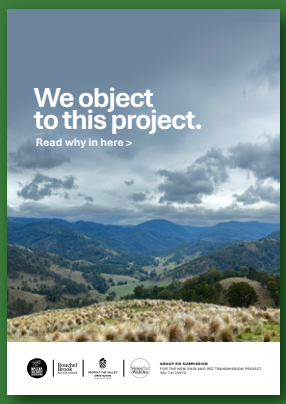
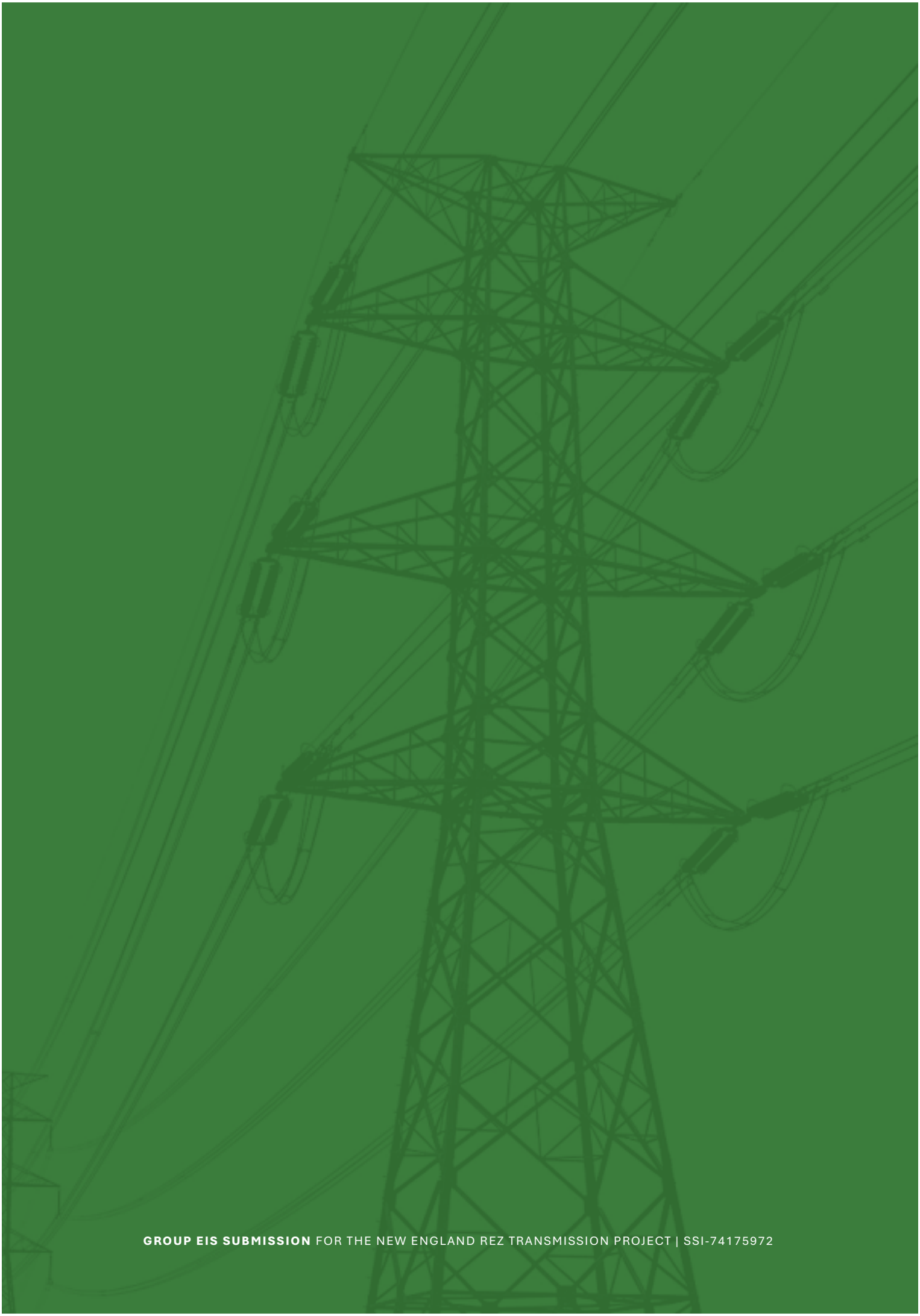
SECTION **3**

