ecosystem credits only.

321. I noted that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

322. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Regent Honeyeater.

323. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Regent Honeyeater.

324. I accepted that this offset requirement would deliver an overall conservation outcome that improves or maintains the viability of the Regent Honeyeater and therefore is not inconsistent with the objective of the Recovery Plan to enhance the condition of habitat across the species range to maximise survival and reproductive success and provide refugia.

Conditions

325. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Regent Honeyeater habitat.

326. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Regent Honeyeater, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Regent Honeyeater and that, in particular, the offset based conditions were necessary to mitigate the damage to Regent Honeyeater.

327. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Regent Honeyeater.

Conclusion

328. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Regent Honeyeater. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Regent Honeyeater, nor would it be inconsistent with the Recovery Plan and the TAPs for rabbits and feral cats.

Southern Whiteface (*Aphelocephala leucopsis*) – Vulnerable

Protected matter ecology

329. The Southern Whiteface is found across most of mainland Australia south of the tropics and lives in a range of open woodlands and shrublands where there is an understorey of grasses and/or shrubs. Southern Whiteface are considered sedentary and forage almost exclusively on

the ground, the species typically forages in small groups of 2–8 individuals, favouring habitat with low tree densities and an herbaceous understorey litter cover.

330. The *Conservation Advice for* Aphelocephala leucopsis *(southern whiteface)* states that breeding takes place from July to October throughout most of the species' range, however, the timing of breeding can be affected by rainfall in arid regions. The species builds large bulky domed nests of grass, bark and roots, usually in a hollow or crevice, although sometimes in low bushes.

331. I noted that habitat critical to the survival of the Southern Whiteface includes areas of:

- relatively undisturbed open woodlands and shrublands with an understorey of grasses or shrubs, or both
- habitat with low tree densities and an herbaceous understory litter cover which provides essential foraging habitat
- living and dead trees with hollows and crevices which are essential for roosting and nesting.

332. I noted that the Conservation Advice states that any known or likely habitat should be considered as habitat critical to the survival of the species. Additionally, areas that are not currently occupied by the species due to recent disturbance (e.g. fire, grazing or human activity), but should become suitable again in the future, should also be considered habitat critical to the survival of the species.

333. I noted that the Conservation Advice states that habitat loss and fragmentation is likely the cause of the species' decline, especially in the parts of the species' range where there has been complete removal of habitat for intensive agriculture.

334. I noted that:

- the TAP for feral cats was relevant to this species
- there is no recovery plan for the Southern Whiteface.

Impact

335. I noted the Assessment Report assumed the species is present in the proposed action area and that the proposed action involves clearing of 292.98 ha of foraging and breeding habitat for the Southern Whiteface, including habitat critical to the survival of the species.

336. I noted and agreed with the precautionary approach taken by DPHI in assuming there is a potential for the proposed action to have a significant impact on Southern Whiteface. I noted the department considered the proposed action would reduce the area of occupancy of the species and adversely affect habitat critical to the species.

Avoidance and mitigation measures

337. I considered the measures identified at paragraphs 77-78 were relevant to this species.

338. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 292.98 ha of foraging and breeding habitat for the Southern Whiteface, including habitat critical to the survival of the species would have a residual significant impact on the species.

Offsets

339. I noted that the Southern Whiteface is not a listed species under the *Biodiversity Conservation Act 2016* (NSW) (**NSW Biodiversity Conservation Act**) and has no associated PCTs in NSW BioNet Atlas (**BioNet**) but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

340. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Southern Whiteface.

341. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Southern Whiteface.

Conditions

342. I noted that conditions of the NSW Approval identified at paragraph 87 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Southern Whiteface habitat.

343. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Southern Whiteface and that, in particular, the offset based conditions were necessary to mitigate the damage to Southern Whiteface.

344. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Southern Whiteface.

Conclusion

345. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Southern Whiteface. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Southern Whiteface, nor would it be inconsistent with the TAP for feral cats.

Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable

Protected matter ecology

346. Sharp-tailed Sandpipers are a small to medium sized sandpiper with a potbelly and small, flat head on top of a short neck. The Sharp-tailed Sandpiper breeds in northern Siberia and migrates through Asia to Australia. It is a casual visitor in other parts of the world including north America, Europe and Hawaii.

347. During the non-breeding season, approximately 91 percent of the East Asian - Australasian population occurs in Australia and New Zealand. Sharp-tailed Sandpipers occur within all states of Australia. They are found mostly in the south-east and are widespread in both inland and coastal locations. The species also occurs in both freshwater and saline habitats, feeding along the edge of water on mudflats, coastal and inland wetlands, and sewage ponds.

348. I noted that the *Conservation Advice for* Calidris acuminata *(sharp-tailed sandpiper)* states that important habitats in Australia for migratory shorebirds include those recognised as internationally or nationally important, where:

    - internationally important means wetland habitat that regularly supports more than 1 percent of the species' total population.
    - nationally important means wetland habitat that regularly supports 0.1 percent of the flyway population of the species.

    and that all internationally or nationally important habitat is habitat critical to the survival of the species. The Conservation Advice also states that removal of habitat critical to the survival of Sharp-tailed Sandpiper would interfere with recovery and reduce the area of occupancy of the species.

349. I noted that the Conservation Advice identifies the main threats to the species as increasing frequency and severity of drought, climate change, aquaculture and industry, invasive species, pollution, hunting, incidental drowning in fishing nets and traps, shrinking and damaged habitat.

350. I noted that:

    - the TAP for feral cats was relevant to this species
    - there is no recovery plan for the Sharp-tailed Sandpiper.

Impact

351. I noted that the Assessment Report states that the Sharp-tailed Sandpiper has the potential to occur in the proposed action area, contains habitat that may support an important population, will clear 2.32 ha of potential riparian foraging habitat and create a risk of collision with transmission lines. I noted that the risk of transmission line collision is considered highly uncertain, could happen across the entire length of the project, but was likely to be higher in areas adjacent to wetlands and riverine habitat.

352. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Sharp-tailed Sandpiper as there is a real possibility that the proposed action would adversely affect habitat critical to the survival of the species, interfere with recovery and reduce the area of occupancy of the species.

Avoidance and mitigation measures

353. I considered the measures identified at paragraphs 77-78 were relevant to this species.

354. I also noted that the Revised BDAR states:

> *The risk of collision would likely reduce over time as animals acclimatise to the presence of the transmission line structures and transmission lines.*
>
> *…*
>
> *Conductor line-marking techniques would be implemented during design refinement to minimise bird strike. Use of fauna deterrent devices, most likely consisting of the "flapper" variety, would be implemented. Positioning and exact diverter model would be finalised during design refinement and would be developed as part of impact mitigation. At minimum*

these would be used within 1 km of wetland/riverine habitats to reduce impacts on aerial fauna species from collision and allow safer passage within these areas.

355. Notwithstanding the mitigation measures to reduce the collision risk, I considered the risk from clearing of 2.32 ha of non-breeding habitat potentially critical to the survival of the species constitutes a residual significant impact to the species.

Offsets

356. I noted that the Sharp-tailed Sandpiper was not a listed species under the NSW Biodiversity Conservation Act at the time of the NSW assessment and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

357. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Sharp-tailed Sandpiper.

358. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Sharp-tailed Sandpiper.

Conditions

359. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant. In relation to Condition B25a, which specify vegetation and habitat clearing limits, I was satisfied that even though there are no PCTs associated with Sharp-tailed Sandpiper in BioNet, the clearing limits placed on all the PCTs that will be impacted by the proposed action provide a limit on habitat clearing for this species.

360. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Sharp-tailed Sandpiper and that, in particular, the offset based conditions were necessary to mitigate the damage to Sharp-tailed Sandpiper.

361. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Sharp-tailed Sandpiper.

Conclusion

362. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Sharp-tailed Sandpiper. However, I agreed that if approved subject to the recommended conditions, approval of the proposed action will not have an unacceptable impact on the Sharp-tailed Sandpiper, nor would it be inconsistent with the TAP for feral cats.

Gang-gang Cockatoo (*Callocephalon fimbriatum*) – Endangered

Protected matter ecology

363. The approved *Conservation Advice for* Callocephalon fimbriatum *(Gang-gang Cockatoo)* states that the species is endemic to south-eastern Australia and primarily occurs within the temperate eucalypt forests and woodlands of mainland south-east Australia.

364. Gang-gang Cockatoos favour old growth forest and woodland assemblages for nesting, loafing, and roosting with breeding aggregations reliant on stands of suitable hollow bearing trees.

365. Habitat critical to the survival of the Gang-gang Cockatoo is described in the Conservation Advice as including:

> *… all foraging habitat during both the breeding and non-breeding season… [but] does not include exotic feeding grounds such as ornamental trees, shrubs, and hedges within urban and suburban areas.*
>
> *… hollow bearing trees with known or potential Gang-gang Cockatoo hollow chambers that are generally around 20 cm in floor diameter, around 50.5 cm deep (range 22–90 cm) and occur between around 7.5 m (range 5–9.4 m) above the ground. Stands of trees within or adjacent to known breeding areas, that are likely to become hollow-bearing in future years...*

366. The Conservation Advice identifies threats to the species as habitat loss, wildfire, climate change and competition for suitable nesting hollows.

367. I noted that:

- the TAP for feral cats was relevant to this species
- there is no Recovery Plan for this species.

Impact

368. I noted the Assessment Report states that the species was recorded during surveys and that the proposed action involves clearing of 475.87 ha of potential Gang-gang Cockatoo breeding and foraging habitat.

369. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on the Gang-gang Cockatoo as it will adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

370. I considered the measures identified at paragraphs 77-78 were relevant to this species.

371. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 475.87 ha of potential breeding and foraging habitat for the Gang-gang Cockatoo would have a residual significant impact on the species.

Offsets

372. I noted that the Gang-gang Cockatoo is a dual credit species under the Biodiversity Assessment Method, which means that both species credit and ecosystem credit obligations may arise in relation to residual impacts from the proposed action. The Assessment Report states that 11,754 species credits are required to compensate for the impact to 475.87 ha of potential breeding habitat for the Gang-gang Cockatoo, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

373. I noted that residual impacts to the species' non-breeding habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action, which the

Assessment Report states is 15,128 ecosystem credits for the proposed action, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

374. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Gang-gang Cockatoo.

375. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Gang-gang Cockatoo.

Conditions

376. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 475.87 ha of Gang-gang Cockatoo habitat.

377. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Gang-gang Cockatoo, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Gang-gang Cockatoo and that, in particular, the offset based conditions were necessary to mitigate the damage to Gang-gang Cockatoo.

378. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Gang-gang Cockatoo.

Conclusion

379. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Gang-gang Cockatoo. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Gang-gang Cockatoo, nor would it be inconsistent with the TAP for feral cats.

South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*) – Vulnerable

Protected matter ecology

380. The *Conservation Advice for Calyptorhynchus lathami lathami (South-eastern Glossy Black Cockatoo)* states that the species is uncommon but widespread and can be found from Queensland, through eastern NSW to East Gippsland, Victoria.

381. The species has a highly specialised diet and feeds almost exclusively on the seeds of sheoaks (*Allocasuarina* spp. and *Casuarina* spp.), usually relying on one or two species within a region.

382. South-eastern Glossy Black Cockatoos are hollow nesters, utilising large hollows in both living and dead eucalypt trees close to or within foraging habitat.

383. I noted that the Conservation Advice defines habitat critical to survival as:

- foraging habitat – nine species of sheoak, with species used varying by region. In the area of the proposed action, these are likely to be forest sheoak (*Allocasuarina torulosa*) drooping sheoak (A*. verticillata*) and black sheoak (*A. littoralis*)

- breeding habitat – includes a number of eucalypt species with nesting hollows that are >8 m above the ground, located in branches of >30 cm diameter, with branches no more than 45 degrees from vertical and a minimum entrance diameter of 15 cm
- areas not currently occupied by the subspecies because they have been recently burnt but are capable of supporting cockatoo populations in the future,

and states that actions that remove habitat critical to the survival would interfere with the recovery of and reduce the area of occupancy of the subspecies.

384. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the South-eastern Glossy Black Cockatoo.

Impact

385. I noted the Assessment Report states that the species was recorded during surveys of the proposed action area and would likely constitute an important population and that the proposed action involves clearing of 99.17 ha of potential foraging and 45.09 ha of potential breeding habitat for South-eastern Glossy Black Cockatoo.

386. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the South-eastern Glossy Black Cockatoo as there is a real possibility that the proposed action would adversely affect habitat critical to the survival of the subspecies, interfere with the recovery of and reduce the area of occupancy of the subspecies.

Avoidance and mitigation measures

387. I considered the measures identified at paragraphs 77-78 were relevant to this species.

388. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 45.09 ha of potential breeding habitat and 99.17 ha of potential foraging habitat for South-eastern Glossy Black Cockatoo would have a residual significant impact on the species.

Offsets

389. I noted that the South-eastern Glossy Black Cockatoo is a dual credit species under the Biodiversity Assessment Method. The Assessment Report states that 1,423 species credits are required to compensate for the impact to 45.09 ha of potential breeding habitat for the South-eastern Glossy Black Cockatoo, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

390. I noted that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

391. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the South-eastern Glossy Black Cockatoo.

392. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the South-eastern Glossy Black Cockatoo.

Conditions

393. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 45.09 ha of South-eastern Glossy Black Cockatoo potential breeding habitat and must not exceed the sum of the clearing limits for the PCTs associated with foraging habitat.

394. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of the South-eastern Glossy Black Cockatoo and that, in particular, the offset based conditions were necessary to mitigate the damage to the South-eastern Glossy Black Cockatoo.

395. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the South-eastern Glossy Black Cockatoo.

Conclusion

396. For the reasons given above, I accepted that there was likely to be a significant residual impact on the South-eastern Glossy Black Cockatoo. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the South-eastern Glossy Black Cockatoo, nor would it be inconsistent with the TAP for feral cats.

Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*) – Vulnerable

Protected matter ecology

397. The *Conservation Advice for Climacteris picumnus victoriae (brown treecreeper (south-eastern))* states that the species is endemic to south-eastern Australia, but its failure to cross habitat gaps means it has been lost from many habitat fragments.

398. The subspecies mainly inhabits woodlands dominated by stringybarks or other rough-barked eucalypts, usually with an open grassy understorey, sometimes with one or more shrub species. It forages both on the ground and in mature live and dead trees, and nests and roosts in naturally occurring tree cavities in a variety of eucalypt species.

399. I noted the Conservation Advice defines habitat critical to the survival of the Brown Treecreeper (south-eastern) as including areas that have:

- relatively undisturbed grassy woodland with native understorey
  - habitat structure should be quite open at ground level so that birds are able to feed on or near the ground and maintain vigilance against predators
  - the required degree of openness is mostly likely to be created by moderate levels of disturbance by fire and/or grazing
- large living and dead trees which are essential for roosting and nesting sites and for foraging

- fallen timber which provides essential foraging habitat, and
- hollows in standing dead or live trees and tree stumps are also essential for nesting.

400. The Conservation Advice identifies the threats to the species as ongoing impacts of habitat fragmentation and clearing for agriculture, habitat degradation by grazing, invasive weeds and predation by feral animals.

401. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the Brown Treecreeper (south-eastern).

Impact

402. I noted the Assessment Report assumes the species is known to occur in the proposed action area and would likely constitute an important population and that the proposed action involves clearing of 375.74 ha of potential foraging and breeding habitat for the Brown Treecreeper (south-eastern).

403. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Brown Treecreeper (south-eastern) as there is a real possibility that the proposed action would adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

404. I considered the measures identified at paragraphs 77-78 were relevant to this species.

405. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 375.74 ha of potential foraging and breeding habitat for the Brown Treecreeper (south-eastern) would have a residual significant impact on the species.

Offsets

406. I noted that Brown Treecreeper (south-eastern) is as an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

407. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Brown Treecreeper.

408. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Brown Treecreeper.

Conditions

409. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Brown Treecreeper (south-eastern) habitat.

410. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures

would be implemented. I considered these necessary for the protection of Brown Treecreeper (south-eastern) and that, in particular, the offset based conditions were necessary to mitigate the damage to Brown Treecreeper (south-eastern) habitat.

411. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Brown Treecreeper (south-eastern).

Conclusion

412. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Brown Treecreeper (south-eastern). However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Brown Treecreeper (south-eastern), nor would it be inconsistent with the TAP for feral cats.

Latham's Snipe (*Gallinago hardwickii*) - Vulnerable

Protected matter ecology

413. The Latham's Snipe is a medium sized wader. The *Conservation Advice for* Gallinago hardwickii *(Latham's snipe)* states that the migratory species is a non-breeding visitor to Australia and has been recorded along the east coast of Australia to the south-east of South Australia.

414. Latham's Snipe feed in soft mudflats or shallow water typically at night, early morning and evening. The species feeds on seeds, plant material, earthworms and spiders. The species roosts in small wetlands (urban water bodies, saltmarshes, creek edges), mostly in areas of dense cover comprising of sedges, grasses, lignum, reeds and rushes.

415. I noted that the Conservation Advice states that important habitats in Australia for migratory shorebirds include those recognised as internationally or nationally important, where:

- internationally important means, wetland habitat that regularly supports more than 1 percent of the species' total population
- nationally important means, wetland habitat that regularly supports 0.1 percent of the flyway population of the species,

and that all internationally or nationally important habitat is habitat critical to the survival of the species. The Conservation Advice also states that removal of habitat critical to the survival of Latham's snipe would interfere with recovery and reduce the area of occupancy of the species.

416. I noted that the Conservation Advice identifies extreme drought conditions caused by climate change as the likely major cause of population decline. In Australia, additional threats include the drainage and diversion of water from wetlands, urban and commercial development within potential Latham's Snipe habitat and predation by cats and foxes.

417. I noted that there are two TAPs relevant to the species:

- TAP for feral cats
- *TAP for predation by the European red fox* (**TAP for European red fox**).

418. I noted there is no Recovery Plan for the Latham's Snipe.

Impact

419. I noted that the revised BDAR states that the species was not recorded during surveys but has been recorded in the locality of the proposed action area and is considered likely to fly and forage over the proposed action area and likely to constitute part of an important population. I noted that the Assessment Report cautiously assumed there was the potential for significant impacts to the species from clearing of 2.9 ha of riparian habitat and collision with transmission lines and that the risk of transmission line collision is highly uncertain, could happen across the entire length of the project, but was likely to be higher in areas adjacent to wetlands and riverine habitat.'

420. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Latham's Snipe as there is a real possibility that the proposed action would adversely affect habitat critical to the survival of the species, interfere with recovery and reduce the area of occupancy of the species.

Avoidance and mitigation measures

421. I considered the measures identified at paragraphs 77-78, and 354 were relevant to this species.

422. Notwithstanding the mitigation measures to reduce the collision risk (paragraph 354), I considered the risk from clearing of 2.9 ha of habitat potentially critical to the survival of the species constitutes a residual significant impact to the species.

Offsets

423. I noted that Latham's Snipe was not a listed species under the NSW Biodiversity Conservation Act at the time of the NSW assessment and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

424. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Latham's Snipe.

425. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Latham's Snipe.

Conditions

426. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant. In relation to Condition B25a, which specify vegetation and habitat clearing limits, I was satisfied that even though there are no PCTs associated with Latham's Snipe in BioNet, the clearing limits placed on all the PCTs that will be impacted by the proposed action provide a limit on habitat clearing for this species.

427. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered that these conditions were necessary for the protection of

Latham's Snipe and that, in particular, the offset based conditions were necessary to mitigate the damage to Latham's Snipe.

428. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Latham's Snipe.

Conclusion

429. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Latham's Snipe. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Latham's Snipe, nor would it be inconsistent with the TAPs for feral cats and the European red fox.

Painted Honeyeater (*Grantiella picta*) - Vulnerable

Protected matter ecology

430. The *National Recovery Plan for the Painted Honeyeater* (Grantiella picta) states that the Painted Honeyeater is sparsely distributed from south-eastern Australia to north-western Queensland and eastern Northern Territory and that it exhibits seasonal north-south movements governed principally by the fruiting of mistletoe.

431. The Painted Honeyeater breeds from October to March when mistletoe fruits are widely available. Its diet mainly consists of mistletoe fruits, but also includes nectar (from flowering mistletoe, eucalypts and possibly banksias) and arthropods, especially in the non-breeding season.

432. The South-west Slopes of New South Wales and the ACT overlaps with the project footprint and has been identified as a Key Biodiversity Area (**KBA**) for the species.

433. The National Recovery Plan defines habitat critical to the survival of the Painted Honeyeater as including:

- known or likely breeding habitat in Boree/Weeping Myall (*Acacia pendula*), Brigalow (*A. harpophylla*) woodlands, box-gum woodlands and box-ironbark forests on the inland slopes of the Great Dividing Range in New South Wales
- all preferred foraging species within known and likely foraging habitat particularly mistletoes of the genus *Amyema* growing on forest and woodland eucalypts and acacias
- all KBAs with Painted Honeyeater as a trigger species
- suitable habitat in future climate niches as information becomes available.

434. I noted that the Recovery Plan states that actions that remove habitat critical to the survival would interfere with the recovery of the Painted Honeyeater and reduce the area of occupancy of the species and that if removal of habitat critical to the survival cannot be avoided or mitigated, then an offset should be provided.

435. The Recovery Plan identifies habitat loss and degradation as the key threats to the species. Other threats include competition with more aggressive honeyeaters and climate variability and change, predation by invasive species, deliberate destruction of mistletoe in production forests, exacerbation of tree decline through pasture improvement activities, collision with road vehicles, and nest predation.

436. I noted no TAPs have been identified as relevant for this species.

437. The objectives of the Recovery Plan are by 2031 to:

- measure and sustain a positive population trend (compared to 2020 baseline counts) in the number of mature individuals of the Painted Honeyeater
- maintain or improve the extent, condition and connectivity of habitat of the Painted Honeyeater.

Impact

438. I noted the Assessment Report assumes the species has a high likelihood of occurrence in the proposed action area and would likely constitute an important population and that the proposed action involves clearing of 203.74 ha of habitat potentially suitable for foraging and nesting by the Painted Honeyeater.

439. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Painted Honeyeater. I considered the proposed action will adversely affect habitat critical to the survival of a species, interfere substantially with the recovery of the species and reduce the area of occupancy of an important population.

Avoidance and mitigation measures

440. I considered the measures identified at paragraphs 77-78 were relevant to this species.

441. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 203.74 ha of potential breeding and foraging habitat for the Painted Honeyeater would have a residual significant impact on the species.

Offsets

442. I noted that the Painted Honeyeater is an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

443. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Painted Honeyeater.

444. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Painted Honeyeater.

445. I was satisfied that this offset requirement would contribute to maintaining or improving the extent, condition and connectivity of habitat of the Painted Honeyeater and therefore the proposed action would not be inconsistent with the objective of the Recovery Plan.

Conditions

446. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Painted Honeyeater habitat.

447. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Painted Honeyeater, which also ensures that the required offset

will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Painted Honeyeater and that, in particular, the offset based conditions were necessary to mitigate the damage to Painted Honeyeater.

448. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Painted Honeyeater.

Conclusion

449. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Painted Honeyeater. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on Painted Honeyeater, nor would it be inconsistent with the Recovery Plan for the species.

Swift Parrot (*Lathamus discolor*) - Critically Endangered

Protected matter ecology

450. According to the *National Recovery Plan for the Swift Parrot* (Lathamus discolor), the species breeds mostly on the east and south-east coast of Tasmania during summer and migrates to mainland Australia in autumn. During winter the species disperses across forests and woodlands, foraging on nectar and lerps mainly in Victoria and New South Wales. Swift Parrots preferentially forage in large, mature trees.

451. Habitat critical to survival for the Swift Parrot includes all preferred foraging species within known and likely foraging habitat on the mainland including Yellow Gum (*E. leucoxylon*); Red Ironbark (*E. tricarpa*); Mugga Ironbark (*E. sideroxylon*); Grey Box (*E. macrocarpa*); White Box (*E. albens*); Yellow Box (*E. melliodora*); Swamp Mahogany (*E. robusta*); Forest Red Gum (*E. tereticornis*); Blackbutt (*E. pilularis*); and Spotted Gum (*Corymbia maculata*).

452. I noted that the Recovery Plan states that actions that remove habitat critical to the survival would interfere with the recovery of the Swift Parrot and reduce the area of occupancy of the species and that if removal of habitat critical to the survival cannot be avoided or mitigated, then an offset should be provided.

453. The *National Recovery Plan for the Swift Parrot* identifies the main threats to the species on the Australian mainland as including habitat loss from land clearing for agriculture, urban development and, to a lesser extent, forest harvesting. Other identified threats include competition for foraging and nesting resources, mortality from collisions with human-made objects and impacts from climate change.

454. I noted that the TAP for feral cats was applicable to the species.

455. The objectives of the National Recovery Plan are by 2032 to:

- maintain or improve the extent, condition and connectivity of habitat of the Swift Parrot
- demonstrably reduce anthropogenic threats to Swift Parrot
- measure and sustain a positive population trend.

Impact

456. I noted the Assessment Report assumes the species has a high likelihood of occurrence in the proposed action area and that the proposed action involves clearing of 248.51 ha of potential foraging habitat.

457. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Swift Parrot. I noted the department considered the proposed action would adversely affect habitat critical to the species, interfere with the recovery of the species and reduce the area of occupancy of the species.

Avoidance and mitigation measures

458. I considered the measures identified at paragraphs 77-78 were relevant to this species.

459. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 248.51 ha of potential foraging habitat for the Swift Parrot would have a residual significant impact on the species.

Offsets

460. I noted that the Swift Parrot is a dual credit species under the Biodiversity Assessment Method but, because the proposed action will not impact any areas mapped as Important Habitat for the species, the residual impact to the species will be offset through ecosystem credits only.

461. I noted that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

462. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Swift Parrot.

463. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Swift Parrot.

464. I was satisfied that this offset requirement would contribute to maintaining or improving the extent, condition and connectivity of habitat of the Swift Parrot and therefore the proposed action would not be inconsistent with the objectives of the Recovery Plan.

Conditions

465. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Swift Parrot habitat.

466. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Swift Parrot, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Swift Parrot and that, in particular, the offset based conditions were necessary to mitigate the damage to Swift Parrot.

467. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Swift Parrot.

Conclusion

468. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Swift Parrot. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Swift Parrot, nor would it be inconsistent with the Recovery Plan and the TAP for feral cats.

South-Eastern Hooded Robin (*Melanodryas cucullata cucullata*) – Endangered

Protected matter ecology

469. According to the *Conservation Advice for* Melanodryas cucullata cucullata *(hooded robin (south-eastern))*, the species occurs in south-eastern Australia and prefers dry eucalypt and acacia woodlands and shrublands with an open understorey, some grassy areas and a complex ground layer.

