McCullys Gap Battery Energy Storage System

Application Number: **03231** Commencement Date: **24/11/2025** Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

McCullys Gap Battery Energy Storage System

1.1.2 Project industry type *

Energy Generation and Supply (renewable)

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/07/2027

1.1.4 Estimated end date *

30/06/2057

1.2 Proposed Action details

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

Introduction

Muswellbrook Pro Unit Holdings Pty Ltd as Trustee for Muswellbrook Pro Unit Trust (the Applicant) is seeking to construct, operate and decommission a battery energy storage system (BESS) and ancillary infrastructure at McCullys Gap, NSW (the project, which comprises the 'proposed action' that is the subject of this referral). The project is currently being assessed as a
State Significant Development under Clause 2.6 of the State Environmental Planning Policy (Planning Systems) 2021.

The project is located 578 Sandy Creek Road (on Lot 5 DP802081) and 380 Sandy Creek Road (on Lot 1621 DP852356) McCullys Gap, NSW. This rural setting offers the necessary land availability and environmental conditions suitable for the development. The project area is located immediately east and adjacent to the existing Muswellbrook 330 kilovolt (kV) substation, to facilitate connection to the NSW high voltage electricity transmission network.

The key features of the project include:

- A utility scale 400-megawatt (MW) battery energy storage system (including batteries, inverters, transformers, and switchgear) with four hours of storage
- Connection infrastructure between the batteries and the existing high voltage network including:
- project substation
- An overhead 330 kV transmission line connecting the BESS to the existing Muswellbrook substation
- Enabling works at the existing Muswellbrook substation.

To facilitate the project, ancillary and enabling works would be required including temporary construction facilities (including a site office, compounds and laydown areas), potential upgrades at up to five road intersections may be required. These upgrades would not form part of the operational footprint of the project.

The project that is the subject of this referral does not include any preliminary or investigative investigations undertaken during development to better understand site conditions, including geotechnical and biodiversity investigations.

It is anticipated that construction would start in 2027 subject to obtaining all necessary approvals and would take approximately 18 months to complete. The project may be constructed in one or more stages. The operation of the project, once construction commissioning, testing, and demobilisation had been completed, would commence approximately 18 months later.

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

The 'project area' is the general location for the proposed action and includes the maximum 'disturbance footprint' that will contain all construction areas and an indicative operational footprint, shown on Figure 1 of 12627183_EPBC001_ProjectOverview. The concept design for the proposed action, including indicative locations of all infrastructure and associated easements, is shown on Figure 2 (12627183_EPBC002_ProjectConceptLayout.pdf).

Project need

The project involves the construction, operation and decommissioning of a utility scale battery energy storage system (BESS) to support a safe, secure and reliable electrical network in New South Wales.

The proposed action would perform a critical role in supporting and storing energy generated by the existing and proposed infrastructure in the region. The proposed action would provide additional energy storage that would be delivered on demand to quickly stabilise the electricity system and reliably meet peak energy demand. The BESS would also help manage the variability of energy sources, to ensure a consistent and stable power supply.

Project components

A conceptual layout of key project infrastructure is provided in Figure 2 (12627183_EPBC002_ProjectConceptLayout).

The project involves the construction and operation of the following permanent infrastructure:

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

Activities associated with construction of this infrastructure would include:

- Site preparation and establishment activities, including clearing and grading
- Construction and installation of the BESS
- Construction and installation of connecting transmission and related infrastructure including the switchyard, substation and transmission line
- Construction and installation of ancillary infrastructure including an upgraded access road, site services and drainage infrastructure, fit out of building and installation of the fire system and security requirements.
- Testing and commissioning
- Rehabilitation of disturbed areas not required for operation, and demobilisation.

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

No

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

Commonwealth legislation:

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation that provides a legal framework to protect and manage environmental values considered to be of national environmental significance. The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES).

The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES), which are:

- World heritage properties
- National heritage properties
- Wetlands of international importance
- Listed threatened species and ecological communities
- Listed migratoryspecies
- Protection of the environment from nuclear actions
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions(including uranium mines)
- Water resources (that relate to coal seam gas development and large coal mining development)

A preliminary assessment of the project has been completed and indicates the project is likely to have a significant impact on a single EPBC listed threatened species (the Hunter Valley Delma, *Aprasia vescolineata*.) This assessment is based on multiple rounds of targeted biodiversity surveys through 2024 and 2025 as documented in a substantially complete Biodiversity Development Assessment Report (BDAR). The assessment has been undertaken on a preliminary concept design for the project and has adopted a precautionary approach to impact assessment.

A bilateral agreement between the Commonwealth of Australia and the State of New South Wales relating to environmental assessment (the assessment bilateral agreement), allows the Commonwealth Minister for the Environment and Energy to rely on the NSW assessment processes and biodiversity offset scheme on making a decision under the EPBC Act.

Native Title Act 1993

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

The Project is located on land held in fee simple. A search of the National Native Title Register was undertaken in December 2025 and the project is not located in an area with a Native Title application.

NSW legislation

Environmental Planning and Assessment Act 1979

The proposed action is a State Significant Development (SSD) under Clause 2.6 of the *State Environmental Planning Policy (Planning Systems) 2021*. The project would be for electrifying generating works on land that is permitted with development consent under Clause 2.35 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. An environmental impact statement (EIS) needs to be prepared for SSD projects in accordance with Division 4.7 of *the Environmental Planning and Assessment Act 1979* (EP&A Act).

In accordance with section 4.5(a) of the EP&A Act, the consent authority for SSD is the Minister for Planning and Public Spaces or the Independent Planning Commission (pursuant to section 2.7 of the Planning Systems SEPP). An authorisation under certain other legislation, identified in Section 4.41 of the EP&A Act, is not required for approved SSD.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) aims to maintain a healthy, productive and resilient environment consistent with the principals of ecologically sustainable development and in particular conserve biodiversity at bioregional and state scales, among other specific aims. Part 4 of the BC Act provides for the listing of threatened species and threatened ecological communities. Part 6 of the BC Act provides for a biodiversity offsets scheme for biodiversity values. Part 7 of the BC Act provides for biodiversity assessment and approvals under the EP&A Act. Section 7.9 of the BC Act states an application for SSD, under the EP&A Act is to be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor in accordance with the Biodiversity Assessment Method (BAM). Section 7.14 of the BC Act states the Minister, in making a determination, must take into account the likely impact of the development on biodiversity values assessed in the BDAR, and may require biodiversity offsets through the biodiversity offsets scheme.

A BDAR is currently in preparation and would be included in the EIS for the project. This referral is informed by biodiversity surveys and assessment conducted for the BDAR.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) among other things provides the basis for the legal protection and management of Aboriginal sites and objects in NSW. Archaeological surveys undertaken to date have identified a single Aboriginal site within the project area comprising of a Potential Archaeological Deposit (PAD) site. The concept design of the project has been refined such that this PAD will be avoided and is located outside the disturbance footprint.

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

Water *Management Act 2000*

The aim of the *Water Management Act 2000* is to ensure that water resources are conserved and properly managed for sustainable use, benefiting both present and future generations. It is also intended to provide formal means for the protection and enhancement of the environmental qualities of waterways and in-stream uses as well as to provide for protection of catchment conditions.

The major water use during construction would be non-potable water required for dust suppression, while water would be required during operation for fire suppression purposes. The final water sources will be confirmed during preparation of the EIS; however, a groundwater bore may be installed.

Potential impacts to surface water will likely to be negligible with the implementation of erosion and sediment controls prior to any excavation works in the project area. Potential impacts to groundwater resources will also likely be negligible. All construction and operational activities will be undertaken in accordance with a site-specific Soil and Water Management Plan.

NSW Environmental Planning Instruments

State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) is to facilitate the effective delivery of infrastructure across the state.

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

The project site is located within the Muswellbrook Shire Council, and the relevant local environmental plan (LEP) is the Muswellbrook LEP 2009. The site is zoned RU1 Primary Production. Pursuant to Section 2.35 definitions in the Transport and Infrastructure SEPP, RU1 is a prescribed non-residential zone. Therefore, the project is permissible on the project site.

State Environmental Planning Policy (Planning Systems) 2021

The State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) is a framework to identify development that is state significant development (SSD), state significant infrastructure (SSI) and regionally significant development.

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

The proposed action is SSD in accordance with section 2.6(1) of State Environmental Planning Policy (Planning Systems) 2021, since the project is electricity generating works with a Capital Investment Value of more than $30 million. The project was declared SSD in March 2025 and project SEARS were issued on 16 April 2025.

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

Consultation with key stakeholders has been ongoing during the development of the project and would continue as needed, through the EIS process. The ongoing consultation supports:

- Compliance with statutory requirements and expectations
- An informed community and key stakeholders
- Understanding and incorporating community feedback and key issues into the design of the project.

Stakeholders for the project were identified, and consultation has been undertaken as described below. As a general approach, the project team seeks to build open, ongoing relationships with clear channels of communication and feedback.

Key communications materials and engagement channels have included:

- A dedicated project webpage
- Project email and freecall 1800 number
- Fact sheets and PowerPoint presentations
- Letterbox drops.

Government agencies

Consultation has been undertaken with the following Government agencies, departments and authorities:

Transport for NSW – August 2025

- The Applicant raised scheduling a meeting to discuss the project, specifically the traffic impact assessment. Confirmed meeting would be held once draft traffic impact assessment had been initially reviewed by Transport for NSW.

Department of Planning, Housing and Infrastructure –November 2025

- The Applicant provided an update on project status, details and timing of EIS submission.

Muswellbrook Shire Council

- September 2025 – the meeting focused on benefit-sharing arrangements, local workforce expectations for the EIS, and the need for landowner consents for intersection upgrades. Council also raised road-maintenance planning being coordinated with EnergyCo, concerns about workforce accommodation for major projects, and the possibility of temporary worker camps being established by proponents.
- December 2025 - the meeting discussed visual design preferences for the battery units, traffic and safety requirements for key intersections, Council’s expectations around biodiversity offsetting, fire-related information to be included in the EIS, preferred OSOM route options, road condition concerns, benefit-sharing allocations, water-use hierarchy, workforce accommodation considerations, and waste-management expectations.