Biodiversity

THIS IS **ONE** SECTION OF **TWENTY TWO,**
THAT FORMS PART OF A LARGER GROUP SUBMISSION
TO THE NEW ENGLAND REZ TRANSMISSION PROJECT
SSI-74175972



WALCHA HIGH COUNTRY GUARDIANS | Rouchel Brook ACTION GROUP | PROTECT THE VALLEY UPPER HUNTER RESPONSIBLE INFRASTRUCTURE GROUP | Voice for Walcha



GROUP EIS SUBMISSION FOR THE NEW ENGLAND REZ TRANSMISSION PROJECT | SSI-74175972

SECTION 3

Biodiversity

Key issues we have found ...



Nearly half remains unsurveyed

Nearly half the project area remains unsurveyed, leaving species, breeding habitat and opportunities to avoid damage unverified before project approval.



Extensive clearing will fragment habitat

Thousands of hectares of native vegetation face full or partial clearing, removing habitat and severing movement corridors for native wildlife.



Irreversible impacts remain a risk

The EIS identifies threatened species and communities at risk of serious, irreversible impacts, while essential surveys and assessments remain incomplete.



Wildlife crossings remain undecided

The EIS defers its connectivity strategy, leaving wildlife crossing locations, designs and expected effectiveness unresolved when the project seeks approval.



Offset delivery remains unproven

The EIS proposes a future offset agreement without demonstrating that suitable conservation outcomes are available, funded and secured before clearing.



Complete assessment before approval

Resolve material gaps, publish the updated design and exhibit revised assessments before determination, with enforceable limits and independently verified safeguards.

Walcha High Country Guardians | Rouchel Brook Action Group | Protect the Valley Upper Hunter | Voice for Walcha

Read in more detail >



Serious and Irreversible Impacts (SAII)

NSW BIODIVERSITY CONSERVATION ACT 2016

SAII refers to potential impacts from a development or infrastructure project that are deemed likely to contribute significantly to the **risk of extinction of a threatened species or ecological community** in New South Wales.

Threatened Ecological Communities (TECs)

- New England Peppermint Grassy Woodland (Critically Endangered)
- White Box Yellow Box Blakely's Red Gum Woodland (Box-Gum Woodland) (Critically Endangered)
- Ribbon Gum-Mountain Gum-Snow Gum Grassy Forest/Woodland

Flora & Fauna Entities (SAII trigger species)

Flora: Euphrasia arguta, Yellow loosestrife (Lysimachia vulgaris / Lysimachia species), Pterostylis riparia,
Scrub Turpentine (Rhodamnia rubescens), Small-fruited mountain gum (Eucalyptus microcodon).

Fauna: Long Sunskink, Stuttering Frog, Tusked Frog (Nandewar & New England Tableland population), Brush-tailed Rock-wallaby, Sooty Owl (breeding habitat), Large-eared Pied Bat (breeding habitat), Large Bent-winged Bat (breeding habitat), Eastern Cave Bat (breeding habitat).



Threatened Ecological Communities (TECs)

New England Peppermint Grassy Woodland (**Critically Endangered**) | White Box Yellow Box Blakely's Red Gum Woodland / Box-Gum Woodland (**Critically Endangered**) | Ribbon Gum–Mountain Gum–Snow Gum Grassy Forest/Woodland