470. South-eastern Hooded Robin occupy territories during the breeding season between July and November. Birds usually return to the same breeding site typically rearing several broods each season. Nests are situated in a tree fork or crevice, up to 5 metres above the ground.

471. The Conservation Advice defines habitat critical to the survival of the species as including areas of:

- dry eucalypt and acacia woodlands and shrublands remnants with an open understorey, some grassy areas and a complex ground layer, often in or near clearings or open areas
- structurally diverse habitats featuring: mature eucalypts, saplings, some small shrubs and a ground layer of moderately tall native grasses
- standing dead or live trees and tree stumps are also essential for nesting, roosting and foraging
- moderately deep to deep soils, rocks and fallen timber which provides essential foraging habitat.

472. The Conservation Advice identifies the main threats to the species as ongoing impacts of habitat fragmentation and clearing for agriculture, habitat degradation by grazing, invasive weeds and predation by feral animals.

473. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the South-Eastern Hooded Robin.

Impact

474. I noted the Assessment Report states that the species was assumed present in the proposed action area and that the proposed action involves clearing of 629.21 ha of foraging and potential breeding habitat for the South-Eastern Hooded Robin.

475. I noted that DPHI considered there is a potential for the proposed action to have a significant impact on the South-Eastern Hooded Robin and that the department considered that there is a real chance or possibility that it will reduce the area of occupancy of the species and adversely affect habitat critical to the survival of a species. I agreed.

Avoidance and mitigation measures

476. I considered the measures identified at paragraphs 77-78 were relevant to this species.

477. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 629.21 ha of foraging and potential breeding habitat for the South-Eastern Hooded Robin would have a residual significant impact on the species.

Offsets

478. I noted that the South-Eastern Hooded Robin is an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

479. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the South-eastern Hooded Robin.

480. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the South-eastern Hooded Robin.

Conditions

481. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with South-Eastern Hooded Robin habitat.

482. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of South-Eastern Hooded Robin and that, in particular, the offset based conditions were necessary to mitigate the damage to South-Eastern Hooded Robin.

483. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the South-Eastern Hooded Robin.

Conclusion

484. For the reasons given above, I accepted that there was likely to be a significant residual impact on the South-Eastern Hooded Robin. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the South-Eastern Hooded Robin, nor would it be inconsistent with the TAP for feral cats.

Superb Parrot (*Polytelis swainsonii*) – Vulnerable

Protected matter ecology

485. The Superb Parrot is a medium-sized, slender, long-tailed green parrot. In the Riverina, the species nests in loose colonies in large, living or dead trees with many hollow branches, typically

near a watercourse. On the inland slopes, they use at least six species of eucalyptus but have a particular reliance on Blakely's red gum (*Eucalyptus blakelyi*). Most nest sites are within 10 km of box-gum woodland. The Superb Parrot mostly feeds on the ground, where they take a variety of native and introduced seeds, but also in shrubs and trees on seeds and blossom.

486. The *National Recovery Plan for the Superb Parrot (*Polytelis swainsonii*)* defines habitat critical to the survival of the species in terms of breeding habitat, foraging habitat and habitat for the long-term maintenance of the species:

- Breeding habitat includes riverine forests of the Riverina and box-gum woodlands in the tablelands and slopes of Victoria, NSW and the Australian Capital Territory, any known breeding colonies with a 10 km buffer, large trees with rare hollow characteristics.
- Foraging habitat is all preferred foraging habitat during breeding and non-breeding seasons, excluding agricultural lands and non-native feeding grounds.
- Long-term maintenance of the species includes all KBAs with Superb Parrot as a trigger species and any potential suitable foraging and breeding habitat within the projected south-eastward range shift.

487. I noted that the Recovery Plan states that actions that remove habitat critical to survival would likely interfere with the recovery of the Superb Parrot and reduce the area of occupancy of the species and that if habitat critical to the survival cannot be avoided or mitigated, then an offset should be provided.

488. The *Conservation Advice* Polytelis swainsonii *superb parrot* identifies the main threats to the Superb Parrot as loss and degradation of habitat, competition for nest hollows, road kills, illegal removal of birds, psittacine beak and feather disease and climate change.

489. I noted no TAPs have been identified as relevant for this species.

490. The objectives of the Recovery Plan are to:

- identify habitat critical to the survival of the Superb Parrot throughout the species' range, and improve the extent, condition and connectivity of this
- prioritise spatial conservation actions to ensure the resilience of Superb Parrot populations under climate change
- reduce the impacts from anthropogenic threats.

Impact

491. I noted the Assessment Report states that the species was recorded during surveys, the proposed action area traverses a Priority Management Area for the species under the NSW Save Our Species (**SoS**) program and a KBA in the South-west Slopes of NSW and that the proposed action involves clearing of 240.23 ha of potential foraging habitat and 127.01 ha of potential breeding habitat.

492. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Superb Parrot. I considered that the proposed action would adversely affect habitat critical to the species, interfere with the recovery of the species and reduce the area of occupancy of the species.

Avoidance and mitigation measures

493. I considered the measures identified at paragraphs 77-78 were relevant to this species.

494. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 240.23 ha of potential foraging habitat and 127.01 ha of potential breeding habitat for the Superb Parrot would have a residual significant impact on the species.

Offsets

495. I noted that the Superb Parrot is a dual credit species under the Biodiversity Assessment Method and that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 2,884 species credits are required to compensate for the impact to 127.01 ha of Superb Parrot breeding habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

496. I noted that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

497. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Superb Parrot.

498. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Superb Parrot.

499. I was satisfied that this offset requirement would contribute to protecting, managing and strategically restoring Superb Parrot breeding, foraging and movement habitats and therefore the proposed action would not be inconsistent with the objectives of the Recovery Plan.

Conditions

500. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 127.01 ha of breeding habitat for the Superb Parrot or the sum of the limits for the PCTs associated with foraging habitat for the species.

501. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Superb Parrot, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Superb Parrot and that, in particular, the offset based conditions were necessary to mitigate the damage to Superb Parrot.

502. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Superb Parrot.

Conclusion

503. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Superb Parrot. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Superb Parrot, nor would it be inconsistent with the Recovery Plan.

Pilotbird (*Pycnoptilus floccosus*) – Vulnerable

Protected matter ecology

504. According to the *Conservation Advice for* Pycnoptilus floccosus *(Pilotbird)*, Pilotbirds are endemic to south-east Australia. In NSW, Upland Pilotbirds occur above 600 m in the Snowy Mountains and Lowland Pilotbirds occur in forests from the Blue Mountains west of Newcastle and south around the wetter forests of eastern Australia. Pilotbirds are strictly terrestrial and largely sedentary with their flight described as weak. The species lives on the ground in dense forests with heavy undergrowth. Breeding takes places between August and January. Adults build a domed nest on or near the ground in which they usually lay two eggs.

505. The Conservation Advice defines habitat critical to the survival of the Pilotbird as:

- wet sclerophyll forests in temperate zones in moist gullies with dense undergrowth
- dry sclerophyll forests and woodlands occupying dry slopes and ridges
- any breeding or foraging habitat in areas where the species is known or likely to occur
- any newly discovered breeding or foraging locations
- areas that are not currently occupied by the species because they have been burnt (either during the 2019/20, or in future fires), but which should become suitable again in the future.

506. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the Pilotbird.

Impact

507. The Revised BDAR states that 203.47 ha of potential foraging and breeding habitat for the Pilotbird will be impacted, including potential habitat critical to the survival of the species.

508. NSW considers the proposed action will have a significant impact on this species.

Impact

509. I noted the Assessment Report assumes the species has the potential to occur in the proposed action area, any occurrence would be an important population and that the proposed action involves clearing of 203.47 ha of potential foraging and breeding habitat, which could be habitat critical to the survival of the species.

510. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Pilotbird. I noted the department considered the proposed action would adversely affect habitat critical to the species and reduce the area of occupancy of an important population.

Avoidance and mitigation measures

511. I considered the measures identified at paragraphs 77-78 were relevant to this species.

512. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 203.47 ha of potential foraging habitat for the Pilotbird would have a residual significant impact on the species.

Offsets

513. I noted that the Pilotbird is not a listed species under the NSW Biodiversity Conservation Act and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

514. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Pilotbird.

515. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Pilotbird.

Conditions

516. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant. In relation to Condition B25a, which specify vegetation and habitat clearing limits, I was satisfied that even though there are no PCTs associated with the Pilotbird in BioNet, the clearing limits placed on all the PCTs that will be impacted by the proposed action provide a limit on habitat clearing for this species.

517. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Pilotbird and that, in particular, the offset based conditions were necessary to mitigate the damage to Pilotbird.

518. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Pilotbird.

Conclusion

519. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Pilotbird. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Pilotbird, nor would it be inconsistent with the TAP for feral cats.

Diamond Firetail (*Stagonopleura guttata*) – Vulnerable

Protected matter ecology

520. The *Conservation Advice for* Stagonopleura guttata *(diamond firetail)* states that the species occurs on the south-east mainland of Australia from south-east Queensland to Eyre Peninsula, South Australia, and about 300 km inland from the sea.

521. The Diamond Firetail occurs in eucalypt, acacia or casuarina woodlands, open forests and other lightly timbered habitats and prefers areas with relatively low tree density, few large logs, and little litter cover but high grass cover.

522. The species appears to be sedentary, with some local movement of populations and low, direct flight. Between August and January, groups separate into small colonies to breed.

523. I noted that the Conservation Advice defines habitat critical to the survival of the diamond firetail as including areas of:

- eucalypt, acacia or casuarina woodlands, open forests and other lightly timbered habitats and
- low tree density, few large logs, and little litter cover but high grass cover for foraging, roosting and breeding,

and that any known or likely habitat and any areas that are not currently occupied by the species due to recent disturbance (e.g. fire, grazing or human activity), but should became suitable again in the future, should be considered habitat critical to the survival of the species.

524. The Conservation Advice identifies the main ongoing threats to the species as clearing of native vegetation and degradation of habitat from replacement of native perennial grasses with exotic annual grasses, overgrazing, and removal of shrub layer.

525. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the Diamond Firetail.

Impact

526. I noted that the Assessment Report states that the species was recorded in the proposed action area within the Murrumbateman, Snowy Mountains and Inland Slopes IBRA subregions, was assumed likely to constitute an important population and that the proposed action involves clearing of 59.62 ha of potential foraging and breeding habitat, which could be habitat critical to the survival of the species.

527. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Diamond Firetail as there is a real possibility that the proposed action would adversely affect habitat critical to the species.

Avoidance and mitigation measures

528. I considered the measures identified at paragraphs 77-78 were relevant to this species.

529. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 59.62 ha of potential foraging and breeding habitat for the Diamond Firetail would have a residual significant impact on the species.

Offsets

530. I noted that the Diamond Firetail is an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset

requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

531. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Diamond Firetail.

532. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Diamond Firetail.

Conditions

533. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant and, in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Diamond Firetail habitat.

534. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Diamond Firetail and that in particular the offset based conditions were necessary to mitigate the damage to Diamond Firetail.

535. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Diamond Firetail.

Conclusion

536. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Diamond Firetail. However, I agreed that if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Diamond Firetail, nor would it be inconsistent with the TAP for feral cats.

Key's Matchstick Grasshopper (*Keyacris scurra*) – Endangered

Protected matter ecology

537. The *Conservation Advice* Keyacris scurra *Key's matchstick grasshopper* states that the species is endemic to NSW, the ACT and Victoria. The species' range has contracted in recent times, and it is now locally extinct at many previously known locations.

538. Key's Matchstick Grasshopper is typically recorded in native grasslands, secondary native grasslands or areas that contain the native grass *Themeda* with appropriate disturbance regimes. There is only one generation of the species each year and no overlap between generation. Eggs are buried in the soil and hatching takes place from December to January.

539. The Conservation Advice identifies the principal threats to the species as loss of habitat, small colony size, inappropriate disturbance (e.g. mowing, too frequent or poorly timed burning or over-grazing), lack of disturbance leading to regeneration of eucalypts or weed invasion, new burials (at active cemetery sites), cultivation, pasture improvement, urban development, insecticides, climate change, weed invasion and poor understanding on management requirements.

540. I noted that there is no Recovery Plan for this species and that no TAPs have been identified as relevant for this species.

Impact

541. I noted the Assessment Report states that the species was recorded during surveys and that the proposed action involves clearing of 173.91 ha of potential Key's Matchstick Grasshopper habitat, which could be habitat critical to the survival of the species.

542. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Key's Matchstick Grasshopper as it could adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

543. I considered the measures identified at paragraphs 77-78 were relevant to this species.

544. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 173.91 ha of potential habitat for the Key's Matchstick Grasshopper would have a residual significant impact on the species.

Offsets

545. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 2,167 species credits are required to compensate for the impact to 173.91 ha of Key's Matchstick Grasshopper habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

546. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Key's Matchstick Grasshopper.

547. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Key's Matchstick Grasshopper.

Conditions

548. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 173.91 ha of Key's Matchstick Grasshopper habitat.

549. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Key's Matchstick Grasshopper, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Key's Matchstick Grasshopper and that, in particular, the offset based conditions were necessary to mitigate the damage to Key's Matchstick Grasshopper.

550. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Key's Matchstick Grasshopper.

Conclusion

551. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Key's Matchstick Grasshopper. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Key's Matchstick Grasshopper.

Golden Sun Moth (*Synemon plana*) – Vulnerable

Protected matter ecology

552. The *Conservation Advice for* Synemon plana *(Golden Sun Moth)* states that the Golden Sun Moth distribution shows a close correlation to that of native temperate grasslands dominated by *Rytidosperma* spp. The species is generally associated with flat or gently sloping areas exposed to full sun.