Commonwealth Department of Climate Change, Energy, the Environment and Water – December 2025

- The meeting covered the project overview and a discussion of key environmental and approval requirements, including Hunter Valley Delma habitat considerations, fencing and habitat retention, bats, and the need to maintain a conservative footprint. The department also outlined referral expectations, upcoming legislative timing, and validation timeframes, with actions focused on strengthening the referral and potentially undertaking additional Hunter Valley Delma surveys in non-native vegetation.

A discussion was held with Santos Ltd in August 2025 in relation to their neighbouring project ‘the Hunter Gas Pipeline’, regarding project timing, project overlap, cumulative project impacts and joint project opportunities. Santos raised no concerns in relation to the project, and no changes have been made as a result of discussions with them.

Community consultation

Neighbour and community consultation has also been undertaken and includes:

- Letters sent to all residences along Sandy Creek Road to introduce the project. This letter also provided relevant contact information to allow landowners to contact the project team for further information and to establish a dialogue.
- Letters delivered to the residents along Sandy Creek Road and Muswellbrook Shire community members to notify them of a pop-up display and a drop-in information session on 2 June 2025.
- A pop-up display was held in the foyer of the Muswellbrook RSL Club between 1 pm and 3 pm, followed by a drop-in information session from 3 pm to 5 pm and 6 pm to 8 pm.
- Letters to all neighbours surrounding the project describing ongoing project technical assessments sent in June 2025.
- Attended consultation event arranged by Muswellbrook Shire Council at McCullys Gap community hall on 21 July 2025 between 4.30pm and 8.00pm.
- Letters sent to residents along Sandy Creek Road in September 2025 describing ongoing project technical assessments.
- Several interactions with neighbours via email and phone, regarding access to the project and general questions about the project.

Community session outcomes

The Applicant held community sessions at Muswellbrook RSL on 2 June 2025. During these sessions, 17 community members participated in discussions relating to the project, six people were local visitors, nine people were residents along Sandy Creek Road, one person was from St Heliers road adjacent to the project and one person was a Muswellbrook-based Indigenous business owner – Blackrock Industries.

Attendees provided constructive feedback and identified several areas for improvement. Key matters raised during the session included the timing of construction, potential traffic congestion and safety on local roads, and workforce accommodation, particularly in the context of multiple projects occurring in the surrounding area. The potential risk of fire at the project site was also raised; however, there was strong interest in understanding the fire protection systems proposed for the BESS. The Applicant and GHD Pty Ltd teams responded to these concerns and questions, providing additional detail on the project design where relevant. Ongoing consultation will continue as the EIS progresses, and the key themes raised by the community will be addressed within this EIS..

Consultation with First Nation stakeholders

This consultation have involved:

- Letters of introduction to all potentially involved Aboriginal parties were sent for participation in the Project in April 2025. The parties include:
- Didge Ngunawal Clan
- Mura Gadi Aboriginal Corporation
- Ngagga Ngagga
- Ungooroo Aboriginal Corporation
- Upper Hunter Wanaruah Council Inc
- Wanaruah Nation Aboriginal Corporation

Consultation with the Aboriginal community is currently being undertaken as instructed by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (Office of Environment of Heritage. 2011), and the Aboriginal cultural heritage consultation requirements for proponents (ACHCRs, Department of Environment, Climate Change and Water. 2010.) This project currently has 13 Registered Aboriginal Parties (RAPs), which are updated and involved in the project as it progresses.

The consultation process is currently in Stages 2 & 3 as per the requirements of the ACHCRs. Community members have reviewed and commented on the assessment methodology, and some have been involved in field survey with contracted archaeologists. This information is being collated in sections of the Aboriginal Cultural Heritage Assessment Report (ACHAR) which will be produced and distributed to community later this year.

A summary of consultation so far:

- Stage 1 - completed 20 May 2025
- Stage 2/3 - draft assessment methodology completed and distributed 15 July 2025
- Stage 2/3 - Fieldwork invites sent 25 July 2025, 12 November 2025
- Stage 4 – ongoing

1.3.1 Identity: Referring party

Privacy Notice:

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

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

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

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

Referring party details

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

1.3.2 Identity: Person proposing to take the action

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

No

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

Yes

Person proposing to take the action organisation details

ABN/ACN	682732592
Organisation name	Muswellbrook Pro Unit Holdings Pty Ltd
Organisation address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

Person proposing to take the action details

Name	Ronch Willner
Job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

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

No

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

Yes

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

The proposed action will be taken by Muswellbrook Pro Unit Holdings Pty Ltd as the trustee for Muswellbrook Pro Unit Trust (see Att. F). The project is owned by the Muswellbrook Pro Unit Trust. The Muswellbrook Pro Unit Trust acts through Muswellbrook Pro Unit Holdings Pty Ltd which is the entity appointed to represent the Muswellbrook Pro Unit Trust, control its assets, and assumes the rights, obligations and liabilities for and on behalf of the trust. Att. Fwill not be made publicly available as it is a confidential document.

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

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

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

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

1.3.3 Identity: Proposed designated proponent

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

Yes

Proposed designated proponent organisation details

ABN/ACN	682732592
Organisation name	Muswellbrook Pro Unit Holdings Pty Ltd
Organisation address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

Proposed designated proponent details

Name	Ronch Willner
Job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

1.3.4 Identity: Summary of allocation

Confirmed Referring party's identity

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

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

Confirmed Person proposing to take the action's identity

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

ABN/ACN	682732592
Organisation name	Muswellbrook Pro Unit Holdings Pty Ltd
Organisation address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia
Representative's name	Ronch Willner
Representative's job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

Confirmed Proposed designated proponent's identity

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

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

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

No

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

No

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

No

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

No

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

No

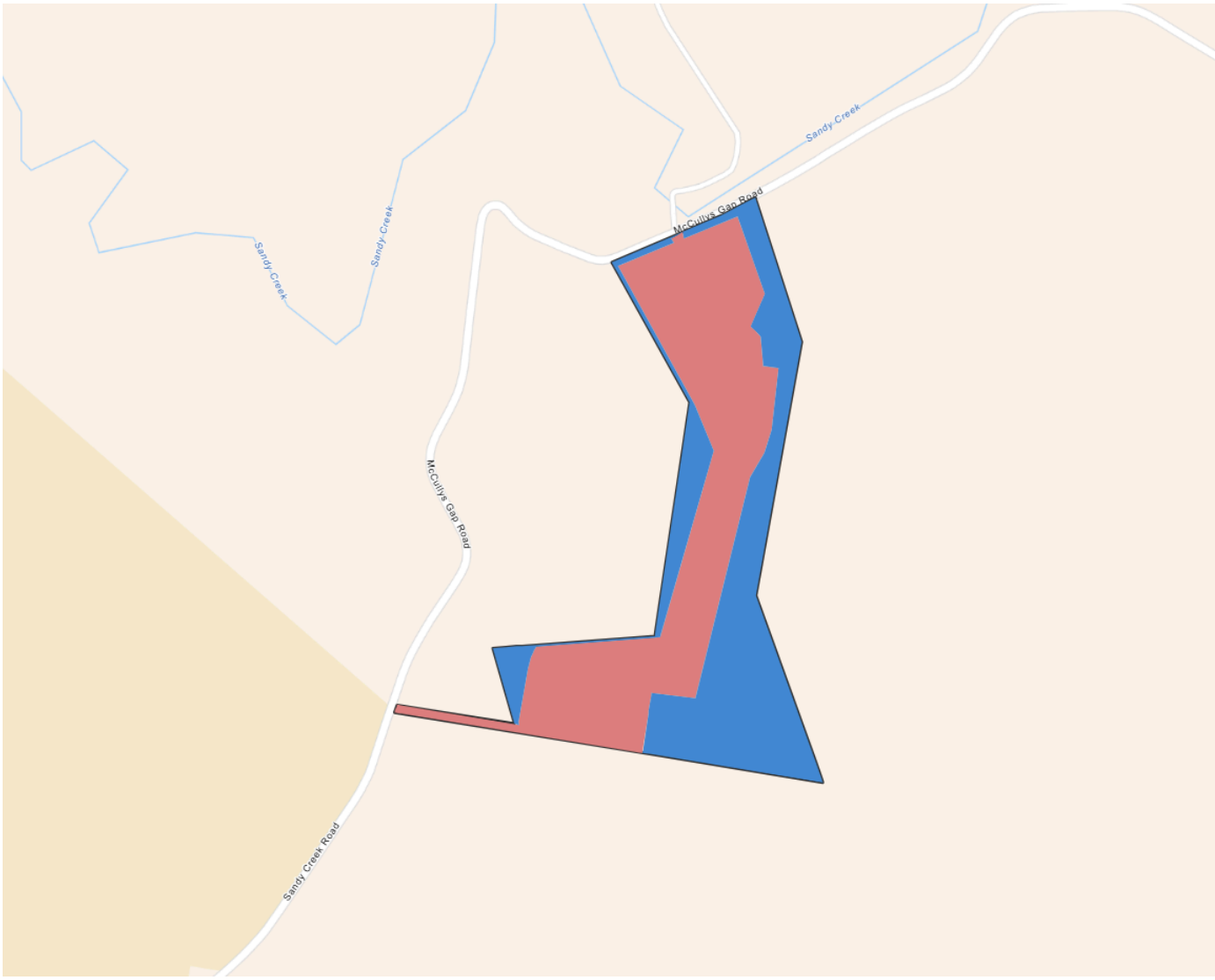
1.4 Payment details: Payment allocation

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

Person proposing to take the action

2. Location

2.1 Project footprint



Project Area: 55.15 Ha **Disturbance Footprint:** 31.31 Ha **Avoidance Area:** 23.88 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

578 Sandy Creek Road, McCullys Gap, NSW and 380 Sandy Creek Road, McCullys Gap, NSW

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

New South Wales

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

No

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

The proposed action is located on freehold land.