Threatened Flora Species

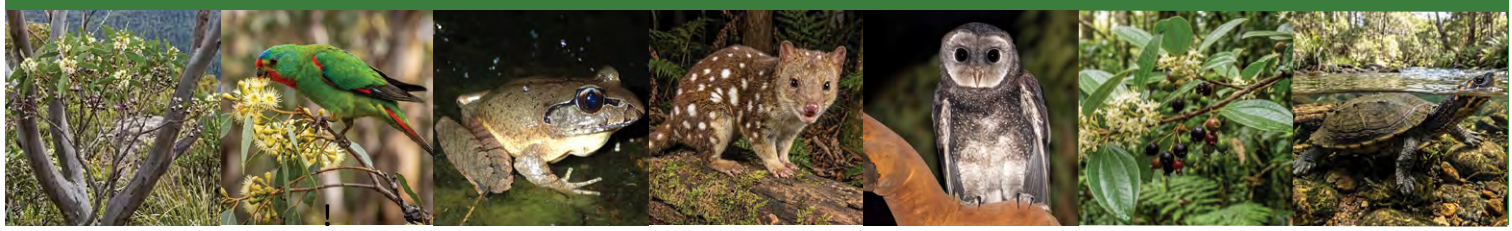
Critically Endangered & Endangered Flora: Scrub Turpentine (Rhodamnia rubescens) – Critically Endangered | Euphrasia arguta – Endangered / Critically Endangered | Small-fruited Mountain Gum (Eucalyptus microcodon) | Yellow Loosestrife (Lysimachia vulgaris / Lysimachia species) | Pterostylis riparia | Hawkweed (Picris evae) – Endangered

Additional Threatened Flora (Recorded / Assumed Present): Austral Toadflax (Thesium australe) | Gentiana davurica

Threatened Fauna Species

Critically Endangered & Endangered Fauna: Swift Parrot *(Lathamus discolor)* – **Critically Endangered** | Regent Honeyeater *(Anthochaera phrygia)* – **Critically Endangered** | Long Sunskink (Eulamprus leuraensis) – **Critically Endangered** | Koala *(Phascolarctos cinereus)* – Endangered & 1,373 hectares of critical koala habitat to be destroyed | Spotted-tailed Quoll (Dasyurus maculatus) – **Endangered** | Stuttering Frog (Mixophyes balbus) – **Endangered** | Tusked Frog (Adelotus brevis) – **Endangered Population** (Nandewar & New England Tablelands) | Booroolong Frog (Litoria booroolongensis) – **Endangered** | Bell's Turtle (Myuchelys bellini) - **Endangered** | Terrestrial Crayfish (Euastacus Maccai) - **Endangered** | Greater Glider (Petauroides volans) - **Endangered** with fragmentation & canopy destruction being critical

Vulnerable & Impacted Fauna Species: Brush-tailed Rock-wallaby *(Petrogale penicillata)* | Sooty Owl *(Tyto tenebricosa)* – Breeding habitat assessed | Large-eared Pied Bat *(Chalinolobus dwyeri)* | Large Bent-winged Bat *(Miniopterus orianae oceanensis)* | Eastern Cave Bat *(Vespadelus troughtoni)* | South-eastern Glossy Black-Cockatoo *(Calyptorhynchus lathami)* | White-throated Needletail *(Hirundapus caudacutus)* | Brown Treecreeper *(Climacteris picumnus victoriae)* | Diamond Firetail *(Stagonopleura guttata)* | Yellow-bellied Glider *(Petaurus australis)* | Southern Greater Glider *(Petauroides volans)* | Squirrel Glider *(Petaurus norfolcensis)* | Parma Wallaby (Notamacropus parma) | Varied Sittella *(Daphoenositta chrysoptera)* - **not named in EIS** | Little Lorikeet *(Glossopsitta pusilla)* - **not named in EIS** | Dusky Woodswallow *(Artamus cyanopterus cyanopterus)* - **not named in EIS** | Eastern False Pipistrelle *(Falsistrellus tasmaniensis)* - **not named in EIS** | Greater Broad-nosed Bat *(Scoteanax rueppellii)* - **not named in EIS** | Yellow-bellied Sheath-tail Bat *(Saccolaimus flaviventris)* - **not named in EIS**



The Environmental Impact Statements claims ...

Total Environment Disturbance

3,579 hectares

Total Full Clearing

2,784.39 hectares

Total Partial Clearing

418.56 hectares

Offset Liability Credit Estimate

687,276

The following works are to be **carried out after EIS Exhibition**.