553. The adult life stage is the only life stage in which the species is readily detectable with adult moths emerging from the ground during the breeding season that falls between mid-October and early January. Adults live for only 1-4 days. Breeding areas where the females occur are likely to be highly specialised and dependent on the presence of food plants and heterogenous bare ground cover.

554. In NSW, the species is known from at least 59 sites with many of the known subpopulations confined to small grassland remnants of fewer than five hectares.

555. The Conservation Advice states:

> *Habitat critical to the survival of the Golden Sun Moth has yet to be identified but likely includes all native grassland and open grassy woodland habitat occupied by the species across its range. As the species has specialised habitat requirements with a fragmented distribution, all occupied habitat is important for the breeding activity of the associated subpopulation and the recovery of the species.*

556. The Conservation Advice identifies threats to the Golden Sun Moth as habitat loss, fragmentation and degradation, effects of climate change and inappropriate fire regimes.

557. I noted there is:

- one TAP relevant to the species – TAP for rabbits
- no Recovery Plan for the Golden Sun Moth.

Impact

558. I noted the Assessment Report considers the species is known to occur in the proposed action area and presence was assumed, that any occurrence would be an important population and that the proposed action involves clearing of 28.48 ha of potential Golden Sun Moth habitat.

559. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Golden Sun Moth. I noted the department considered the proposed action would reduce the area of occupancy of an important population, adversely affect habitat critical to the survival of a species and disrupt the breeding cycle of an important population.

Avoidance and mitigation measures

560. I considered the measures identified at paragraphs 77-78 were relevant to this species.

561. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 28.48 ha of potential habitat for the Golden Sun Moth would have a residual significant impact on the species.

Offsets

562. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 165 species credits are required to compensate for the impact to 28.48 ha of Golden Sun Moth habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

563. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Golden Sun Moth.

564. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Golden Sun Moth.

Conditions

565. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant and, in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 28.48 ha of Golden Sun Moth habitat.

566. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Golden Sun Moth and that, in particular, the offset based conditions were necessary to mitigate the damage to Golden Sun Moth.

567. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Golden Sun Moth.

Conclusion

568. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Golden Sun Moth. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Golden Sun Moth, nor would it be inconsistent with the TAP for rabbits.

Spotted-tailed Quoll (*Dasyurus maculatus maculatus* (SE mainland population)) – Endangered

Protected matter ecology

569. The *Conservation Advice* Dasyurus maculatus maculatus *(southeastern mainland population) Spotted-tailed Quoll, southeastern mainland* states that the species occurs in fragmented and isolated populations from south-eastern Queensland to western Victoria. The Spotted-tailed Quoll is mainly forest dependent but occurs in a variety of habitats including closed forests, tall eucalypt forests, open woodlands, open forests, drier rainshadow woodlands and coastal heathlands.

570. Spotted-tailed Quolls are solitary animals, occurring at low densities. Home range sizes may vary depending on the quality of habitat, however, males have larger ranges of up to a few thousand hectares in size, while females have smaller ranges of several hundred hectares. Breeding occurs annually in winter.

571. The *National Recovery Plan for the Spotted-tailed Quoll* Dasyurus maculatus identifies the Kosciuszko National Park / Snowy Mountains Byadbo as an important population.

572. Habitat critical to the survival of the Spotted-tailed Quoll includes large patches of forest with adequate denning resources and relatively high densities of medium-sized mammalian prey, however, the threshold densities of these critical components required to support quoll populations are unknown.

573. The Recovery Plan identifies the major threatening processes for the species as habitat loss and modification, fragmentation, timber harvesting, competition and predation from introduced predators, fire, deliberate killing, road mortality and climate change.

574. I noted two TAPs are relevant to this species:

- TAP for feral cats
- TAP for European red fox.

575. The overall objective of the Recovery Plan is to reduce the rate of decline of the Spotted-tailed Quoll and ensure that viable populations remain throughout its current range in eastern Australia. I considered the following specific objectives relevant to this assessment:

- determine the distribution and status of Spotted-tailed Quoll populations throughout the range and identify key threats and implement threat abatement management practices.
- reduce the rate of habitat loss and fragmentation on private land, deliberate killings of Spotted-tailed Quolls and the frequency of Spotted-tailed Quoll road mortality.
- determine and manage the threat posed by introduced predators (foxes, cats).

Impact

576. I noted that the department advised that the transmission line corridor avoids Kosciuszko National Park where an important population occurs.

577. I noted the Assessment Report considers the species is known to occur in or close to the proposed action area and that the proposed action involves clearing of 470.67 ha (including 1.78 ha of prescribed impacts) of foraging and denning habitat, with the potential for fragmentation of some small patches of retained areas of Spotted-tailed Quoll habitat, which could be habitat critical to the survival of the species.

578. I noted and agreed with DPHI there is a potential for the proposed action to have a significant impact on the Spotted-tailed Quoll as it will adversely affect habitat critical to the survival of the species.

Avoidance and mitigation measures

579. I considered the measures identified at paragraphs 77-78 were relevant to this species. In particular, I noted that the proposed measures for the control of feral animals under the recommended Biodiversity Management Plan for the project, including specific requirements for the proponent to consider the actions identified in relevant TAPs and the proponent's commitment to further surveys and design adjustments during finalisation of the project footprint to further reduce impacts to protected matters, are consistent with the overall objective of the Recovery Plan.

580. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 470.67 ha of foraging and denning habitat for the Spotted-tailed Quoll would have a residual significant impact on the species.

Offsets

581. I noted that the Spotted-tailed Quoll is an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

582. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Spotted-tailed Quoll.

583. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Spotted-tailed Quoll.

Conditions

584. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant and, in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with Spotted-tailed Quoll habitat.

585. I considered that the conditions at paragraph 86 would ensure the proponent does not exceed the proposed clearing limit for Spotted-tailed Quoll, which also ensures that the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Spotted-tailed Quoll, and that in particular the offset based conditions were necessary to mitigate the damage to Spotted-tailed Quoll.

586. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Spotted-tailed Quoll.

Conclusion

587. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Spotted-tailed Quoll. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Spotted-tailed Quoll, nor would it be inconsistent with the Recovery Plan and the TAPs for feral cats and the European red fox.

Greater Glider (southern and central) (*Petauroides Volans*) – Vulnerable

Protected matter ecology

588. According to the *Conservation Advice for* Petauroides volans *(greater glider (southern and central*)), the Greater Glider (southern and central) occurs in eastern Australia, where it has a broad distribution. The species is largely restricted to eucalypt forests and woodlands. It is likely that only a proportion of forest in potential habitat areas is suitable for the species, as the structural attributes of the forest overstorey and forage quality it relies on vary considerably across the landscape.

589. During the day, the species shelters in tree hollows, with a preference for large hollows in large, old trees. The Greater Glider's diet mostly comprises eucalypt leaves supplemented by buds and flowers. Home ranges are typically relatively small (1–4 ha) but are larger (up to 19 ha) in forests on less fertile sites and in more open woodlands.

590. The Conservation Advice defines habitat critical to survival for the Greater Glider (southern and central) as (noting that geographic areas containing habitat critical to survival needs to be defined by forest type on a regional basis):

- large contiguous areas of eucalypt forest, which contain mature hollow-bearing trees and a diverse range of the species' preferred food species in a particular region
- smaller or fragmented habitat patches connected to larger patches of habitat, that can facilitate dispersal of the species and/or that enable recolonization
- cool microclimate forest/woodland areas (e.g. protected gullies, sheltered high elevation areas, coastal lowland areas, southern slopes)
- areas identified as refuges under future climate change scenarios
- short-term or long-term post-fire refuges (i.e. unburnt habitat within or adjacent to recently burnt landscapes) that allow the species to persist, recover and recolonise burnt areas.

591. Key threats to the Greater Glider (southern and central) are frequent and intense bushfires, inappropriate prescribed burning, climate change, land clearing and timber harvesting.

592. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the Greater Glider (southern and central).

Impact

593. I noted the Assessment Report states that the species was recorded during surveys of proposed action area and that the proposed action involves clearing of 158.42 ha of potential Greater Glider (southern and central) habitat, which is habitat critical to the survival of the species.

594. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Greater Glider (southern and central) as it will adversely affect habitat critical to the survival of a species.

Avoidance and mitigation measures

595. I considered the measures identified at paragraphs 77-78 were relevant to this species.

596. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 158.42 ha of habitat for the Greater Glider (southern and central) would have a residual significant impact on the species.

Offsets

597. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 4,213 species credits are required to compensate for the impact to 158.42 ha of Greater

Glider (southern and central) habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

598. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Greater Glider.

599. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Greater Glider.

Conditions

600. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 158.42 ha of Greater Glider (southern and central) habitat.

601. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Greater Glider (southern and central) and that, in particular, the offset based conditions were necessary to mitigate the damage to Greater Glider (southern and central).

602. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Greater Glider (southern and central).

Conclusion

603. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Greater Glider (southern and central). However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Greater Glider (southern and central), nor would it be inconsistent with the TAP for feral cats.

Yellow-bellied Glider (south-eastern) (*Petaurus australis australis*) - Vulnerable

Protected matter ecology

604. The *Conservation Advice for* Petaurus australis australis *(yellow-bellied glider (south-eastern)*) states that the Yellow-bellied Glider is found at altitudes ranging from sea level to 1,400 m above sea level and has a widespread but patchy distribution. In NSW, it predominantly occurs in forests along the eastern coast however, the distribution also extends inland.

605. Yellow-bellied Glider occurs in eucalypt-dominated woodlands and forests, including wet and dry sclerophyll forests. Abundance is highly dependent on habitat suitability, with the species preferencing large patches of mature old growth forest that provide suitable trees for foraging and shelter.

606. The species reproduces seasonally, with timing varying across its broad range. The species has very low dispersal capabilities over spaces larger than its gliding distance. Management should be informed by average gliding performance, which in low-canopy forest has been documented at 25.2 m. It is suggested a glide ratio (horizontal distance/height dropped) of 2.0 should be used to estimate gliding distance for management decisions.

607. Hollow-bearing trees and sap feed trees are critical habitat features due to the species usage as dens and important dietary component for the species. The Conservation Advice broadly defines

habitat critical to the survival of the Yellow-bellied Glider (south-eastern) as areas containing the following attributes (noting that geographic areas containing habitat critical to survival needs to be defined by forest type on a regional basis):

- large contiguous areas of floristically diverse eucalypt forest, which are dominated by winter-flowering and smooth-barked eucalypts, including mature living hollow-bearing trees and sap trees
- areas identified as refuges under future climate change scenarios
- short or long-term post-fire refuges (i.e., unburnt habitat within or adjacent to recently burnt landscapes) that allow the species to persist, recover and recolonise burnt areas
- habitat corridors required to facilitate dispersal of the species between fragmented habitat patches and/or that enable recolonization or movement away from threats (as there is not enough evidence to define the canopy and width characteristics of appropriate corridors, a precautionary approach should be taken to maximise dispersal by considering all habitat corridors in the species' range to be habitat critical to the survival)
- areas in which some trees have evidence of use for sap extraction by Yellow-bellied Glider (south-eastern).

608. Key threats to the Yellow-bellied Glider (south-eastern) are climate change, altered fire regimes, clearing, fragmentation and timber harvesting. Invasive species have been recorded preying on the subspecies.

609. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no Recovery Plan for the Yellow-bellied Glider (south-eastern).

Impact

610. I noted the Assessment Report states that the species has high likelihood of occurring in the proposed action area, that the project footprint contains habitat that meets the criteria of habitat critical to the survival of the species and that there could be impacts to the Bago Plateau population, which is identified as an important population in the Conservation Advice. The proposed action involves clearing of 134.78 ha of potential Yellow-bellied Glider (south-eastern) habitat.

611. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on the Yellow-bellied Glider (south-eastern) as it will adversely affect habitat critical to the survival of a species and could reduce the area of occupancy of an important population.

Avoidance and mitigation measures

612. I considered the measures identified at paragraphs 77-78 were relevant to this species.

613. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 134.78 ha of habitat for the Yellow-bellied Glider (south-eastern) would have a residual significant impact on the species.

Offsets

614. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 3,396 species credits are required to compensate for the impact to 134.78 ha of habitat for an endangered population of the Yellow-bellied Glider (south-eastern) , which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

615. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Yellow-bellied Glider.

616. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Yellow-bellied Glider.

Conditions

617. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specify vegetation and habitat clearing limits, this must not exceed 134.78 ha of Yellow-bellied Glider (south-eastern) habitat.

618. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Yellow-bellied Glider (south-eastern) and that, in particular, the offset based conditions were necessary to mitigate the damage to Yellow-bellied Glider (south-eastern).

619. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the of Yellow-bellied Glider (south-eastern).

Conclusion

620. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Yellow-bellied Glider (south-eastern). However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the Yellow-bellied Glider (south-eastern), nor would it be inconsistent with the TAP for feral cats.

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

Protected matter ecology

621. The *National Recovery Plan for the Grey-headed Flying-fox* Pteropus poliocephalus states that the Grey-headed Flying-fox (**GHFF**) is endemic to Australia, with a distribution ranging from Ingham in Queensland, to Adelaide in South Australia. GHFFs forage over extensive areas, flying as far as 40 km to feed before returning to their roost the same night. The species interacts with numerous plant communities assisting with seed and pollen dispersal.