3. Existing environment

3.1 Physical description

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

The project area is located in the Muswellbrook Shire local government area across two land parcels at 578 Sandy Creek Road, McCullys Gap, NSW (Lot 5 DP802081) and 380 Sandy Creek Road, McCullys Gap, NSW (Lot 1621 DP852356). The project has an area of 55.12 hectares (ha) comprised of two land parcels. Within the project area there is a conservative, maximum 31.29 ha disturbance footprint that would accommodate the proposed BESS and ancillary infrastructure as shown on Figure 1. These project areas have been calculated based on site-scale mapping of vegetation zones and habitat types and differ slightly from the total areas presented in section 2.1 of the referral which have been produced by the EPBC Act portal after upload of GIS shape files. These minor variations are due to slight differences in rounding of totals and the GIS projection applied.

The project area is characterised by generally flat terrain in the northern and central areas of the site, steepening onto a ridge in the southern section of the site. It is currently utilised as an active agricultural property with cattle and horses, together with an existing high voltage electricity substation and high voltage transmission lines. The land contains moderate condition Eucalyptus woodland, shrubland and poor condition grasslands derived from previously cleared areas typical of partially cleared agricultural land in the Hunter Valley. There are areas of non-native vegetation associated with rural residential gardens, stock yards and exotic pasture in the north of the project area. There are also areas containing existing infrastructure that is cleared and has no biodiversity value including the existing substation, dwellings, agricultural buildings and tracks.

There are occasional patches of sheet erosion and gully erosion throughout the project area and surrounds associated with previous land clearance and ongoing grazing. There are occasionally localised areas of scraped and piled woody debris associated with previous clearing.

The project area is bounded by Sandy Creek Road to the north, cleared pasture and Flanagans Road to the west, the Bells Mountain including bushland to the east and patches of native vegetation within cleared land to the south. The surrounding land uses comprise of vegetated open space, farming land, rural residences and local roads. Sandy Creek is located about 30 meters from the northern boundary of the project area. It flows east to west and merges with the Hunter River in Muswellbrook about 6 km southwest from the project area.

The proposed construction access to the project is via Sandy Creek Road, off the New England Highway. The access route from Muswellbrook to the site is a distance of about nine kilometres, via Sandy Creek Road, followed by an unsealed private track to access/egress the project area.

The existing site access from Sandy Creek Road to the project would be upgraded for use during construction, operation and maintenance to facilitate safe access to the project Within the project area, internal access tracks (some temporary during construction) would be required.

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

Current uses of the project area comprise:

- An agricultural operation, containing dwelling and agricultural structures located in the northern portion of Lot 5 DP802081. The balance of the lot is used for low density grazing and contains existing high voltage transmission lines
- Electricity transmission infrastructure, with the Muswellbrook substation and associated transmission lines on Lot 1621 DP852356 and the balance of the lot partially cleared open space.

The project area is zoned as RU1 Primary Production under the Muswellbrook LEP 2009 and is located on freehold land owned by private landowners.

The project area is located in an agricultural area, with surrounding land uses comprising of undeveloped land, agricultural land, residential areas and local roads.

The proposed uses of the project area consist of the construction and installation of a BESS, connection infrastructure and related enabling and ancillary infrastructure and works. The project may be constructed in one or more stages. Construction at the site would typically be sequenced to prepare the site, main construction works, commissioning and then demobilisation, and would typically take about 18 months to complete.

The project is proposed to operate remotely 24 hours a day seven days a week, with up to six operational staff required monthly or quarterly to carry out regular maintenance activities, including equipment testing and maintenance, vegetation management, pest control and general site maintenance. Operations and maintenance activities would generally be undertaken during standard hours. Emergency response, inspections and maintenance may be required to be undertaken out of hours.

Access to the project during operation would be consistent with access during construction via Sandy Creek Road, off New England Highway. As the site is operated remotely, traffic movements would be minimal with light vehicles occasionally needing access to the project site for maintenance activities. Heavy vehicles may also occasionally access the site to replace larger components as necessary.

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

There are no outstanding natural features or any important or unique values relevant to the project area that have been identified by either NSW or Commonwealth governments. The on-ground surveys have confirmed that there are no outstanding natural features within the project area.

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

The gradient across the project area is gentle, occurring between 180 m and 250 m Australian Height Datum (AHD). The area consists of generally flat terrain in the northern and central areas of the site, steepening onto a ridge in the southern section of the site.

3.2 Flora and fauna

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

The description of the flora and fauna within the project site has been informed by desktop assessment, including an updated PMST search dated December 8, 2025, and targeted field surveys in accordance with the BAM and threatened species guidelines in September, October, November and December 2024 and January, May, June through to December 2025. Vegetation is in varying condition across the project area (summarised in section 3.2.2 below) and shown on Figure 3 (12627183_EPBC002_BiodiversityValues), and forms part of a larger patch of vegetation within the locality, interspersed with cleared lands. The project area has connectivity to intact native vegetation associated with Bell's mountain to the east through open woodland.

Most biodiversity values within the project area are associated with the more intact patches of woodland where Narrow-leaved Ironbark (*Eucalyptus crebra*) and Blakely's Red Gym (*Eucalyptus blakelyi*) which would provide foraging habitat for nectivorous fauna, including honeyeaters, lorikeets and parrots. Overstorey vegetation also contains hollows of varying sizes. The combination of hollows available on site may provide roosting, refuge and breeding habitat for a range of native species, including arboreal mammals, microbats and birds. Hollow-bearing trees may be used by threatened species, including the Gang-Gang Cockatoo (*Callocephalon fimbriatum*) and South-eastern Glossy-black Cockatoo (*Calyptorhynchus lathami lathami*).

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

Desktop assessment revealed several threatened flora and fauna species which may occur within or in proximity to the disturbance footprint as identified in Table 4 (threatened species), Table 5 (threatened ecological communities) and Table 12 (migratory species) of 12627183-REP-0_Att_Potentially affected biodiversity values.

The terrestrial field surveys for fauna conducted by field ecologists and accredited assessors in September, October, November and December 2024 and January, May, June through to December 2025 identified 134 fauna species in the project area and surrounds, comprising 77 bird species, 29 mammal species, 10 frog species and 16 reptile species. Terrestrial field surveys conducted by GHD confirmed the presence of Hunter Valley Delma (*Delma vescolineata*, listed as an endangered species under the EPBC Act), Large-eared Pied Bat (*Chalinolobus dwyeri*, listed as a vulnerable species under the EPBC Act) and Grey-headed Flying-fox (*Pteropus poliocephalus*, listed as a vulnerable species under the EPBC Act) within the disturbance footprint. EPBC Act-listed species and communities recorded during surveys (to date) are shown on 12627183_EPBC002_BiodiversityValues. Surveys also revealed the following non-EPBC listed species, listed as threatened under the NSW BC Act: Squirrel Glider (*Petaurus norfolcensis*); Brush-tailed Phascogale (*Phascogale tapoatafa*); Little Lorikeet (*Glossopsitta pusilla*); Southern Myotis (*Myotis macropus*); Large Bent-winged Bat (*Miniopterus orianae oceanensis*); Little Bent-winged Bat (*Miniopterus australis*); Eastern Coastal Free-tailed Bat (*Micronomus norfolkensis*) and the Dusky Woodswallow (*Artamus cyanopterus cyanopterus*).

Targeted terrestrial surveys for flora conducted by GHD in September and October 2024, and May and June 2025 identified 150 flora species. No flora species listed as threatened under the EPBC Act were identified in these surveys. The targeted threatened flora searches undertaken included systematic traverses in multiple seasons as appropriate to detection times for candidate species. One species listed as endangered under the BC Act was identified in the project area, Pine Donkey Orchid (*Diuris tricolor*).

Weeds, classified as priority under *Biosecurity Act 2015*, were also recorded in the study area and will be considered as part of the project's impact assessment.

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

The western part of the project area is located in the Sydney Basin Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and Hunter subregion, and the eastern part is located in the NSW North Coast IBRA bioregion and Ellerston subregion (Department of Energy and Environment (DoEE), 2018).

The project area contains patchy remnant native vegetation typical of agricultural landscapes including derived grasslands, scattered paddock trees and also open woodland where the grazing intensity is lower. GHD field surveys in July 2023, October 2024 and June 2025 confirmed the presence of the following plant community types (PCTs) and condition classes occurring within the project area:

- Central Hunter Ironbark Grassy Woodland (PCT 3431) occurring as moderate condition remnants, as well as poor condition derived grassland and isolated paddock trees
- Central Hunter Slopes Grey Box Forest (PCT 3314) occurring as moderate condition remnants, as well as poor condition derived grassland and isolated paddock trees
- Upper Hunter Box-Blakelys Red Gum Grassy Forest (PCT 3525) occurring as moderate condition remnants

Vegetation zones (i.e. PCTs and broad condition classes) are shown on shown on 12627183_EPBC002_BiodiversityValues.

The project area also contains small areas of cleared and degraded land. Areas that have been mapped as non-native vegetation include:

- Formed tracks, hard stand and compacted bare earth
- Human-made dams
- Buildings
- Degraded and pasture-improved grasslands.

Multiple threatened ecological communities (TEC) are known or predicted to occur around the project area based on the Department's online MNES database accessed via the referral portal. One TEC was confirmed to occur within the project area; Central Hunter Valley eucalypt forest and woodland which is listed as a critically endangered ecological community (CEEC) under the EPBC Act. Direct and indirect impacts are expected to occur to this CEEC with a maximum 3.02 ha of the community to be removed or modified in the disturbance footprint.

Local soil landscapes are mapped as Roxburgh and Colonel which exhibit undulating low hills to rolling mountains often with scree slopes (DPIE, 2025). Within the project area the landscape includes alluvial plains and undulating low hills with some semi-embedded rock. The project area is not mapped as containing acid sulphate soils (NSW DCCEEW, 1998) and is at least 20 km from any coastal or estuarine environments where conditions of formation of these soils would be expected to occur. As such, it is unlikely that acid sulphate soils would be encountered.

3.3 Heritage

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

A search on publicly available heritage databases was undertaken to determine the presence of non-Aboriginal heritage items near the project area. The search returned with no non-Aboriginal heritage items with National or Commonwealth significance within 20 km of the project area.

A search of the Muswellbrook Shire LEP and State Heritage Inventory (NSW Government, 2025) identified three places within two km of the proposed action:

- Lime Kiln E.I.E.I.O, LEP #I115 – 540 Sandy Creek Road, Muswellbrook NSW 2333, located 300 m west from the project area
- Lime Kiln E.I.E.I.O, LEP #I115 – 540 Sandy Creek Road, Muswellbrook NSW 2333, located 1.1 km west from the project area
- Gelston, LEP #I114 – 409 Sandy Creek Road, Muswellbrook NSW 2333, located 1.5 km west from the project area.

Given the nature of the identified items, and their distance from the proposed action, impacts are considered unlikely.

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

The results of the Aboriginal Heritage Information System (AHIMS) (NSW Government, 2025) search on 31 March 2025 identified one Aboriginal site located within the project area, identified as a PAD, located in the central portion on the eastern edge of the project area. The location of this PAD was confirmed during survey undertaken in November 2025. The project design, which has been developed in an iterative manner, has responded to this and has been relocated away from the PAD to avoid direct impacts to this PAD.

The AHIMS search also identified 71 results for Aboriginal sites within a 5 km radius of the study area.

The most frequently recorded site types are artefact scatters which contribute 52% of the site types in the vicinity of the study area. Other less frequent site types are isolated finds (25.4%), culturally modified trees (4.2%) and a single artefact and art site. Artefact scatters have been recorded regionally in proximity to Sandy Creek as well as its tributaries. Due to the proximity of the study area to Sandy Creek, it is likely that this site type could be present as artefact scatters follow a pattern of association with waterways more closely than other site types.

During the site survey conducted in November 2025, one isolated find was also identified in the northern portion of the project area. This find is currently located within the project area footprint however, measures to avoid this location would be incorporated into the ACHAR and as the project progresses further detailed design will aim to avoid, as far as practicable, any direct impacts to areas of Aboriginal heritage value.

3.4 Hydrology

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

Sandy Creek is located approximately 30 m north of the project area on the north side of Sandy Creek Road and runs southwest towards Muswellbrook where it meets the Hunter River. A third order unnamed drainage line connected to Sandy Creek runs south to north parallel to the eastern boundary of the project area. A short section of the unnamed drainage line crosses into the study area in the north-eastern part of the project area but does not occur in the disturbance footprint. Two first order ephemeral drainage lines occur in the southern section of the project area. The unnamed drainage lines in the project area did not contain standing water at any stages of the site surveys and would only contain water for brief periods during heavy rainfall events. These drainage lines contain important habitat resources for any threatened or migratory species and would have negligible value for aquatic fauna.

One farm dam occurs in the northern section of the proposed BESS and there are three dams to the west of the existing Muswellbrook substation. These dams do not contain fringing or emergent vegetation and there are no overhanging trees. Each of these waterbodies would have some value for native fauna as a source of water or invertebrate prey, but do not contain important habitat resources for any threatened or migratory species. There are no wetlands or lakes within the locality. The ‘Hunter Estuary wetlands’ Ramsar wetland is located 98 km downstream to the southeast of the project area.

4. Impacts and mitigation

4.1 Impact details

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

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

4.1.1 World Heritage

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

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

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

—

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

No

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

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

4.1.2 National Heritage

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

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

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

—

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

No

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

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

4.1.3 Ramsar Wetland

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

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

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

Direct impact	Indirect impact	Ramsar wetland
No	No	Hunter Estuary Wetlands

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

No

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

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

A search of the EPBC Act Protected Matters Search Tool carried out on 8/12/2205identified one Ramsar Wetlands within 100 km:

- Hunter Estuary Wetlands

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

The closest Ramsar wetland to the project area is the Hunter Estuary Wetlands around 98 km to the southeast in a straight line and well over 100 km downstream via connected drainage lines. The Hunter Estuary Wetlands is at the downstream end of the Hunter River which runs approximately 4 km west of the project area. There are four farm dams in the project area and associated undefined, ephemeral first order drainage lines that would discharge to Sandy Creek and then to the Hunter River during high rainfall events. The project area is part of the catchment for the Hunter Estuary Wetlands but would make a negligible contribution to the hydrology, water quality or environmental values of the Ramsar site.

Given the limited extent of earthworks, implementation of on-site soil and surface water management measures would mitigate against the risk of indirect impacts to downstream waterbodies. The project area would be revegetated and/or stabilised after the 18-month construction period. TheHunter Estuary Wetlands is well beyondthe maximum potential extent of direct or indirect impacts arising from the project, noting:

- The gentle topography at the project area, relatively small proposed clearing areas, and short period that soils would be exposed, meaningthat the risk of erosionor sedimentation wouldbe readily mitigated by the proposed construction methodology and erosion controls
- Small extent of changes to surface landforms and water flowsin the project area whichwould result in a negligible effect on the many thousands of square kilometres of catchment feeding the Ramsar Wetland and its tributaries
- Physical separation of 98 km in a straight line and well over 100 km downstream via connected drainage lines
- Negligible effect on the hydrology, water quality or environmental values of the Hunter Estuary Wetlands based on these factors.

4.1.4 Threatened Species and Ecological Communities

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

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

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

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Androcalva procumbens	
Yes	Yes	Anthochaera phrygia	Regent Honeyeater
No	No	Aphelocephala leucopsis	Southern Whiteface
Yes	Yes	Aprasia parapulchella	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
Yes	Yes	Callocephalon fimbriatum	Gang-gang Cockatoo
Yes	Yes	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo
Yes	Yes	Chalinolobus dwyeri	Large-eared Pied Bat, Large Pied Bat
Yes	Yes	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
No	No	Cynanchum elegans	White-flowered Wax Plant
Yes	Yes	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
Yes	Yes	Delma vescolineata	Hunter Valley Delma
No	No	Dichanthium setosum	bluegrass
No	No	Erythrotriorchis radiatus	Red Goshawk
No	No	Eucalyptus glaucina	Slaty Red Gum
No	No	Euphrasia arguta	
No	No	Falco hypoleucos	Grey Falcon
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
Yes	Yes	Grantiella picta	Painted Honeyeater

Direct impact	Indirect impact	Species	Common name
Yes	Yes	Hirundapus caudacutus	White-throated Needletail
Yes	Yes	Lathamus discolor	Swift Parrot
No	No	Lepidium aschersonii	Spiny Peppercress
No	No	Litoria booroolongensis	Booroolong Frog
Yes	Yes	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	Neophema chrysostoma	Blue-winged Parrot
No	No	Notamacropus parma	Parma Wallaby
Yes	Yes	Nyctophilus corbeni	Corben's Long-eared Bat, South-eastern Long-eared Bat
No	No	Ozothamnus tesselatus	
No	No	Petaurus australis australis	Yellow-bellied Glider (south-eastern)
No	No	Petrogale penicillata	Brush-tailed Rock-wallaby
Yes	Yes	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	Picris evae	Hawkweed
No	No	Pomaderris brunnea	Rufous Pomaderris, Brown Pomaderris
No	No	Potorous tridactylus tridactylus	Long-nosed Potoroo (northern)
No	No	Prasophyllum sp. Wybong (C.Phelps ORG 5269)	a leek-orchid
No	No	Pseudomys novaehollandiae	New Holland Mouse, Pookila
Yes	Yes	Pteropus poliocephalus	Grey-headed Flying-fox
No	No	Rostratula australis	Australian Painted Snipe
Yes	Yes	Stagonopleura guttata	Diamond Firetail
No	No	Thesium australe	Austral Toadflax, Toadflax

Ecological communities

Direct impact	Indirect impact	Ecological community
Yes	Yes	Central Hunter Valley eucalypt forest and woodland
No	No	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland
No	No	Hunter Valley Weeping Myall (Acacia pendula) Woodland
No	No	Lowland Rainforest of Subtropical Australia
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria
No	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

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

Yes

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

Assessments of likelihood of occurrence and quantum of impact are presented in the 'Assessment of Potentially affected biodiversity values' technical memorandum based on desktop assessment, habitat assessments and targeted field surveys for the BDAR being prepared for the project (see 12627183-REP-0_Att_Potentially affected biodiversity values). The project would result in the removal or modification to up to 22.98 ha of native vegetation and up to 5.68 ha of potential threatened species habitat associated with exotic vegetation and 0.47 ha of waterbodies. The project design and operational footprint have not been defined in detail and so for the purposes of this referral a conservative maximum disturbance footprint has been mapped and used in impact calculations (see Figures 2 of 12627183_EPBC002_ProjectConceptLayout and Figure 3 of 12627183_EPBC002_BiodiversityValues). The project would create gaps in habitat of up to 500 m, with the maximum gap associated with the BESS when measured from northwest to southeast. Impacts to connectivity in the transmission line and construction area portions of the disturbance footprint would be partial and temporary.

These impact areas have been calculated based on site-scale mapping of vegetation zones and habitat types and differ slightly from the total areas presented in section 2.1 of the referral which have been produced by the EPBC Act portal after upload of GIS shape files. These minor variations are due to slight differences in rounding of totals and the GIS projection applied. Impacts to groups of threatened fauna species with similar life histories, conservation significance and habitat requirements are described below. Pre-clearing surveys are standard and accepted mitigation techniques that will minimise the likelihood of direct harm.