622. Patterns of occupancy and relative abundance vary widely seasonally and temporally. GHFFs roost in large aggregations (camps) in exposed branches of trees. The species is a seasonal breeder, with a single breeding event each year and the majority of births occurring from October to December.

623. Where the existence important winter and spring flowering vegetation communities is verified, they are considered habitat critical to the survival of the species. Important winter and spring vegetation communities include *Eucalyptus tereticornis, E. albens, E. crebra, E. fibrosa, E.*

melliodora, E. paniculata, E. pilularis, E. robusta, E. seeana, E. sideroxylon, E. siderophloia, Banksia integrifolia, Castanospermum australe, Corymbia citriodora citriodora, C. eximia, C. maculata, Grevillea robusta, Melaleuca quinquenervia or *Syncarpia glomulifera*.

624. Habitat critical to the survival of the GHFF may also be vegetation communities not containing the above tree species, but which contain native species:

- that are known to be productive as foraging habitat during the final weeks of gestation, and during the weeks of birth, lactation and conception (August to May)
- used for foraging and occur within 20 km of a nationally important camp as identified on the department's interactive flying-fox web viewer
- and/or exotic species used for roosting at the site of a nationally important GHFF camp as identified on the department's interactive flying-fox web viewer.

625. The primary known threat to the survival of the GHFF is loss and degradation of foraging and roosting habitat. GHFFs are also vulnerable to accidental injury and death from various artificial obstacles. They are prone to electrocution on power lines, particularly in urban areas, and increasing urbanisation exposes larger numbers of animals to electrocution.

626. The TAP for feral cats is relevant to the species.

627. The overall objectives of the National Recovery Plan are to:

- improve the national population trend by reducing the impact of the threats on GHFFs through habitat identification, protection, restoration and monitoring
- assist communities and GHFF to coexist through better education, stakeholder engagement, research, policy and continued support to fruit growers.

628. Specific objectives of the National Recovery Plan include, but are not limited to:

- identify, protect and increase native foraging habitat that is critical to the survival of the GHFF
- identify, protect and increase roosting habitat of GHFF camps
- improve the management of GHFF camps in areas where interaction with humans is likely
- reduce the impact on GHFF of electrocution on power lines, and entanglement in netting and on barbed-wire.

Impact

629. I noted that the Assessment Report considered there was the potential for the proposed action to have a significant impact on the GHFF through clearing of 203.69 ha of potential foraging habitat (including 5.67 ha of prescribed impacts).

630. I noted that the Revised BDAR stated:

- the project footprint contains native species which constitute habitat critical to the survival of the GHFF
- BCS consider GHFF on site constitute an important population

- there are eight known GHFF camps within foraging range (20 km), however these camps do not meet the classification for designation as nationally important camps as defined in the National Flying-fox monitoring viewer,

and that, having regard to the Significant Impact Guidelines 1.1, the proposed action was likely to lead to a long-term decrease in the size of an important population, reduce the area of occupancy of an important population, adversely impact habitat critical to the survival of the species, disrupt the breeding cycle of an important population and modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

631. I noted and agreed with the DPHI assessment that the proposed action will have a significant impact on the GHFF.

Avoidance and mitigation measures

632. I considered the measures identified at paragraphs 77-78 were relevant to this species.

633. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 203.69 ha of habitat for the GHFF would have a residual significant impact on the species.

Offsets

634. I noted that the GHFF is an ecosystem credit species under the Biodiversity Assessment Method and that the Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

635. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Grey-headed Flying-fox.

636. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Grey-headed Flying-fox.

637. While I noted that the Assessment Report stated that the proposed action would partially interfere with the specific objective of the Recovery Plan – to identify, protect and increase native foraging habitat that is critical to the survival of the GHFF – I was satisfied that the proposed offset (in combination with the other conditions of approval regarding avoidance and mitigation) would provide for the protection of native foraging habitat and that approval of the proposed action would not be inconsistent with the Recovery Plan.

Conditions

638. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed the sum of the limits for the PCTs associated with GHFF habitat.

639. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of GHFF and that, in particular, the offset based conditions were necessary to mitigate the damage to GHFF.

640. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the GHFF.

Conclusion

641. For the reasons given above, I accepted that there was likely to be a significant residual impact on the GHFF. However, I agreed that, if approved subject to the recommended conditions, the proposed action will not have an unacceptable impact on the GHFF, nor would it be inconsistent with the Recovery Plan and the TAP for feral cats.

Striped Legless Lizard (*Delma impar*) – Vulnerable

Protected matter ecology

642. According to the *Conservation Advice* Delma impar *striped legless lizard*, the striped legless Lizard is patchily distributed throughout south-eastern NSW, the ACT, north-eastern, central and south-western Victoria, and south-eastern South Australia (SA).

643. The Striped Legless Lizard is a grassland specialist, found only in areas of native grassland and nearby grassy woodland and exotic pasture. The species' primary habitat is encompassed by four nationally threatened ecological communities, two of which have been identified as occurring within the proposed action area: Natural Temperate Grassland of the Southeastern Highlands and White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

644. All populations of the Striped Legless Lizard are likely to be important for the species' recovery. Important populations are known to occur in the following NSW areas relevant to the proposed action: Cooma-Monaro Plains, Gilmore, Batlow, Tumut, Yass, Young, the Canberra region, Goulburn (Windellama Road), Muswellbrook, the Hunter Valley and Gilgandra.

645. Habitat critical to the survival of the striped legless lizard is likely to include sites that possess more than one of the following characteristics:

- provides breeding habitat
- provides foraging habitat
- provides refuge from disturbance events
- provides for long term protection from development
- has connectivity value and contributes to the evolutionary potential of the species in the wild across its natural geographical range.

646. The Conservation Advice states that ongoing loss, modification, degradation and fragmentation of striped legless lizard habitat is the main threat to its survival and identifies urban development, high intensity grazing, ploughing and pasture improvement, rock collection and spread of exotic grasses and inappropriate burning as current threats, with predation by cats and foxes a suspected threat.

647. Three TAPs are relevant to the species:

- TAP for feral cats
- TAP for rabbits

- TAP for European red fox.

648. There is no Recovery Plan for the species.

Impact

649. I noted the Assessment Report states that the species has high likelihood of occurring in the proposed action area, that any population within the project footprint would be part of an important population and that the proposed action involves clearing of 92.81 ha of potential Striped Legless Lizard habitat.

650. I noted and agreed with DPHI that there is a potential for the proposed action to have a significant impact on Striped Legless Lizard habitat as it is likely to fragment an existing important population into two or more populations.

Avoidance and mitigation measures

651. I considered the measures identified at paragraphs 77-78 were relevant to this species.

652. Notwithstanding these measures (and their required implementation by way of conditions), I considered the clearing of 92.81 ha of habitat for the Striped Legless Lizard habitat would have a residual significant impact on the species.

Offsets

653. I noted that the Assessment Report states that, in accordance with the Biodiversity Assessment Method, 357 species credits are required to compensate for the impact to 92.81 ha of Striped Legless Lizard habitat, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

654. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Striped Legless Lizard.

655. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Striped Legless Lizard.

Conditions

656. I noted that conditions of the NSW Approval identified at paragraph 86 are relevant, and in relation to Condition B25a, which specifies vegetation and habitat clearing limits, this must not exceed 92.81 ha of Striped Legless Lizard habitat.

657. I considered that the conditions at paragraph 86 ensure the required offset will compensate for the residual significant impact from the proposed action, and that all other mitigation measures would be implemented. I considered these necessary for the protection of Striped Legless Lizard and that, in particular, the offset based conditions were necessary to mitigate the damage to Striped Legless Lizard habitat.

658. Subject to the implementation of the conditions, I considered that the proposed action would not have an unacceptable impact on the Striped Legless Lizard.

Conclusion

659. For the reasons given above, I accepted that there was likely to be a significant residual impact on the Striped Legless Lizard. However, I agreed that, if approved subject to the recommended

conditions, the proposed action will not have an unacceptable impact on the Striped Legless Lizard, nor would it be inconsistent with the TAPs for feral cats, rabbits and the European red fox.

Other listed threatened species and communities

660. Based on the nature of the proposed action, including consideration of the impacts which are likely to occur from construction and operation of the proposal, and having considered the information before me, I was satisfied that no other listed threatened species and communities were likely to be significantly impacted by the proposed action.

Listed migratory species – sections 20 and 20A

661. I noted that the Assessment Report stated that the proponent's assessments of significance of impacts, which DPHI agreed with, concluded that, while some migratory birds may use the proposed action area, it is not considered important habitat for these species and would therefore not have a significant impact on these species.

662. The department, having regard to the Revised BDAR and advice of BCS, considered that there is a potentially significant impact (precautionary) on the following listed migratory species:

- Fork-tailed Swift
- Sharp-tailed Sandpiper
- Red-necked Stint
- Latham's Snipe
- Marsh Sandpiper.

663. As the Sharp-tailed Sandpiper and Latham's Snipe are also listed threatened species, the assessments and my findings in relation to these species, including any impact as migratory species, are provided at paragraphs 346 to 362 (Sharp-tailed Sandpiper) and 413 to 429 (Latham's Snipe) above. I do not repeat those findings below.

664. My conclusions in relation to those migratory species that are not also listed threatened species are set out as follows.

Fork-tailed Swift (*Apus pacificus*)

Protected matter ecology

665. According to the Species Profile and Threats Database (**SPRAT**), the Fork-tailed Swift is a non-breeding visitor usually arriving in Australia around October. The species distributes across all of Australia and is recorded in all regions of NSW. Many records occur east of the Great Divide, however, a few populations have been found west of the Great Divide.

666. The Fork-tailed Swift is almost exclusively aerial, flying anywhere from 1 m to 300 m above the ground to forage. In Australia, they mostly occur over inland plains but sometimes above foothills or in coastal areas. They forage aerially, up to hundreds of metres above ground, but also less than 1 m above open areas or over water.

667. I noted there is:

- one TAP relevant to the species – TAP for feral cats

- no Recovery Plan for the Fork-tailed Swift.

Impacts

668. I noted that the proposed action involves clearing of 81.64 ha of potential non-breeding habitat of the Fork-tailed Swift.

669. According to the Revised BDAR, there is potential for indirect impacts on migratory bird species within or adjacent to the project footprint in the form of reduced habitat connectivity and increased risk of collision with transmission lines. However, given the size and known manoeuvrability of the Fork-tailed Swift, potential collision risk is generally considered to be lower than for other species.

670. According to the Revised BDAR, the proposed transmission line would intersect the typical flight path of the species, which increases the risk of collision and entanglement for migratory species travelling to inland feeding grounds (e.g. Lake Albert, and Fivebough and Tuckerbil Swamps Ramsar Site). The risk of collision or entanglement is likely to have flow-on effects to the lifecycle and breeding success of these species. Therefore, indirect impacts from the proposed action have the potential to seriously disrupt the lifecycle of an ecologically significant proportion of any population of these species.

671. In light of the direct impacts, and the indirect impacts, I considered that, without appropriate mitigation measures, the proposed action was likely to have a significant impact on the Fork-tailed swift.

Avoidance and mitigation measures

672. I considered the measures identified at paragraphs 77-78 and 354 were relevant to this species.

673. Notwithstanding the mitigation measures to reduce the collision risk, I considered the clearing of 81.64 ha of potential non-breeding habitat for the species would have a residual significant impact to the species.

Offsets

674. I noted that the Fork-tailed Swift is not a listed species under the NSW Biodiversity Conservation Act and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

675. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Fork-tailed Swift.

676. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Fork-tailed Swift.

Conditions

677. I noted that the proposed conditions of approval (1, 2, 6, 7 and 8) would require the proponent to comply with the conditions of the NSW Approval (see paragraph 86), which included specifying mitigation measures in relevant management plans and requiring the proponent to

provide offsets to compensate for the residual significant impact of the clearance of migratory species habitat.

678. I accepted that these conditions were necessary to ensure that the Fork-tailed Swift was protected and any damage by way of the impacts was appropriately mitigated and repaired.

Conclusion

679. For the reasons given above, I considered that, subject to conditions, approval of the proposed action would not be unacceptable, nor would it be inconsistent with the TAP for feral cats.

Red-necked Stint (*Calidris ruficollis*)

Protected matter ecology

680. The Red-necked Stint has been recorded in dense flocks in coastal regions and inland areas. The SPRAT database states that foraging habitat includes intertidal mudflats or sandflats in shallow water or in non-tidal wetlands. Roosting habitat includes beaches, spits, banks or islets of sand, mud and coral.

681. Threats to the species includes habitat loss, degradation and disturbance from land clearing, inundation or infilling areas of habitat. The species is also at risk of direct mortality from wind farms, aircraft bird strike, hunting and chemical or oil spills.

682. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no approved Conservation Advice or Recovery Plan for the Red-necked Stint.

Impacts

683. I noted that the Assessment states that the proposed action will involve clearing of 2.32 ha of riparian foraging habitat for the Red-necked Stint, that there is a higher risk of collisions with transmission lines in areas where wetlands and major waterbodies intersect or are within 1 km of the amended project footprint and that DPHI considered there was the potential for a significant impact on this species.

684. I considered that, without appropriate mitigation measures, the proposed action was likely to have a significant impact on the Red-necked Stint.

Avoidance and mitigation measures

685. I considered the measures identified at paragraphs 77-78 and 354 were relevant to this species.

686. Notwithstanding the mitigation measures to reduce the collision risk, I considered the clearing of 2.32 ha of potential non-breeding habitat for the species would have a residual significant impact to the species.

Offsets

687. I noted that the Red-necked Stint is not a listed species under the NSW Biodiversity Conservation Act and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for

the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

688. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Red-necked Stint.

689. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Red-necked Stint.

Conditions

690. I noted that the proposed conditions of approval (1, 2, 6, 7 and 8) would require the proponent to comply with the conditions of the NSW Approval (see paragraph 86), which included specifying mitigation measures in relevant management plans and requiring the proponent to provide offsets to compensate for the residual significant impact of the clearance of migratory species habitat.

691. I accepted that these conditions were necessary to ensure that the Red-necked Stint was protected and any damage by way of the impacts was appropriately mitigated and repaired.

Conclusion

692. For the reasons given above, I considered that, subject to conditions, approval of the proposed action would not be unacceptable, nor would it be inconsistent with the TAP for feral cats.

Marsh Sandpiper (*Tringa stagnatilis*)

Protected matter ecology

693. According to SPRAT, the Marsh Sandpiper is found on coastal and inland wetlands throughout Australia and is recorded in all regions of NSW but especially the central and south coasts and (inland) on the western slopes of the Great Divide and western plains.

694. The Marsh Sandpiper does not breed in Australia. The species lives in permanent or ephemeral wetlands of varying salinity, including swamps, lagoons, billabongs, saltpans, saltmarshes, estuaries, pools on inundated floodplains, and intertidal mudflats and regularly at sewage farms and saltworks.

695. In Australia, threats to the species include habitat loss and degradation through land clearing, inundation, infilling or draining with indirect impacts due to changes in water quality, hydrology or structural changes to roosting sites.

696. I noted there is:

- one TAP relevant to the species – TAP for feral cats
- no approved Conservation Advice or Recovery Plan for the Red-necked Stint.

Impacts

697. I noted that the Assessment Report states the proposed action will involve clearing of 29.62 ha of riparian habitat for the Marsh Sandpiper, that there is a higher risk of collisions with transmission lines in areas where wetlands and major waterbodies intersect or are within 1 km of the amended project footprint and that DPHI considered there was the potential for a significant impact on this species.

698. I considered that without appropriate mitigation measures the proposed action was likely to have a significant impact on the Marsh Sandpiper.

Avoidance and mitigation measures

699. I considered the measures identified at paragraphs 77-78 and 354 were relevant to this species.

700. Notwithstanding the mitigation measures to reduce the collision risk, I considered the clearing of 29.62 of potential non-breeding habitat for the species would have a residual significant impact to the species.

Offsets

701. I noted that Marsh Sandpiper is not a listed species under the NSW Biodiversity Conservation Act and has no associated PCTs in BioNet but that residual impacts to the species' habitat would be offset by the ecosystem credits generated for the PCTs broadly impacted by the proposed action. The Assessment Report states that the total ecosystem offset requirement for the proposed action is 15,128 ecosystem credits, which the proponent will meet through a combination of offsetting mechanisms (see paragraph 82).

702. I refer to my conclusions at paragraphs 82 and 83 regarding the appropriateness of the offset assessment process and adopt them for the Marsh Sandpiper.

703. For the reasons given at paragraph 85, I accepted that the proponent's proposed offset was adequate to compensate for the residual significant impact on the Marsh Sandpiper.

Conditions

704. I noted that the proposed conditions of approval (1, 2, 6, 7 and 8) would require the proponent to comply with the conditions of the NSW Approval (see paragraph 86), which included specifying mitigation measures in relevant management plans and requiring the proponent to provide offsets to compensate for the residual significant impact of the clearance of migratory species habitat.

705. I accepted that these conditions were necessary to ensure that Marsh Sandpiper was protected and any damage by way of the impacts was appropriately mitigated and repaired.

Conclusion

706. For the reasons given above, I considered that, subject to conditions, approval of the proposed action would not be unacceptable, nor would it be inconsistent with the TAPs for feral cats.

Social and Economic matters – section 136(b)

707. In accordance with section 136(1)(b) of the EPBC Act, I had regard to economic and social matters in deciding whether or not to approve an action and what conditions to attach to the approval, as follows.

Economic matters

708. I noted that the EIS stated:

a) The proposed action will support employment in the regional and national economies. The proposed action is predicted to have a total output of $6.4 billion at the regional economical level and $9.4 billion at a national level. Activities such as design, biodiversity

offsets, project management and fees are estimated to cost $266 million, with the construction of the proposed action estimated to cost $3 billion.

b) The proposed action is expected to employ 6,450 workers every year, with 27,294 job years predicted to be supported during the construction of the proposed action.

c) Operational economic impacts of the proposed action include $1.3 billion in net market benefits in:

- avoided unserved energy
- avoided fuel costs
- avoided generation/storage costs
- avoided renewable energy zone transmission capital expenditure
- avoided voluntary load curtailment
- competition benefits to the wholesale market.

d) Economic impacts to the agricultural industry will be minimal. The proposed action is estimated to impact 1,912 ha of agricultural land and reduce gross output by $130,000 per year, resulting in a loss of half a full-time equivalent job and reduction in the total gross value of $50,000 per year.

e) In the context of the gross regional product of the area, the impact on the forestry sector is not significant. The proposed action is predicted to impact 351.8 ha of forestry land and would result in a loss of $510,000 to the forestry industry per year.

Social matters

709. I noted that the EIS stated:

a) During the construction phase, the proposed action may negatively affect:

- way of life (availability and affordability of housing and amenity of the area)
- community (population due to the temporary construction workforce and social cohesion)
- accessibility (transport and movement, social infrastructure, availability of goods and services and utilities and telecommunications)
- culture (connection to country and non-Aboriginal culture)
- health and wellbeing (community health and health and wellbeing of construction workers)
- surroundings (landscape and visual amenity)
- livelihoods (property changes, tourist accommodation and adjustments to land use and primary production)
- decision-making systems (acquisitions and leases).

b) The proposed action is predicted to positively impact livelihoods during the construction stage through employment opportunities, Aboriginal and Torres Strait Islander employment and increased tourism.

c) During the operation stage, the proposed action may negatively affect:

- way of life (noise disturbance and radio interference)
- health and wellbeing (perceived risk of electric and magnetic fields and bushfires, transmission line noise and air quality)
- surroundings (ongoing visual impacts and changes to landscape character)
- livelihoods (changed land use and reduced agricultural capacity, restricted machinery access and perceived impacts on land values)
- decision-making systems (ongoing access to land).

d) The proposed action is predicted to positively impact the community during the operation stage due to social benefits including:

- new employment opportunities and skill acquisition for the local community, including Aboriginal people.
- potential for increased tourism from temporary workers and their guests in the LGAs surrounding the proposed action.

710. I acknowledged that the proponent proposed to mitigate and manage the social impacts through the implementation of the Social Impact Management Plan, Community Engagement Management Plan, Accommodation Camp Management Plan, Local Business Employment Strategy and Heritage Management Plan. I also noted the correspondence that had been received regarding the risk to mental health and emotional toll associated with the proposed action for some stakeholders.

711. I agreed with the conditions of the NSW Approval which specifically required the preparation and implementation of the Social Impact Management Plan, in consultation with Councils and affected stakeholders, with the intent of enhancing positive social outcomes from the development.

Other considerations

712. I noted that sections 136(2)(ba)-(d) and (fa)-(g) were not relevant to my decision.

Principles of ecologically sustainable development – section 136(2)(a)

713. In approving the proposed action subject to conditions, I considered the principles of ecologically sustainable development (**ESD**). I acknowledged that the Assessment Report had concluded that approval of the proposed action, subject to the recommended conditions of approval, would be consistent with the principles of ESD. I set out below ways in which I considered the individual principles in making my decision.

Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations

714. The department advised that the Assessment Report adequately considered the long and short-term economic, environmental, social and equitable impacts in accordance with section 3A(a) of the EPBC Act and in accordance with the Bilateral Agreement and that the NSW assessment process included a public consultation process and I agreed with that advice.

715. I considered the likely impacts on the environment of the proposed action are satisfactory in terms of the long-term and short-term economic, environmental, social and equitable impacts.

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation

716. I have included the information that I considered in relation to this principle in the next section (see precautionary principle, paragraphs 726 to 729).

The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations

717. The department advised that the principle of inter-generational equity had been considered in the NSW assessment process, including through:

- developing environmental management measures which are aimed at ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations
- the socio-economic benefits and downstream energy generated by the proposed action that will benefit future generations, particularly through the provision of national and international energy needs in the short to medium term.

718. The department agreed with the conclusions of the Assessment Report and was satisfied that the recommended conditions of approval will ensure the protection and management of EPBC Act listed threatened species and communities, migratory species and National Heritage Places. The conditions, in the department's view, ensure the proposed action is implemented in a sustainable way and provide for protection and rehabilitation of the environment for future generations.

719. I agreed with the department's assessment that approving the proposed action subject to the recommended conditions of approval will not be inconsistent with the principle of inter-generational equity.

The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making

720. I noted that the department considered the conservation of biological diversity and ecological integrity in recommending that the proposed action be approved. The department considered that the Assessment Report and the Revised BDAR had taken the conservation of biological diversity and ecological integrity into account as a fundamental consideration in assessing the proposed action.

721. The department considered, and I agreed, that the proponent's commitments to avoid, mitigate and manage the impacts of the proposed action, the conditions imposed under the NSW

Approval and the recommended proposed conditions of my approval, ensure the proposed action will not have serious or irreversible impacts on biological diversity and ecological integrity.

Improved valuation, pricing and incentive mechanisms should be promoted

722. The department considered the costs of avoidance, mitigation, management and compensation measures for any relevant impacts provide appropriate pricing and incentive mechanisms for the protection of matters of national environmental significance and the environment.

723. The Assessment Report notes that valuation and pricing of resources has been considered through economic, social and cost-benefit analyses which have been completed as part of the EIS.

724. I noted that the Assessment Report had carefully considered the costs and economic benefits of the proposed action and concludes that it will deliver a significant net benefit to the local region and the State of NSW. I also noted that the NSW Approval included performance-based conditions, where possible, which I considered to provide incentives to the proponent to achieve environmental outcomes and objectives in the most cost-effective way.

Overall Conclusion

725. On the basis of the above, the department considered that approving the proposed action subject to the recommended conditions of approval would not be inconsistent with the principles of ESD. I agreed with that conclusion.

Precautionary principle – section 391

726. In deciding whether or not to approve the taking of the proposed action, I took into account the precautionary principle as required under section 391 of the EPBC Act, and as a principle of ESD (section 3A(b)). The precautionary principle provides that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

727. The department considered that, while there may be a threat of serious or irreversible environmental damage from the proposed action, there is not a lack of full scientific certainty about the likely nature and/or extent of those threats. In support of that view, the department noted that:

- the proponent engaged qualified ecologists, ecological consultants and heritage consultants who conducted surveys in line with NSW and Commonwealth survey guidelines
- the Assessment Report stated that NSW had assessed the proposed action's potential threats of serious or irreversible environmental damage using reasonable worst-case scenarios and considered that there was sufficient scientific certainty (regarding environmental impacts and residual risks) to weigh up the impacts of the proposed action and determine the application
- it had reviewed the survey results, and reviewed statutory and other policy documents, pre-existing species records from BioNet, and other publicly available spatial datasets in forming the view that there is not a lack of scientific certainty about the likely nature and/or extent of threats.

728. I agreed with the department's views and considered that, even if there may be a threat of serious or irreversible environmental damage, there was no lack of scientific certainty about the likely nature and/or extent of the environmental damage.

729. Accordingly, while I took account of the precautionary principle, I did not consider that it applied to the proposed action.

Assessment report – section 136(2)(b)

730. In making my decision, I read and took into account the assessment and conclusions of the Assessment Report and, where relevant to my findings, I have referred to this throughout my reasons above.

731. I noted that comments and correspondence had been received which raised concerns with the Bilateral Assessment not fulfilling the objects of the EPBC Act. I agreed with the department that the impacts of the proposed action had been appropriately considered and would be undertaken in a way consistent with Australia's international agreements, the objects of the EPBC Act and the department's own policies.

732. I also noted that there were concerns that the Assessment Report failed to establish that there were no other feasible options available for the proposed action with a lesser impact on the environment, in particular, undergrounding transmission infrastructure. I agreed with the department that the Assessment Report considered matters related to underground transmission lines, and agreed with the conclusion reached that undergrounding may reduce some impacts, however undergrounding would have other environmental impacts, and would constrain the objectives of the proposed action.

Other information – section 136(2)(e)

733. I noted that I must take into account any other information I have on the relevant impacts of the proposed action. In this regard, I took into account:

- the proponent's assessment documents and other published documents in considering relevant impacts of the proposed action
- information from relevant line areas on the potential impacts of the proposed action on protected matters
- that there are no strategic assessment reports that are relevant to the proposed action
- that there is no bioregional plan relevant to this proposed action (as these relate to marine regions) that under s176(5) of the EPBC Act to which I must have regard in making my decision
- the matters raised in the Ministerial correspondence (which I have summarised at paragraph 30) and addressed those where relevant above.

Relevant comments – section 136(2)(f)

734. I have identified and summarised the relevant comments received at paragraphs 24 to 31 and had regard to those when making my decision.

Person's environmental history – section 136(4)

735. Pursuant to s 136(4) of the EPBC Act, I may consider the proponent's history in relation to environmental matters.

736. I noted that:

- the referral documentation did not identify any past or present proceedings under Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the proponent
- the department's Environmental Permitting and Compliance Division provided an Environmental History Check for NSW Electricity Networks Operations Pty Ltd (trading as Transgrid) which confirmed no adverse history was identified relating to contraventions of national environmental law for the proponent over the last three years.