Threatened microbat species: The Large-eared Pied Bat (*Chalinolobus dwyeri*) was recorded in five locations across the project area during Anabat detection surveys. The species is known to inhabit cliffs, escarpments or rocky outcrops for roosting (Cwlth DCCEEW, 2023a) which are present outside the project area 2 km east at Bells Mountain. Foraging habitat in the project area for the species is associated with PCT 3431 Central Hunter Ironbark Grassy Woodland and PCT 3341 Central Hunter Slopes Grey Box Forest, however the species has been recorded across all vegetation types in the disturbance footprint. Corben's Long-eared Bat *(Nyctophilus corbeni)* was not recorded during targeted Anabat acoustic surveys and is not associated with PCTs in the project area. Suitable roosting habitat is present in larger trees with hollows and crevices within the disturbance footprint. Corben's Long-eared Bat has been recorded in the locality near Muswellbrook Coal (NSW Government, 2025) and has the potential to forage in the project area. The project may remove or modify up to 29.12 ha of known foraging habitat for the Large-eared Pied Bat that also comprises potential foraging habitat and up to 4.00 ha of potential roosting habitat for Corben's Long-eared Bat.

The Grey-headed Flying-fox (*Pteropus poliocephalus*) was frequently recorded in the project area and would forage in the project area when eucalypts are flowering or fruiting. There is a nationally important roost camp (Muswellbrook) around 7 km southwest of the project area (McKeown et al., 2024). The project would include the removal or modification of up to 4.00 ha of known foraging habitat for this species in the disturbance footprint comprising better condition vegetation zones that contain nectar-bearing trees. Derived native grassland and non-native vegetation at the project area may be flown over but does not contain any habitat resources for the species. No breeding or roosting habitat would be directly or indirectly impacted.

The Spotted-tail Quoll (*Dasyurus maculatus*) The project would result in the removal or modification of up to 4.00 ha of potential foraging and shelter habitat for the species associated with woodland. This is a conservative upper limit of the quantum of impact noting that moderate condition woodland vegetation in the disturbance footprint has been conservatively mapped within the maximum work area for the proposed transmission line and substation works. The species may also occasionally occur in around 24.65 ha of derived grassland and non-native vegetation that may be affected by the project; however, these areas would have negligible value.

Koala (*Phascolarctos cinereus*) Targeted ecological surveys, in accordance with appropriate seasonal and surveying requirements, confirmed absence of the species. Koala foraging activities however, may occur in the project area on occasion. In NSW, important populations for the species are defined by areas with currently known high koala occupancy (DPIE, 2020), with the nearest Area of Regional Koala Significance (ARKS) occurring over 20 km away at Barrington (NSW DCCEEW, 2018). The project would remove up to 4.00 ha of potential foraging and shelter habitat for the species associated with moderate condition woodland and paddock trees. There is a minor risk of direct harm to the species during construction as Koalas would only occur in the fragmented woodland remnants in the project area on a transient basis.

Vulnerable bird species; White-throated Needletail (*Hirundapus caudacutus*), Brown Treecreeper (*Climacteris picumnus*), Painted Honeyeater (*Grantiella picta*), and Diamond Firetail (*Stagonopleura guttata*). Impacts include removing or modifying up to 4.00 ha of treed habitat. None of the species were observed in the project area. Access roads, construction of the BESS and associated infrastructure would create gaps of up to 500 m, with the maximum gap associated with the BESS when measured from northwest to southeast, and up to 60 m in the transmission line which may affect breeding and sheltering of these species. These species are highly mobile and would be able to traverse any gaps created and could continue to move under overhead wiring associated with the transmission line. The impacts are restricted to a very small proportion of the available habitat for these species within the locality and there are extensive areas of equivalent or higher quality habitat in the local area including to the east at Bells Mountain.

Critically endangered and endangered birds; Regent Honeyeater (*Anthochaera phrygia*), Gang-gang Cockatoo (*Callocephalon fimbriatum*), Swift Parrot (*Lathamus discolor*) and South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) There is potential foraging habitat for tthese bird species throughout the disturbance footprint, associated with up to 4.0 ha of PCT 3431, PCT 3314 and PCT 3525 woodland. Breeding and nesting habitat inclusive of hollow-bearing trees is present in the disturbance footprint for all species except the Swift Parrot, which breeds in Tasmania. Construction of the BESS and transmission line would remove or modify potential foraging and movement habitat as well as broadly suitable breeding and nesting habitat for these species, removing or modifying up to 4.00 ha. No evidence of breeding or nesting was noted despite targeted diurnal bird surveys and nest tree censuses in multiple seasons. These species are highly mobile and would be able to traverse any gaps created and could continue to move under overhead wiring associated with the transmission line. There are extensive areas of equivalent or higher quality habitat in the local area including higher quality foraging habitat for all species in open woodland in the broader project area and the wider area including Bell Mountain to the east. There is a minor risk of direct harm to these species during construction as they are mobile and only likely to occur in the project area on a transient basis. Pre-clearing surveys would help mitigate the risk of direct harm.

Hunter Valley Delma (*Delma vescolineata*)

The Hunter Valley Delma has been recorded in low condition grassland vegetation across the disturbance footprint during targeted tile grid surveys for the species as shown on Figure 3 of 12627183_EPBC002_BiodiversityValues. The project would remove or modify up to 22.98 ha of known, occupied habitat for the species. Similar derived native grassland vegetation is present adjacent to the disturbance footprint including at least 23.01 ha in the avoidance area. The Hunter Valley Delma may also occur in up to 5.68 ha of exotic grassland and cleared land with suitable shelter substrate in the disturbance footprint. There is a notable risk of direct harm to the species during construction as they are less mobile and may occur below in the surface in substantial areas of habitat across the disturbance footprint. Pre-clearing surveys and active translocation of Hunter Valley Delma away from the disturbance footprint would help mitigate the risk of direct harm.

The Central Hunter Valley eucalypt forest and woodland ecological community is listed as CEEC under the EPBC Act and is associated with moderate condition PCT 3431 Central Hunter Ironbark Grassy Woodland in the project area. The project would remove or modify up to 3.02 ha of the CEEC within the disturbance footprint, based on a conservative upper limit of impacts associated with complete removal of all vegetation in the 200 m wide transmission line corridor that was included in the project concept design. Impacts would

be avoided or minimised impacts where possible and are expected to be substantially less than 3.02 ha as clearing would be limited to the vicinity of three transmission towers and temporary construction laydown areas and access tracks. Additional vegetation trimming to maintain safety clearances would be required within a maximum 60 m wide corridor once the transmission line alignment has been confirmed. Mature trees, topsoil and other habitat resources would be retained within this maximum disturbance footprint as well as within the 3.20 ha of the CEEC in the avoidance area.

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

Yes

4.1.4.5 Describe why you consider this to be a Significant Impact. *

The following section describes how the project would be likely to result in a significant impact on the Hunter Valley Delma (*Delma vescolineata*) but would not be likely to result in a significant impact to any other threatened species or ecological communities. The project would remove, fragment or otherwise modify:

- a substantial area of important habitat for the Hunter Valley Delma
- small areas of poorer quality habitat for the Large-eared Pied Bat (*Chalinolobus dwyeri*), Grey-headed Flying-fox (*Pteropus poliocephalus*)
- a small area of a local occurrence of Central Hunter Valley eucalypt woodland and forest CEEC
- potential habitat for other threatened fauna species (listed in Table 3 of 12627183-REP-0_Att_Potentially affected biodiversity values) over a maximum 31.29 ha disturbance area.

The project would create gaps in habitat of up to 500 m, with the maximum gap associated with the BESS when measured from northwest to southeast. Impacts to connectivity in the transmission line and construction area portions of the disturbance footprint would be partial and temporary. A breakdown of the maximum disturbance footprint into various proposed activities and the associated intensity and duration of impacts is provided in Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values. The majority of the disturbance footprint would comprise partial and/or temporary vegetation removal associated with activities such as temporary construction activity zones, maintaining asset protection zones surrounding infrastructure or minimum safety clearances in power supply easements. The actual extent, intensity, duration and significance of impacts would reflect the description of project features in Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values as well as measures to further avoid and minimise impacts during detailed design, construction and operation. Areas where significant reductions in the quantum of impact are likely to be achieved are shown on Figure 4 of 12627183_EPBC004_ImpactAvoidance, notably including the majority of the woodland vegetation in the transmission line corridor and potential extension of the substation compound parts of the disturbance footprint. There would still be significant residual impacts on derived native grasslands and exotic grassland within the BESS footprint and on species that rely on these habitats.

Assessments of significance (AoS) have been completed pursuant to the Australian Department of Environment (2013), *Matters of National Environmental Significance impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* and are presented in Section 2.2 of 12627183-REP-0_Att_Potentially affected biodiversity values. Individual AoS were undertaken for biota with a ‘high’ or ‘moderate’ quantum of impact as determined from the assessment of likelihood, extent and consequences of impact included in the technical memorandum (12627183-REP-0_Att_Potentially affected biodiversity values): the Hunter Valley Delma, Large-eared Pied Bat, Grey-headed Flying-fox, Diamond Firetail and the Central Hunter Valley eucalypt woodland and forest CEEC. The main conclusions for these biota are summarised below.

The project is likely to result in a significant impact on the Hunter Valley Delma as the project would:

- Remove or modify up to 28.65 ha of foraging and breeding habitat including 22.98 ha of known, occupied habitat in grassy woodland and derived native grassland, and 5.68 ha of exotic vegetation and agricultural infrastructure. Unlike the majority of threatened species known or likely to occur at the project area the Hunter Valley Delma is associated with highly modified environments and vegetation with low VI would contain important habitat for the species
- Lead to a decline of the species through removal or modification of this habitat and potential direct harm to individuals
- Interfere substantially with the recovery of the species
- Adversely affect habitat critical to the survival of the species.

The project is not likely to have a significant impact on the Large-eared Pied Bat as:

- No escarpment or cave habitat is present within the disturbance footprint. The species is known to breed in nearby escarpments approximately 5 km away on Bells Mountain which contain high quality

roosts and caves
- The project would have a moderate quantum of impact with the removal or modification of up to 28.65 ha of potential foraging habitat in native woodland and derived grassland and exotic vegetation and agricultural infrastructure, and 0.47 ha of drinking habitat for the species. As described above, this quantum of impact is a very conservative upper limit and the majority of the disturbance footprint contains poorer quality habitat resources that would have limited value for the species
- Vegetation removal or modification would not interfere with the ability of local populations to travel between Bells Mountain (for breeding) and fertile valley floors adjacent to the project area (for foraging and drinking)
- The project would not interfere substantially with the recovery of this species or adversely affect habitat critical to the survival of the species.

The project is not likely to have a significant impact on the Grey-headed Flying-fox, given that:

- No roosting or breeding habitat would be impacted
- A maximum 4.00 ha of potential foraging habitat would be removed or modified, including one key tree feed species (Narrow-leaved Ironbark) which only occurs in PCT 3431 and is a very small proportion of the resources available in the region for this highly mobile species
- There is no evidence that the habitat to be removed at the project is important to maintaining the regional population of the species
- The project would not create a barrier to movements between roost camps and foraging areas
- The project would not interfere substantially with the recovery of this species or adversely affect habitat critical to the survival of the species.

The project is not likely to have a significant impact on the Diamond Firetail, given that:

- A maximum of 28.65 ha of woodland and derived native or exotic grassland would be removed or modified, which represents a very small proportion of the available habitat for this species within the locality.
- The species has not been recorded at the project area despite targeted survey, and the project is unlikely to have an adverse effect on the size or breeding cycle of an important population of this species
- The project will only result in a minor increase in the degree of fragmentation between retained areas of habitat for these mobile species and will not result in any isolation of habitat
- The disturbance footprint is unlikely to be important to the recovery of this species.

The project is unlikely to have a significant impact on Central Hunter Valley eucalypt forest and woodland given:

- The project will result in a minor reduction in the extent of the ecological community, with a conservative upper limit of 3.02 ha to be impacted within small and fragmented patches and at least 3.20 ha to be retained in the avoidance area as part of an extensive local occurrence of the CEEC as shown on Figure 5
- The project will result in only a minor reduction (3.02 ha) to vegetation considered habitat critical to the survival of the community (i.e. vegetation that may meet the minimum condition thresholds for listing under the EPBC Act).
- The project will not modify or destroy any abiotic factors necessary for the ecological community's survival, such as surface water drainage or groundwater levels
- The project is unlikely to cause a substantial reduction in the quality or integrity of an occurrence of the ecological community, noting the established populations of feral animals and exotic species within the project area, and the mitigation measures to be presented in the BDAR to limit the spread or introduction of any new species or pathogens.

Based on a general assessment of the significance of impacts pursuant to AoS guidelines 1.1 the project would not be likely to have a significant impact on any additional threatened species, including each of the species identified with a 'Low' or 'Nil' likelihood of impacts in the 'Assessment of Potentially affected biodiversity values' technical memorandum (12627183-REP-0_Att_Potentially affected biodiversity values). It is possible to conclude with a high level of confidence that the project would not result in a significant impact based on the negligible quality and/or value of habitat in the project area relative to extent of suitable habitat within the area of occupancy of the matter.

These conclusions are based on a conservative assessment, prior to the inclusion of measures to avoid or minimise potential impacts through the design of the project. There is a high degree of certainty about the presence of protected matters and their habitats as this assessment is informed by around two years' of targeted surveys undertaken in accordance with the BAM and associated guidelines. The precautionary principle has been applied and the maximum extent of impacts to threatened species and their habitats has been considered. It is likely that impacts to resident fauna and/or significant habitat resources, such as nest trees could be avoided if they are identified during pre-clearing surveys. The residual quantum of impact is likely to be substantially reduced through measures such as:

- Detailed design and reduction in the disturbance footprint across the majority of the 200 m wide transmission corridor and potential work area for the substation connection
- Siting of transmission structures and access tracks to minimise removal of other native trees
- Placement of temporary construction activity zones in non-native vegetation.

The BDAR will detail the extent of native vegetation and habitat that would be impacted and retained. Offsets for unavoidable residual impacts would be calculated in accordance with the BAM.

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

Yes

4.1.4.8 Please elaborate why you think your proposed action is a controlled action. *

The proposed action is likely to be a controlled action based on:

- The removal or modification of a significant area of important habitat for a known population of the endangered species Hunter Valley Delma (*Delma vescolineata*)

This conclusion is based on a preliminary assessment, prior to the conclusion of impact assessments for the BDAR and inclusion of measures to avoid or minimise potential impacts through the design of the project. The precautionary principle has been applied and the maximum extent of potential impacts to threatened species and their habitats has been considered. Notwithstanding this conservatism, it is possible to conclude with a high level of confidence that the project would not result in a significant impact to any additional MNES based on the minor extent, quality and/or value of habitat in the project area relative to extent of suitable habitat within the area of occupancy of each of the other MNES that would be subject to impacts.

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

Impact avoidance and minimisation measures will be detailed in the BDAR that will be prepared to assess the project in the EIS. A design options and evaluation assessment has been undertaken, with biodiversity impacts and associated cost of offsets one of the criteria considered.

The Applicant selected the site for the project based on proximity to the existing high voltage transmission network and Muswellbrook substation. The initial site selection was then informed via a desktop risk assessment based on available public datasets and air photo interpretation.

The Applicant commissioned a biodiversity constraints survey to determine areas of high, moderate and low biodiversity constraints in order to better inform the siting of the proposed BESS and transmission line. The desktop assessment included:

- Review of the SVTM (NSW DCCEEW 2023) to identify candidate PCTs in each site study area and to help map native vegetation extent
- Review of the NSW BioNet Vegetation Classification (NSW DCCEEW 2024) to identify candidate TECs
- Consideration of BioNet Atlas records of threatened biota (NSW Government 2025).

Prior to the biodiversity constraints assessment, the applicant selected two different potential options for the proposed BESS and transmission line easement footprints.

Option one included:

- The transmission line easement going from the substation north, along the western boundary of the site through vegetation mapped as PCT 3431, PCT 3314 and PCT 3525
- The BESS located on the western boundary within an area of PCT 3314 with few trees or shrubs
- The access road running along the western boundary to Sandy Creek Road through vegetation mapped as PCT 3314.

Option two included:

- A longer transmission line easement than option one, going from the substation north, near the western boundary of the site, through vegetation mapped as PCT 3431, PCT 3314, PCT 3525 and exotic vegetation
- The BESS located in the north of the site immediately south of Sandy Creek Road, within an area mapped largely as exotic vegetation, with a small portion mapped as PCT 3314 with few trees or shrubs
- No access road due to proximity to Sandy Creek Road.

Following consideration of the Biodiversity Constraints Report, a third footprint option was proposed prior to targeted threatened groundcover species surveys in September 2024 and vegetation mapping and BAM VI plot survey in October 2024, covering an area of approximately 11.31 ha, which included:

- The transmission line easement going from the substation north, along the western boundary of the site through vegetation mapped as PCT 3431 and PCT 3314 (mapped in Biodiversity Constraints report as moderate and high constraint)
- The BESS is located in the centre of the site within vegetation mapped as PCT 3314 (mapped in Biodiversity Constraints report as moderate and high constraint). An area twice as large as required was surveyed to allow avoidance of impacts to biodiversity where possible
- The access road running along to existing driveway, with only a small portion mapped as high constraint and the majority mapped as moderate or low constraint.

Following consideration of results from the site surveys (in particular the presence of Central Hunter Valley Eucalypt Forest and Woodland CEEC and the BC Act listed threatened orchid *Diuris tricolor*) and other issues such as topography and presence of large areas of rock, the area to be surveyed for the potential project footprint was increased to allow for consideration of biodiversity matters prior to selection of a footprint. This change included the repositioning of the transmission line easement travelling north-east

across the site from the substation and consideration of the northern paddocks near the dwellings for the revised location of the BESS. This alternative, northern location allows a large proportion of the BESS footprint and associated construction activity zones to be aligned with poor condition derived native grassland as distinct from woodland and better condition grassland in the south (refer to Figure 4 of 12627183_EPBC004_ImpactAvoidance).

The project area was further refined to include areas adjacent to the Muswellbrook substation for its upgrade, and multiple intersections in the locality to accommodate oversize overmass vehicle movement.

The project area was refined in order to avoid impacts to biodiversity values as far as possible. Specifically:

- Avoidance of the drip- line of the majority of street trees where the proposed BESS adjoins Sandy Creek Road
- Complete avoidance of the riparian corridor of Sandy Creek by implementing a buffer
- Refinement of the BESS footprint to include areas of non-native vegetation within the site
- Refinement of the BESS footprint to only require the removal of necessary trees.

Additional impact avoidance and mitigation would occur through the ongoing detailed design of the project. This process would consider biodiversity constraints, but also other environmental values identified during the preparation of the EIS. For instance, further detailed design will aim to avoid, as far as practicable, any direct impacts to areas of Aboriginal heritage value. A breakdown of the maximum disturbance footprint into various proposed activities and the associated intensity and duration of impacts is provided in Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values. The majority of the disturbance footprint will comprise partial and/or temporary vegetation removal associated with activities such as temporary construction activity zones, maintaining asset protection zones surrounding infrastructure or minimum safety clearances in power supply easements. The actual extent, intensity, duration and significance of impacts would reflect the description of project features in Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values as well as measures to further avoid and minimise impacts during detailed design, construction and operation. Areas where significant reductions in the quantum of impact are likely to be achieved are shown on Figure 4 of 12627183_EPBC004_ImpactAvoidance, notably including:

- the majority of the woodland vegetation in the indicative OHL corridor as impacts would be restricted to the vicinity of three towers and a 60 m wide safety clearance around the operational OHL alignment
- the potential extension of the substation compound parts of the disturbance footprint, which is likely to comprise only ~1,000 m2 of substation infrastructure and associated temporary construction areas.