737. Based on this information, I considered that the proponent is a suitable person to be granted an approval under the EPBC Act.

National Heritage places – section 137A

738. In making my decision, I was required to ensure that any decision I made would not be inconsistent with:

a) the National Heritage management principles (Schedule 5B of the EPBC Regulations); or

b) an agreement to which the Commonwealth is party in relation to a National Heritage place; or

c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.

739. I noted that the Assessment Report did not identify any agreement to which the Commonwealth is a party in relation to a National Heritage place or any plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X. In these circumstances, I was not required to consider these matters any further.

740. I noted that the National Heritage management principles were relevant to my decision.

741. In deciding that approval of the proposed decision was not inconsistent with the National Heritage management principles, I had regard to the Assessment Report which concluded the impacts of the proposed action on the AANPR and the Snowy Mountains Scheme would be acceptable, subject to the implementation of the requirements in the recommended conditions relating to native vegetation clearance limits, funding for biodiversity improvement works and rehabilitation objectives. The department agreed with the conclusion in the Assessment Report, noting that an assessment process, which included public review, had been undertaken in accordance with the management principles. I agreed with the department's views of the conclusions in the Assessment Report.

742. As explained at paragraphs 42 and 61, I considered that impacts on the values of the AANPR and the Snowy Mountains Scheme will be appropriately avoided by the proponent and were unlikely to be significant. I accepted that approval of the proposed action would not be inconsistent with the National Heritage management principles.

Threatened species and endangered communities – section 139

743. In making my decision, I was required to ensure that any decision I made would not be inconsistent with:

- the Biodiversity Convention; or
- the Apia Convention; or
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**); or
- a recovery plan or threat abatement plan made or adopted under sections 269A and 270B, respectively.

Biodiversity Convention

744. I noted the objectives of the Biodiversity Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

745. I understood that the Biodiversity Convention requires Contracting Parties, as far as possible and as appropriate, to introduce procedures requiring environmental impact assessments of projects that are likely to have significant adverse effects on biological diversity to avoid and minimise such impacts, and requires Parties to introduce appropriate arrangements to ensure that the environmental consequences of their programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account.

746. I noted that:

- the proposed action was subject to an environmental impact assessment process under the EP&A Act
- the Assessment Report identified the likely impacts of the proposed action on listed threatened species and communities, and recommended measures to avoid and mitigate those impacts
- the recommended measures are appropriately enforced by way of the conditions attached to the NSW Approval and the conditions that the department recommends be attached to an approval.

747. In making my decision to approve the action, I accepted the department's advice that:

- the proposed action will not have unacceptable impacts on biodiversity, including Commonwealth-listed threatened species and communities, if it is taken in accordance with the recommended conditions, and
- approving the proposed action, subject to the proposed conditions to avoid, mitigate and offset impacts to biodiversity, is not inconsistent with Australia's obligations under the Biodiversity Convention.

Apia Convention

748. I noted the Convention on the Conservation of Nature in the South Pacific (**Apia Convention**) encourages the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural or scientific value. The Apia Convention has general aims of conservation of biodiversity.

749. Even though the Apia Convention was suspended with effect from 13 September 2006, I considered whether approval of the proposed action would be inconsistent with the Apia Convention. I noted that the proposed action had undergone an environmental assessment which concluded that, if carried out in accordance with the conditions of approval, the proposed action would not have an unacceptable impact on biodiversity, geological formations and objects of aesthetic interest or historic, cultural or scientific value.

750. I considered that the proposed conditions of approval will mitigate the impacts on biodiversity from the proposed action and address how these impacts are managed in the long-term. I noted that the proposed conditions require ongoing monitoring of potential impacts, and implementation of mitigation and corrective actions.

751. I was therefore satisfied that approving the proposed action, subject to conditions, was not inconsistent with the Apia Convention.

International trade in endangered species

752. The CITES is an international agreement between governments. I noted its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

753. As the proposed action does not involve international trade, I considered that approval of the proposed action would not be inconsistent with the CITES.

Recovery Plans and Threat Abatement Plans

754. I was required to consider any Recovery Plans and Threat Abatement Plans relevant to my decision and ensure that my decision was not inconsistent with these statutory documents.

Recovery plans

755. I took into account the relevant Recovery Plans, which are identified above in my consideration of the impact assessments for relevant threatened species and ecological communities. I noted that the Assessment Report identified all the relevant Recovery Plans, that those plans had generally been referred to in identifying areas of important habitat for the relevant protected matters and that DHPI considered that, subject to the recommended conditions, the proposed action could be carried out in a manner that is consistent with the relevant recovery plans.

756. I agreed with that analysis, which the department also accepted and was satisfied that approval of the proposed action, with conditions, would not be inconsistent any of the relevant recovery plans.

Threat abatement plans

757. I took into account the relevant TAPs, which I have referred to above in my consideration of the impact assessments for relevant threatened species and ecological communities. More generally, I noted that:

- the NSW Approval requires measures for the control of feral animals to be included in the Biodiversity Management Plan for the proposed action, including specific requirements for the proponent to consider the actions identified in relevant TAPs
- NSW considered that the action can be carried out in a manner which is consistent with the relevant TAPs.

758. Accordingly, I considered that approval of the action would not be inconsistent with the TAPs relevant to the proposed action.

Conservation advices

759. I was required to have regard to approved conservation advices for any threatened species and ecological community that are likely to be, or will be, significantly impacted by the proposed action. I have identified the relevant conservation advices in the impact assessments for relevant threatened species and ecological communities above, and how I took them into account. In general, conservation advices are sources of information on protected matter ecology, including critical habitat requirements, important populations, threats and conservation objectives, which the decision-maker draws on in its consideration of the significance of impacts to protected matters.

Migratory species – section 140

760. In my making my decision, I was required to ensure that any decision I made would not be inconsistent with:

- the Convention on the Conservation of Migratory Species of Wild Animals (**Bonn Convention**)
- China-Australia Migratory Bird Agreement (**CAMBA**)
- Japan-Australia Migratory Bird Agreement (**JAMBA**)
- Republic of Korea-Australia Migratory Bird Agreement (**ROKAMBA**)
- an international agreement approved under subsection 209(4).

The Bonn Convention

761. I noted the **Bonn Convention** aims to conserve terrestrial, aquatic and avian migratory species throughout their range.

762. I considered that the recommendations of the Assessment Report were not inconsistent with the Bonn Convention. I also noted that the department had considered an appropriate combination of avoidance and mitigation measures for the management of species, including migratory species potentially impacted by the proposed action.

763. I was satisfied that approving the proposed action with conditions would not be inconsistent with Australia's obligations under the Bonn Convention.

CAMBA, JAMBA and ROKAMBA

764. I noted the CAMBA, JAMBA and ROKAMBA list terrestrial, water and shorebird species which migrate between Australia and the respective countries. The majority of listed migratory species are shorebirds.

765. I noted the CAMBA, JAMBA and ROKAMBA require the parties to protect migratory birds by:

- limiting the circumstances under which migratory birds are taken or traded
- protecting and conserving important habitats
- exchanging information
- building cooperative relationships.

766. In making my decision to approve the action, I noted that the proposed action was unlikely to impact Ramsar and nationally important wetlands. For the reasons I have given at paragraphs 661 to 706, I considered that the proposed avoidance and mitigation measures and the ecosystem credits liability were sufficient to minimise and offset the significant impacts to migratory birds. I concluded that an approval of the proposed action would not be inconsistent with Australia's obligations under these agreements.

Conditions of approval – section 134

767. As I have noted above in my discussion of the listed threatened species and communities, I considered it necessary to impose conditions requiring that the proponent comply with certain conditions of the NSW Approval. I also applied additional conditions where they were necessary and convenient for the protection of EPBC Act protected matters. I considered this necessary to ensure the protection of EPBC Act protected matters, and repair and mitigate damage (by way of offsets). Such conditions are also necessary to ensure that the department can maintain oversight of the impacts from the proposed action, which assists with our regulatory, enforcement and record-keeping functions.

768. The department also considered, and I agreed, that it is necessary or convenient to apply standard administrative conditions that allow for enforcement, record keeping and appropriate documentation to support outcomes for the environment. These conditions include:

- requirements for the submission of plans
- the need to notify the department of any modifications to the NSW Approval, the date of commencement of the proposed action and the dates when clearing and construction commence
- the proponent maintaining and supplying upon request accurate and complete compliance records, and providing annual compliance reports and relevant time periods
- the requirement to report instances of non-compliance and the relevant procedures and timeframes
- procedures and processes for independent audits of compliance with the proposed conditions and the relevant procedures and timeframes
- completion of action protocols and reporting.

769. In accordance with section 134(4), in deciding whether to impose conditions, I:

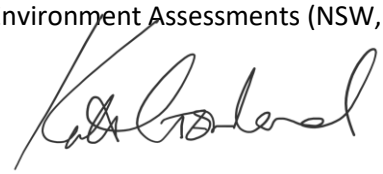
- noted and had regard to the NSW Approval conditions and the extent to which these were sufficient to avoid, mitigate, manage, or offset the impacts of the proposed action on relevant matters of national environmental significance, and avoided duplication where appropriate
- considered the information and evaluation provided by the proponent on the impacts on relevant MNES, as well as their proposed avoidance, mitigation, management and compensation measures and the comments on the proposed conditions
- considered that the conditions were a cost-effective measure in which to ensure that the object of the conditions, being to protect the protected matters, was able to be achieved.

770. I agreed that these conditions were necessary and convenient to support outcomes for the protection of the protected matters.

Conclusion

771. Having considered all matters required to be considered under the EPBC Act and for the reasons given above, I decided to approve the taking of this proposed action, subject to conditions, for the purposes of sections 15B, 15C, 18, 18A, 20 and 20A of the EPBC Act.

772. My approval will remain in effect until 31 December 2124.

Name and position	Kate Gowland Branch Head Environment Assessments (NSW, ACT)
Signature	
Date of decision	17 April 2025

ANNEXURE A

Section 130 of the EPBC Act relevantly provides:

Basic rule

1) The Minister must decide whether or not to approve, for the purposes of each controlling provision for a controlled action, the taking of the action.

1A) The Minister must make the decision within the relevant period specified in subsection (1B) that relates to the controlled action, or such longer period as the Minister specifies in writing.

Notice of extension of time

4) If the Minister specifies a longer period for the purposes of subsection (1A), he or she must:

   a) give a copy of the specification to the person proposing to take the action; and

   b) publish the specification in accordance with the regulations.

Section 131 of the EPBC Act relevantly provides:

1) Before the Minister (the Environment Minister) decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:

   a) inform any other Minister whom the Environment Minister believes has administrative responsibilities relating to the action of the decision the Environment Minister proposes to make; and

   b) invite the other Minister to give the Environment Minister comments on the proposed decision within 10 business days.

2) A Minister invited to comment may make comments that:

   a) relate to economic and social matters relating to the action; and

   b) may be considered by the Environment Minister consistently with the principles of ecologically sustainable development.

   This does not limit the comments such a Minister may give.

Section 131AA of the EPBC Act relevantly provides:

1) Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:

   a) inform the person proposing to take the action, and the designated proponent of the action (if the designated proponent is not the person proposing to take the action), of:

      i) the decision the Minister proposes to make; and

      ii) if the Minister proposes to approve the taking of the action – any conditions the Minister proposes to attach to the approval; and

b) invite each person informed under paragraph (a) to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.

2) If the Minister proposes not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must provide to each person informed under paragraph (1)(a), with the invitation given under paragraph (1)(b):

a) a copy of whichever of the following documents applies to the action:

i) an assessment report;

ii) a finalised recommendation report given to the Minister under subsection 93(5);

iii) a recommendation report given to the Minister under section 95C, 100 or 105; and

b) any information relating to economic and social matters that the Minister has considered; and

c) any information relating to the history of a person in relation to environmental matters that the Minister has considered under subsection 136(4); and

d) a copy of any document, or part of a document, containing information of a kind referred to in paragraph 136(2)(e) that the Minister has considered.

3) The Minister is not required to provide under subsection (2):

a) information that is in the public domain; or

b) a copy of so much of a document as in the public domain; or

c) in the case of information referred to in paragraph (2)(b) or (c) – any conclusions or recommendations relating to that information included in documents or other material prepared by the Secretary for the Minister.

6) In deciding whether or not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must take into account any relevant comments given to the Minister in response to an invitation given under paragraph (1)(b).

Section 131A of the EPBC Act relevantly provides:

Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she may publish on the Internet:

a) the proposed decision and, if the proposed decision is to approve the taking of the action, any conditions that the Minister proposes to attach to the approval; and

b) an invitation for anyone to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.

Section 133 of the EPBC Act relevantly provides:

Approval

1) After receiving the assessment documentation relating to a controlled action, or the report of a commission that has conducted an inquiry relating to a controlled action, the Minister may approve for the purposes of a controlling provision the taking of the action by a person.

1A) If the referral of the proposal to take the action included alternative proposals relating to any of the matters referred to in subsection 72(3), the Minister may approve, for the purposes of subsection (1), one or more of the alternative proposals in relation to the taking of the action.

Content of approval

2) An approval must:

a) be in writing; and

b) specify the action (including any alternative proposals approved under subsection (1A)) that may be taken; and

c) name the person to whom the approval is granted; and

d) specify each provision of Part 3 for which the approval has effect; and

e) specify the period for which the approval has effect; and

f) set out the conditions attached to the approval.