A Construction Environmental Management Plan (CEMP) will be developed and implemented for the construction phase of the project and would include industry-standard measures for the management of soil, surface water, weeds and pollutants. The BDAR will include a full list of mitigation measures including as a minimum:

- Requirements for environmental inductions including information on the ecological values of the site and protection measures
- Plans and signage showing areas to be cleared and exclusion zones, protected habitat features and revegetation areas
- Measures to avoid transmission of weeds or pathogens
- Measures to avoid impacts to soil, air or surface water
- A process for pre-clearing surveys and avoidance of harm and/or salvage of resident fauna and habitat resources. This would include specific measures for salvage and relocation of any resident Hunter Valley Delma individuals
- An unexpected finds protocol if threatened flora and fauna not previously recorded on site are detected during clearing or construction activities.

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

The project has adopted the avoidance hierarchy in the development of the proposed action. The BDAR will present credit calculations in accordance with the BAM to determine the biodiversity offsets required for residual impacts on native vegetation and threatened species habitat. Species and ecosystem credits appropriate to the quantum of offset would be retired, or other conservation actions funded according to the BAM and the NSW Biodiversity Offset Scheme (BOS).

Under the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (DSEWPaC 2012) (the EPBC Act Environmental Offsets Policy) biodiversity offsets are required to compensate for significant residual impacts on MNES. The BDAR will be prepared and include the

identification and assessment of potentially affected MNES, consideration of the potential significance of impacts on MNES pursuant to the *Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* (DotE 2013). AoSs were completed for species with a ‘high’ or ‘moderate’ quantum of impact. The outcome of these assessments is that the project is likely to result in a significant impact on the Hunter Valley Delma.

The Commonwealth has formally endorsed the NSW BOS and BAM and the offset rules set out in the BC Act Regulation (DAWE 2020) and so if the proposed action is determined to be a controlled action the biodiversity offsets required under the EPBC Act would be secured through biodiversity credits according to the NSW system. Residual impacts to terrestrial threatened species or communities

listed under the EPBC Act would be offset through biodiversity credits under the NSW BOS. This would include species credits for likely significant impacts to the Hunter Valley Delma.

Although not strictly required according to the EPBC Act Environmental Offsets Policy (DSEWPaC 2012), ecosystem credits would in general secure biodiversity offsets for removal of habitat for the other EPBC Act-listed threatened fauna that may be directly or indirectly affected by the project. The finalised BDAR would include details of the biodiversity credits associated with threatened species listed under

the EPBC Act to help ensure that the specific like for like requirements of EPBC Act Environmental Offsets Policy (DSEWPaC 2012) are met.

4.1.5 Migratory Species

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

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

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

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

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

Yes

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

No migratory species have been recorded and there is limited extent and quality of potential habitat for migratory species at the project area. Assessments of likelihood of occurrence were undertaken for migratory species and included in the 'Assessment of Potentially affected biodiversity values' technical memorandum (12627183-REP-0_Att_Potentially affected biodiversity values). Various migratory species are unlikely to occur at the project area given the absence of habitat resources that are essential to the life history of the matter and/or because the project area is outside of their known geographic range. MNES with an 'unlikely' or 'nil' likelihood of occurrence would not be directly or indirectly affected by the project and are not considered further in this assessment.

Some migratory terrestrial species may occur in the project area (Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values) on a transient basis. The disturbance footprint does not contain and would not modify intertidal flats or emergent refuge vegetation along waterbodies that may provide habitat for wetland migratory species.

The project would require vegetation modification and removal of native vegetation that comprises potential habitat for the terrestrial migratory species noted as being directly or indirectly impacted in Table 1 of 12627183-REP-0_Att_Potentially affected biodiversity values including removal of trees and modification of native groundcover associated with the proposed BESS and electricity infrastructure (see section 4.1.4.2 above for additional detail about the quantum of impact).

Potential direct and indirect impacts are likely to occur to White-throated Needletail, Fork-tailed Swift and Yellow Wagtail as a result of the project. The project would remove habitat resources that may be used by migratory terrestrial fauna such as foraging or roosting habitat in isolated paddock trees and open woodland. The proposed clearing of vegetation and erection of structures may also affect use of aerial foraging habitat.

The project area may comprise non-breeding habitat for these species. There is non-breeding habitat for the Fork-tailed Swift throughout mainland Australia, whereas the White-throated Needletail has a core non-breeding range restricted to the eastern parts of Australia with a vagrant range extending to the Northern Territory and northern parts of Western Australia. The Yellow Wagtail breeds in temperate Europe and Asia (BirdLife Australia, 2023). Large tracts of native vegetation are likely to have greater value than the White-throated Needletail and may comprise important habitat, however, the project area contains only fragmented patches of woodland, portions of which have been previously cleared. The Fork-tailed Swift is known to occur across a range of habitats however habitat within the site is unlikely to be important given its broad habitat preferences. Both species are known to be almost exclusively aerial (DoE, 2015) and are unlikely to land on or use vegetation within the project area. Important habitat for the Yellow Wagtail is associated with foraging habitat in well-watered open grasslands and the fringes of wetlands along with roosting habitat in mangroves and other dense vegetation (DoE, 2015). The project area does not contain any important habitat for these species.

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

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

No

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

Referral guidelines have been published for 14 migratory terrestrial species with consideration of impacts mainly based on the presence of important habitat (DoE, 2015). According to these guidelines, an action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

For the White-throated Needletail, one per cent of an ecologically significant proportion comprises 100 individuals; for the Fork-tailed Swift this amounts to 1,000 individuals; and for the Yellow Wagtail 10,000 individuals (DoE, 2015). The maximum 31.29 ha disturbance footprint is unlikely to affect important habitat for an ecologically significant proportion of these species, would not be critical to the lifecycle of these species and is not at the limit of any of these species' range. While these species may occur on occasion, they would not rely on the habitats present for their survival in the locality.

As described above, the majority of the disturbance footprint is moderate or poor condition habitat reflecting the agricultural use of the project area. The indicative 31.29 ha disturbance footprint comprises:

- 4.00 ha of moderate condition woodland vegetation that may include foraging and resting habitat for terrestrial migratory species
- 18.97 ha of poor condition derived native grassland vegetation with a VI score below the threshold for calculating ecosystem credits according to the BAM but which may harbour prey species for terrestrial migratory species
- 5.68 ha of exotic grassland and agricultural infrastructure which may harbour prey species for terrestrial migratory species
- 0.47 ha of farm dams without any fringing or emergent vegetation that would comprise habitat for migratory wetland species
- 2.17 ha of cleared land containing infrastructure with no habitat value.

The project may result in the removal or modification of up to 29.12 ha of potential foraging habitat, including aerial habitat above native and exotic vegetation across all vegetated parts of the disturbance footprint, and 4.0 ha of potential resting habitat for these species in treed areas. The project would not result in a direct or indirect impact on important habitat for any migratory species. The project would remove or modify a notable area of native vegetation and increase the degree of fragmentation of habitat in the locality however, this would comprise a relatively minor effect in the context of the overall area of occupancy of these migratory fauna species. There are no specific habitat features or resources that suggest that the project area would be important to maintaining the populations of any terrestrial migratory species. This is in contrast to the likely significant impact on threatened fauna species such as the Hunter Valley Delma that have a restricted distribution, are known to use highly modified habitats, and are more likely to be dependent on habitat resources in the project area.

The project includes a short length of overhead transmission line with associated supporting structures, which could raise the risk or increase the amount of energy needed for migratory species to travel between habitats by creating gaps in habitat and increasing the distance and/or height or hazard of movement required. However, the 0.6 km of these transmission lines and structures are expected to have only a minor impact on the overall range of affected migratory species, especially when considered alongside similar barriers associated with the existing transmission line network in the local area and the existing Muswellbrook substation.

The proposed modification is not likely to result in a significant impacts to any migratory species, as:

- They have not been detected despite target bird surveys over several years and would only occur at the project area on an occasional basis and in low numbers, if at all
- there is no high-quality foraging or breeding habitat within the project area
- Direct impacts are limited to the removal of small areas and low quality potential foraging or resting habitat which constitute a negligible proportion of available habitat in the area

- These species are highly mobile, and the project would not create significant barriers to fauna movement
- The project area does not comprise important habitat for the White-throated Needletail or Yellow Wagtail and is unlikely to comprise important habitat for the Fork-tailed Swift.

These conclusions are based on a conservative assessment, prior to the inclusion of measures to avoid or minimise potential impacts through the design of the project. There is a high degree of certainty about the presence of protected matters and their habitats as this assessment is informed by around two years' of targeted surveys undertaken in accordance with the BAM and associated guidelines. The precautionary principle has been applied and the maximum extent of impacts to threatened species and their habitats has been considered.

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

No

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

The project would not affect any known or likely important habitat for migratory species. The project is unlikely to have a significant impact on any migratory species. The proposed removal of native vegetation and fragmentation of habitat and erection of structures would comprise a relatively minor impact in the context of the overall area of occupancy of the migratory fauna species that could be affected, noting that:

- The White-throated Needletail and Fork-tailed Swift are almost exclusively aerial and would rarely rest on land
- The Yellow Wagtail is not generally known from the Upper Hunter region or the habitat types at the project area and would occur on an occasional, vagrant basis if at all.

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

As described above, impact avoidance and minimisation measures will be detailed in the BDAR that will be prepared for the project. Migratory terrestrial species are unlikely to occur in the project area but may occur on a transient basis as they fly overhead. There is no known or likely important habitat for migratory species in the project area.

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

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

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

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

The BDAR will present creditcalculations in accordance with the BAM to determine the biodiversity offsets required for residual impactson native vegetation and threatened specieshabitat. Species and ecosystem credits appropriate to the quantum of offset would be retired according to the BAMand the NSW BOS.

Under the EPBC Act Environmental Offsets Policy (DSEWPaC, 2012) biodiversity offsetsare required to compensate for significant residual impacts on MNES. The BDAR is in preparation and will include the identification and assessment of potentially affected MNES, consideration of the potential significance of impacts on MNES with reference to the Significant impact guidelines 1.1 (DotE 2013).The project is not likely to result in a significant impact to any migratory species or their habitats and so no biodiversity offsets for impacts on migratory species are therefore proposed in accordance with the EPBCAct Environmental Offsets Policy (DSEWPaC 2012).

The Commonwealth has formally endorsed the NSW BOS and BAM and the offset rules set out in the BC Act Regulation (DAWE2020) and so if the project is determined to be a controlled actionthe biodiversity offsets required under the EPBC Act would be secured through biodiversity credits according to the NSW system. Although not strictly required according to the EPBC Act Environmental Offsets Policy (DSEWPaC 2012), ecosystem credits would in general secure biodiversity offsets for removal of habitat for migratory species that may be directly or indirectly affected by the project. The finalised BDAR would include details of the biodiversity credits associated with MNES to help ensure that the specific like for like requirements of EPBC Act Environmental Offsets Policy (DSEWPaC 2012) are met.

4.1.6 Nuclear

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

No

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

This project does not involve a nuclear action.

The proposed action would not have any direct or indirect impact on:

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

4.1.7 Commonwealth Marine Area

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

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

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

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

No

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

The project is terrestrial and is not located within a Commonwealth Marine Area.
There are no Commonwealth Marine Areas within 100 km of the project. These protected matters are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.8 Great Barrier Reef

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

No

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

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

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

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

No

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

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

4.1.10 Commonwealth Land

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

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

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

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

No

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

The following Commonwealth Land sites occur within 20km of the project area:

- *Commonwealth Land - Australian Telecommunications Corporation Commonwealth Land - Telstra Corporation Limited*
- *Commonwealth Land - Commonwealth Trading Bank of Australia Commonwealth Land -Australian Telecommunications Commission*
- *Commonwealth Land - Australian Telecommunications Commission Commonwealth Land - Australian Telecommunications Commission.*

The proposed action is not located on Commonwealth Land. The closest occurrences of Commonwealth Land are well beyond the maximum potential extent of direct or indirect impacts arising from the project.

4.1.11 Commonwealth Heritage Places Overseas

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

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

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

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

No

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

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

4.1.12 Commonwealth or Commonwealth Agency

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

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

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

- Threatened Species and Ecological Communities (S18)

Conclusion on the likelihood of unlikely significant impacts

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

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

4.3 Alternatives

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

No

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

The objectives of the project include the development of a utility scale battery energy system that minimises potential impacts. This has been achieved through an initial site selection process that maximises proximity to the existing high voltage transmission network. Next, the project undertook assessment of potential impacts within the project site to identify a parcel of land which presented the lowest impact, least cost and greatest benefit. Where the potential impacts were deemed to be unacceptable the identified project site was not progressed. This process considered a range of alternative project sites in the vicinity of the 330 kV Muswellbrook substation and identified the current project site to be most suitable.

The location of the BESS and on-site substation within the property boundary has been selected following a comprehensive assessment of environmental and physical constraints, including biodiversity values, archaeological sensitivity, bushfire risk, proximity to watercourses, and topography.

During the initial scoping phase, the central portion of the property was identified as a potentially suitable location for the BESS and associated infrastructure. However, subsequent ecological and archaeological surveys revealed significant constraints in this area, including the presence of threatened flora species, threatened ecological communities, and a potential archaeological deposit. These findings substantially limit development opportunities in the central section along with topographic constraints.

In contrast, the northern portion of the property exhibits comparatively lower biodiversity constraints and has been extensively modified for existing agricultural land uses. Additionally, the northern section offers more favourable topography, whereas the central and southern portions of the site contain steeper terrain that would necessitate extensive earthworks, increasing both environmental impact and construction complexity.

Alternative layouts across the property were considered; however, the northern location provides the most balanced outcome by minimising ecological disturbance, avoiding archaeological risk, and reducing the need for major earthworks. For these reasons, the northern portion of the property is considered the optimal location for the BESS and substation.

The ‘do nothing approach’

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

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC001_ProjectOverview.pdf Project site overview figure.	21/12/2025	No	High
#2.	Document	12627183_EPBC002_ProjectConceptLayout.pdf Figure 2. Project concept layout	22/12/2025	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att F_Muswellbrook Pro Unit Trust Deed 20241130.pdf	29/11/2024	Yes	

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC001_ProjectOverview.pdf Project site overview figure.	21/12/2025	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC003_BiodiversityValues.pdf Figure 3. Biodiversity values	23/12/2025	No	High
#2.	Document	12627183-REP-0_Att_Potentially affected biodiversity values.pdf Potentially affected biodiversity values	23/12/2025	No	High

3.2.2 Vegetation within the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC003_BiodiversityValues.pdf Figure 3. Biodiversity values	22/12/2025	No	High
#2.	Link	Acud Sulfate Soil Risk https://datasets.seed.nsw.gov.au/dataset/1eb85cf..			High
#3.	Link	Australias bioregions (IBRA) http://www.environment.gov.au/land/nrs/science/i..			High
#4.	Link	eSPADE spatial viewer application version 2.2 https://espade.environment.nsw.gov.au/			High

3.3.1 Commonwealth heritage places overseas or other places that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Link	State Heritage Inventory https://www.hms.heritage.nsw.gov.au/App/Item/Sea..			High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Link	Aboriginal Heritage Information Management System Web Services https://www.environment.nsw.gov.au/awssapp/login..			High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC002_ProjectConceptLayout.pdf Figure 2. Project concept layout	22/12/2025	No	High
#2.	Document	12627183_EPBC003_BiodiversityValues.pdf Figure 3. Biodiversity values	22/12/2025	No	High
#3.	Document	12627183-REP-0_Att_Potentially affected biodiversity values.pdf Assessment of biodiversity values potentially affected by the project	22/12/2025	No	High
#4.	Link	BioNet Atlas - Species sighting search https://atlas.bionet.nsw.gov.au/UI_Modules/ATLAS..			High
#5.	Link	BioNet Atlas - Species sighting search https://atlas.bionet.nsw.gov.au/UI_Modules/ATLAS..			High
#6.	Link	Conservation Advice for Chalinolobus dwyeri (large-eared pied bat) http://www.environment.gov.au/biodiversity/threa..			High
#7.	Link	Conservation Advice for Delma vescolineata (Hunter Valley delma). http://www.environment.gov.au/biodiversity/threa..			High
#8.	Link				

		Conservation Advice for Phascolarctos cinereus (Koala) combined populations of QLD, NSW, and ACT http://www.environment.gov.au/biodiversity/threa..	High
#9.	Link	Conservation Advice Nyctophilus corbeni south-eastern long-eared bat http://www.environment.gov.au/biodiversity/threa..	High
#10.	Link	Conservation Advice Dasyurus maculatus maculatus (southeastern mainland population) Spotted-tailed Q http://www.environment.gov.au/biodiversity/threa..	High
#11.	Link	Conservation Advice Hirundapus caudacutus White-throated Needletail. http://www.environment.gov.au/biodiversity/threa..	High
#12.	Link	National Flying fox Monitoring Prograd data https://doi.org/10.25919/322q-q171	High
#13.	Link	National Recovery Plan for the Grey-headed Flying fox Pteropus poliocephalus http://www.environment.gov.au/biodiversity/threa..	High
#14.	Link	National Recovery Plan for the Spotted-tailed Quoll Dasyurus maculatus. http://www.environment.gov.au/biodiversity/threa..	High
#15.	Link	NSW Koala Prioritisation Project - Areas of Regional Koala Significance (ARKS) https://datasets.seed.nsw.gov.au/dataset/15d4a45..	High
#16.	Link	onservation Advice for Stagonopleura	High

		guttata (diamond firetail). http://www.environment.gov.au/biodiversity/threa..	
#17.	Link	Post-Fire Koala Surveys. A Saving our Species Project. Northeast NSW https://www.environment.nsw.gov.au/publications/..	High

4.1.4.5 (Threatened Species and Ecological Communities) Why you consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC004_ImpactAvoidance.pdf Figure 4 Impact avoidance	23/12/2025	No	High
#2.	Document	12627183-REP-0_Att_Potentially affected biodiversity values.pdf Assessment of biodiversity values potentially affected by the project	22/12/2025	No	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183_EPBC004_ImpactAvoidance.pdf Figure 4 Impact avoidance	22/12/2025	No	High
#2.	Document	12627183-REP-0_Att_Potentially affected biodiversity values.pdf Assessment of biodiversity values potentially affected by the project	22/12/2025	No	High
#3.	Link	BioNet Vegetation Classification https://www.environment.nsw.gov.au/research/vege..			High
#4.	Link	NSW State Vegetation Type Map https://datasets.seed.nsw.gov.au/dataset/95437fb..			High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Link	Environment Protection and Biodiversity Conservation Act 1999 Condition-setting Policy https://dcceew.gov.au			High
#2.	Link	Environment Protection and Biodiversity Conservation Act 1999			High

		Environmental Offsets Policy. October https://www.dcceew.gov.au/environment/epbc/publi..	
#3.	Link	Matters of National Environmental Significance Significant impact guidelines 1.1 https://www.dcceew.gov.au/environment/epbc/publi..	High

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

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	12627183-REP-0_Att_Potentially affected biodiversity values.pdf Assessment of biodiversity values potentially affected by the project	22/12/2025	No	High

5.2 Declarations

Completed Referring party's declaration

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

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

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

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

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

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

Completed Person proposing to take the action's declaration

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

ABN/ACN	682732592
Organisation name	Muswellbrook Pro Unit Holdings Pty Ltd
Organisation address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia
Representative's name	Ronch Willner

Representative's job title	Head of Development - Australia
Phone	0459862664
Email	devau@bw-ess.com
Address	Suite 1, Level 5, 33 Stewart Street, Richmond, VIC 3121 Australia

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

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

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

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

✔ Completed Proposed designated proponent's declaration

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

Same as Person proposing to take the action information.

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

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

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

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