Persons who may take action covered by approval

2A) An approval granted under this section is an approval of the taking of the action specified in the approval by any of the following persons:

a) the holder of the approval;

b) a person who is authorised, permitted, or requested by the holder of the approval, or by another person with the consent or agreement of the holder of the approval, to take the action.

Notice of approval

3) The Minister must:

a) give a copy of the approval to the person named in the approval under paragraph 133(2)(c); and

b) provide a copy of the approval to a person who asks for it (either free or for a reasonable charge determined by the Minister).

Notice of refusal of approval

7) If the Minister refuses to approve for the purposes of a controlling provision the taking of an action by the person who proposed to take the action, the Minister must give the person notice of the refusal.

Section 134 of the EPBC Act relevantly provides:

Condition to inform persons taking action of conditions attached to approval

1A) An approval of the taking of an action by a person (the first person) is subject to the condition that, if the first person authorises, permits, or requests another person to undertake any part of the action, the first person must take all reasonable steps to ensure:

a) that the other person is informed of any condition attached to the approval that restricts or regulates the way in which that part of the action may be taken; and

b) that the other person complies with any such condition.

For the purposes of this Chapter, the condition imposed by this subsection is attached to the approval.

Generally

1) The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:

a) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or

b) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

Conditions to protect matters from the approved action

2) The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:

a) protecting from the action any matter protected by a provision of Part 3 for which the approval has effect; or

b) repairing or mitigating damage that may or will be, or has been, caused by the action to any matter protected by a provision of Part 3 for which the approval has effect.

This subsection does not limit subsection (1).

Examples of kinds of conditions that may be attached

3) The conditions that may be attached to an approval include:

aa) conditions requiring specified activities to be undertaken for:

i) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or

ii) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage may or will be, or has been, caused by the action); and

ab) conditions requiring a specified financial contribution to be made to a person for the purpose of supporting activities of a kind mentioned in paragraph (aa); and

a) conditions relating to any security to be given by the holder of the approval by bond, guarantee or cash deposit:

i) to comply with this Act and the regulations; and

ii) not to contravene a condition attached to the approval; and

iii) to meet any liability of a person whose taking of the action is approved to the Commonwealth for measures taken by the Commonwealth under section 499 (which lets the Commonwealth repair and mitigate damage caused by a contravention of this Act) in relation to the action; and

b) conditions requiring the holder of the approval to insure against any specified liability of the holder to the Commonwealth for measures taken by the Commonwealth under section 499 in relation to the approved action; and

c) conditions requiring a person taking the action to comply with conditions specified in an instrument (including any kind of authorisation) made or granted under a law of a State or self-governing Territory or another law of the Commonwealth; and

d) conditions requiring an environmental audit of the action to be carried out periodically by a person who can be regarded as being independent from any person whose taking of the action is approved; and

e) if an election has been made, or is taken to have been made, under section 132B in respect of the approval – conditions requiring:

i) an action management plan to be submitted to the Minister for approval, accompanied by the fee (if any) prescribed by the regulations; and

ii) implementation of the plan so approved; and

f) conditions requiring specified environmental monitoring or testing to be carried out; and

g) conditions requiring compliance with a specified industry standard or code of practice; and

h) conditions relating to any alternative proposals in relation to the taking of the action covered by the approval (as permitted by subsection 133(1A)).

This subsection does not limit the kinds of conditions that may be attached to an approval.

Conditions attached under paragraph (3)(c)

(3C) A condition attached to an approval under paragraph (3)(c) may require a person taking the action to comply with conditions specified in an instrument of a kind referred to in that paragraph:

a) as in force at a particular time; or

b) as is in force or existing from time to time;

even if the instrument does not yet exist at the time the approval takes effect.

Considerations in deciding on condition

4) In deciding whether to attach a condition to an approval, the Minister must consider:

a) any relevant conditions that have been imposed, or the Minister considers are likely to be imposed, under a law of a State or self-governing Territory or another law of the Commonwealth on the taking of the action; and

aa) information provided by the person proposing to take the action or by the designated proponent of the action; and

b) the desirability of ensuring as far as practicable that the condition is a cost effective means for the Commonwealth and a person taking the action to achieve the object of the condition.

Effect of conditions requiring compliance with conditions specified in another instrument

4A) If:

a) a condition (the principal condition) attached to an approval under paragraph (3)(c) requires a person taking the action to comply with conditions (the other conditions) specified in an instrument of a kind referred to in that paragraph; and

b) the other conditions are in excess of the power conferred by subsection (1);

the principal condition is taken to require the person to comply with the other conditions only to the extent that they are not in excess of that power.

Validity of decision

5) A failure to consider information as required by paragraph (4)(aa) does not invalidate a decision about attaching a condition to the approval.

Section 136 of the EPBC Act relevantly provides:

Mandatory considerations

1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision:

a) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action;

b) economic and social matters.

Factors to be taken into account

2) In considering those matters, the Minister must take into account:

a) the principles of ecologically sustainable development; and

b) the assessment report (if any) relating to the action; and

ba) if Division 3A of Part 8 (assessment on referral information) applies to the action – the finalised recommendation report relating to the action given to the Minister under subsection 93(5); and

bc) if Division 4 of Part 8 (assessment on preliminary documentation) applies to the action:

i) the documents given to the Minister under subsection 95B(1), or the statement given to the Minister under subsection 95B(3), as the case requires, relating to the action; and

ii) the recommendation report relating to the action given to the Minister under section 95C; and

c) if Division 5 (public environment reports) of Part 8 applies to the action:

i) the finalised public environment report relating to the action given to the Minister under section 99; and

ii) the recommendation report relating to the action given to the Minister under section 100; and

ca) if Division 6 (environmental impact statements) of Part 8 applies to the action:

i) the finalised environmental impact statement relating to the action given to the Minister under section 104; and

ii) the recommendation report relating to the action given to the Minister under section 105; and

d) if an inquiry was conducted under Division 7 of Part 8 in relation to the action – the report of the commissioners; and

e) any other information the Minister has on the relevant impacts of the action (including information in a report on the impacts of actions taken under a policy, plan, or program under which the action is to be taken that was given to the Minister under an agreement under Part 10 (about strategic assessments)); and

f) any relevant comments given to the Minister in accordance with an invitation under section 131 or 131A; and

g) if a notice relating to the action was given to the Minister under subsection 132A(3) – the information in the notice.

Person's environmental history

4) In deciding whether or not to approve the taking of an action by a person, and what conditions to attach to an approval, the Minister may consider whether the person is a suitable person to be granted an approval, having regard to:

a) the person's history in relation to environmental matters; and

b) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and

c) if the person is a body corporate that is a subsidiary of another body or company (the parent body) – the history in relation to environmental matters of the parent body and its executive officers.

Minister not to consider other matters

5) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must not consider any matters that the Minister is not required or permitted by this Division to consider.

Section 137A of the EPBC Act relevantly provides:

In deciding whether or not to approve for the purposes of section 15B or 15C the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:

(a) the National Heritage management principles; or

(b) an agreement to which the Commonwealth is party in relation to a National Heritage place; or

(c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.

Section 139 of the EPBC Act relevantly provides in part:

2) If:

a) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and

b) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;

the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community.

Section 140 of the EPBC Act relevantly provides:

In deciding whether or not to approve for the purposes of section 20 or 20A the taking of an action relating to a listed migratory species, and what conditions to attach to such an approval, the Minister must not act inconsistently with Australia's obligations under whichever of the following conventions and agreements because of which the species is listed:

(a) the Bonn Convention;

(b) CAMBA;

(c) JAMBA;

(d) an international agreement approved under subsection 209(4).

ANNEXURE B – Documents considered

Final decision brief and attachments, as follows

A: Proposed decision electronic briefing package, comprising

Proposed decision brief

A: NSW assessment documentation

- A1: State assessment Report
- A2: Completion of NSW Assessment
- A3: Notice of NSW Decision
- A4: NSW Conditions of Consent

B: Legal Considerations

C: Decision notice

D: Letters

- D1: Letter to proponent
- D2: Letter to NSW
- D3: Letter to Indigenous
- D4: Letter to Defence
- D5: Letter to Industry
- D6: Letter to Finance
- D7: Letter to Agriculture
- D8: Letter to Infrastructure

E: Supporting information

- E1: New PMST report 10km (26 November 2024)
- E2: Old PMST report 10km (20 January 2022)
- E3: Significant Impact Guidelines 1.1
- E4: Referral decision electronic briefing package, comprising
  - Att A1 Referral
  - Att A2 Referral Maps
  - Att A3 Preliminary Biodiversity Assessment
  - Att A4 Transgrid Environment Policy
  - Att A5 MNES assessment
  - Att A6 Community Engagement information
  - Att A7 Proponents comments
  - Att A8 EIS feedback

Att A9 EIS feedback

Att B ERT report 2km

Att C Public comment

Att D1 Ministerial comment - Industry

Att D2 Ministerial comment - Defence

Att D3 Ministerial comment - Agriculture

Att D4 Ministerial comment - Infrastructure

Att D5 Ministerial comment - Finance

Att D6 Ministerial comment - NSW State Government

Att D7 Ministerial comment - Indigenous

Att E Fee Schedule with justifications

Att F Fee Schedule without justifications

Att G Decision notice

Att H1 Letter to Proponent

Att H2 Letter to Minister for Indigenous

Att H3 Letter to NSW

Att H4 Letter to Minister for Defence

Att I NSW project handover notes

Att J Heritage Advice

E5: Project Variation Decision Briefing package, comprising

Project variation decision brief

Att A1 Variation request

Att A2 Variation request report

Att B EPBC referral

Att C Variation decision notice

Att D Letter to proponent

F: Line area advice

F1: Species statutory document check (completed 28 October 2024)

F2: Environmental history check (completed 10 October 2024)

F3: Conditions team comments on proposed decision notice

G: Threat abatement plans

G1: Threat abatement plan cane toads

G2: Threat abatement plan feral pigs

G3: Threat abatement plan *Phytophthora cinnamomi*

G4: Threat abatement plan feral cats

G5: Threat abatement plan rabbits

G6: Threat abatement plan European red fox

H: Recovery plans

H1: Recovery Plan Box Gum Woodland

H2: Recovery Plan Cotoneaster Pomaderris

H3: Recovery Plan Grey-headed Flying-fox

H4: Recovery Plan Hoary Sunray

H5: Recovery Plan Koala

H6: Recovery Plan Painted Honeyeater

H7: Recovery Plan Regent Honeyeater

H8: Recovery Plan Spotted tailed Quoll

H9: Recovery Plan Superb Parrot

H10: Recovery Plan Swamp everlasting

H11: Recovery Plan Swift Parrot

I: Conservation advices

I1: Conservation Advice Austral Toadflax

I2: Conservation Advice Bago leek orchid

I3: Conservation Advice Blue-tongued Greenhood

I4: Conservation Advice Box Gum Woodland

I5: Conservation Advice Brandy Mary s leek orchid

I6: Conservation Advice Brown treecreeper south-eastern

I7: Conservation Advice Buttercup Doubletail

I8: Conservation Advice Bynoe's Wattle

I9: Conservation Advice Cambage Kunzea

I10: Conservation Advice Diamond Firetail

I11: Conservation advice Gang-gang Cockatoo

I12: Conservation Advice Golden sun moth

I13: Conservation Advice Greater Glider southern and central

I14: Conservation Advice Hoary Sunray

I15: Conservation Advice Kelton's leek orchid

I16: Conservation Advice Key's Matchstick Grasshopper

I17: Conservation Advice Koala

I18: Conservation Advice Latham's snipe

I19: Conservation Advice Painted Honeyeater

I20: Conservation Advice Pilotbird

I21: Conservation Advice *Pimelea bracteata*

I22: Conservation Advice Pink tailed worm lizard

I23: Conservation Advice Pomaderris cotoneaster

I24: Conservation Advice Regent Honeyeater

I25: Conservation Advice Sharp tailed sandpiper

I26: Conservation Advice South-eastern Glossy Black Cockatoo

I27: Conservation Advice South-eastern Hooded Robin

I28: Conservation Advice Southern Whiteface

I29: Conservation Advice Spotted tailed Quoll

I30: Conservation Advice Striped legless lizard

I31: Conservation Advice Superb parrot

I32: Conservation Advice Swamp everlasting

I33: Conservation Advice Swift Parrot

I34: Conservation Advice Yass Daisy

I35: Conservation Advice Yellow bellied Glider south-eastern

I36: Conversation advice Striped Legless Lizard

J: EIS and attachments (link to folder)

K: Public submissions

K1: Submissions Report

K2: Letter from NSW to proponent requesting response to submissions received on EIS

L: Amendment Report and attachments (link to folder)

M: Additional information and revised BDAR (link to folder)

B: Proponent and ministerial comments and correspondence

B1: Proponent comments (email and attachment)

B2: Department response

B3: Further comment from proponent

B4: Department response

B5: Final comment from proponent

B6: NIAA comments

B7: DAFF comments

B8: Finance comments

B9: Defence comments

C: Final decision notice + attachment (map)

D: Letters

D1: Letter to proponent

D2: Letter to NSW Planning Minister

D3: Letter to Minister for Indigenous Australians

D4: Letter to Minister for Defence

D5: Letter to Minister for Industry

D6: Letter to Minister for Finance

D7: Letter to Minister for Agriculture

D8: Letter to Minister for Infrastructure

E: Ministerial correspondence

E1: MC24-025268

E2: MC24-025273

E3: MC24-025275

E4: MC24-025279

E5: MC24-025282

E6: MC24-025284

E7: MC24-024959

F: Final decision notice (in tracked changes from proposed to final)

G: Threat abatement plan for European fox