- Surveys on newly accessible private land.
- Surveys on new land proposed to be added to the project.
- Targeted surveys not completed because of seasonal timing.
- Revision of the disturbance footprint.
- Reassessment of mapped vegetation condition.
- Additional remote assessment
- Preparation of a revised BDAR for the Submissions Report & Amendment Report.

Increased heavy traffic will have a substantial threat to all wildlife.

Claims regarding land clearing and biodiversity offsets presented in the Environmental Impact Statement (EIS) for the New England REZ Transmission Project must be assumed insufficient. Given that further environmental field assessments, unknown additional land is proposed to be added and project works are required after the public exhibition period closes.

The EIS fails to provide a complete or accurate account of the project's ecological footprint.

Consequently, the public and affected communities are being denied the opportunity to review the true extent of biodiversity destruction and evaluate the legitimacy of the proposed offsets. All biodiversity impact assertions should be suspended from approval until full, transparent, and post-work assessments are presented for public exhibition.



SECTION **3**

Biodiversity Impacts

EXECUTIVE SUMMARY

This submission objects to the approval of the **New England Renewable Energy Zone Network Infrastructure Project** in its currently assessed form.

The objection does not dispute the importance of renewable energy infrastructure. It concerns whether this particular project, at this location and in its present form, has been assessed with sufficient completeness, accuracy and transparency to permit a lawful, rational and properly informed determination of its biodiversity impacts.

The exhibited Environmental Impact Statement (**EIS**) discloses that:

Our principal concerns are:

- the current project area is approximately 10,928 hectares, but only approximately 54% had been subject to biodiversity survey;
- surveys were still ongoing, with land-access limitations preventing survey of the balance;
- uncompleted targeted surveys, new land, revised infrastructure locations, disturbance-footprint refinement and a revised Biodiversity Development Assessment Report (BDAR) were deferred until after exhibition;
- the project would have a disturbance footprint of approximately 3,579 hectares;
- approximately 3,203 hectares of native vegetation across 45 Plant Community Types (PCTs) would be affected, comprising approximately 2,784.39 hectares of full clearing and 418.56 hectares of partial clearing;
- 8 Threatened Ecological Communities (TECs) listed under the Biodiversity Conservation Act 2016 (NSW) occur in the project area, of which areas corresponding to 4 Commonwealth-listed Threatened Ecological Communities are identified;
- threatened flora and fauna species are recorded or assumed present which are at risk of Serious and Irreversible Impacts (SAII);
- significant residual impacts are predicted for multiple matters protected under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act);
- the estimated Biodiversity Offsets Scheme liability is 687,276 credits, of which 435,387 credits are attributed to inaccessible, unsurveyed land; and
- the proponent proposes further surveys, footprint revision, vegetation-condition reassessment and a revised BDAR after the exhibition process.

Source > EIS—Biodiversity, [42]–[51], [54]–[58], [275]–[285], [311]–[361], [505]–[524].

These are not peripheral details. They concern :

- the identity, location, condition and significance of biodiversity values
- the location and extent of impacts
- whether impacts can be avoided
- whether SAII or significant impacts on matters of national environmental significance (**MNES**) will occur
- and the scale and feasibility of offsets.

The EIS incorporates and relies upon Technical Report 1 as the project's detailed biodiversity assessment. Technical Report 1 was supplied as a PDF with poor or no reliably extractable text. This submission therefore does not claim to have verified passages of that report that could not be accessed. It relies primarily on the express description and summary of the BDAR in EIS Section 7. Because the EIS states that it incorporates and relies upon Technical Report 1, defects and incompleteness expressly disclosed in the EIS also call into question whether the exhibited BDAR constitutes a sufficiently final and reliable assessment record.

The submitter requests that the project be **refused in its current form**.

Alternatively, determination should be suspended and the proponent directed to prepare a completed revised EIS and BDAR following all reasonably practicable seasonal and targeted surveys, project redesign and independent expert peer review. Those documents should then be publicly re-exhibited for a full consultation period.





> Tomalla Creek, 400m from corridor 2024, and Eastern Spotted Quoll at 2656 Forest Way 2025

Contents

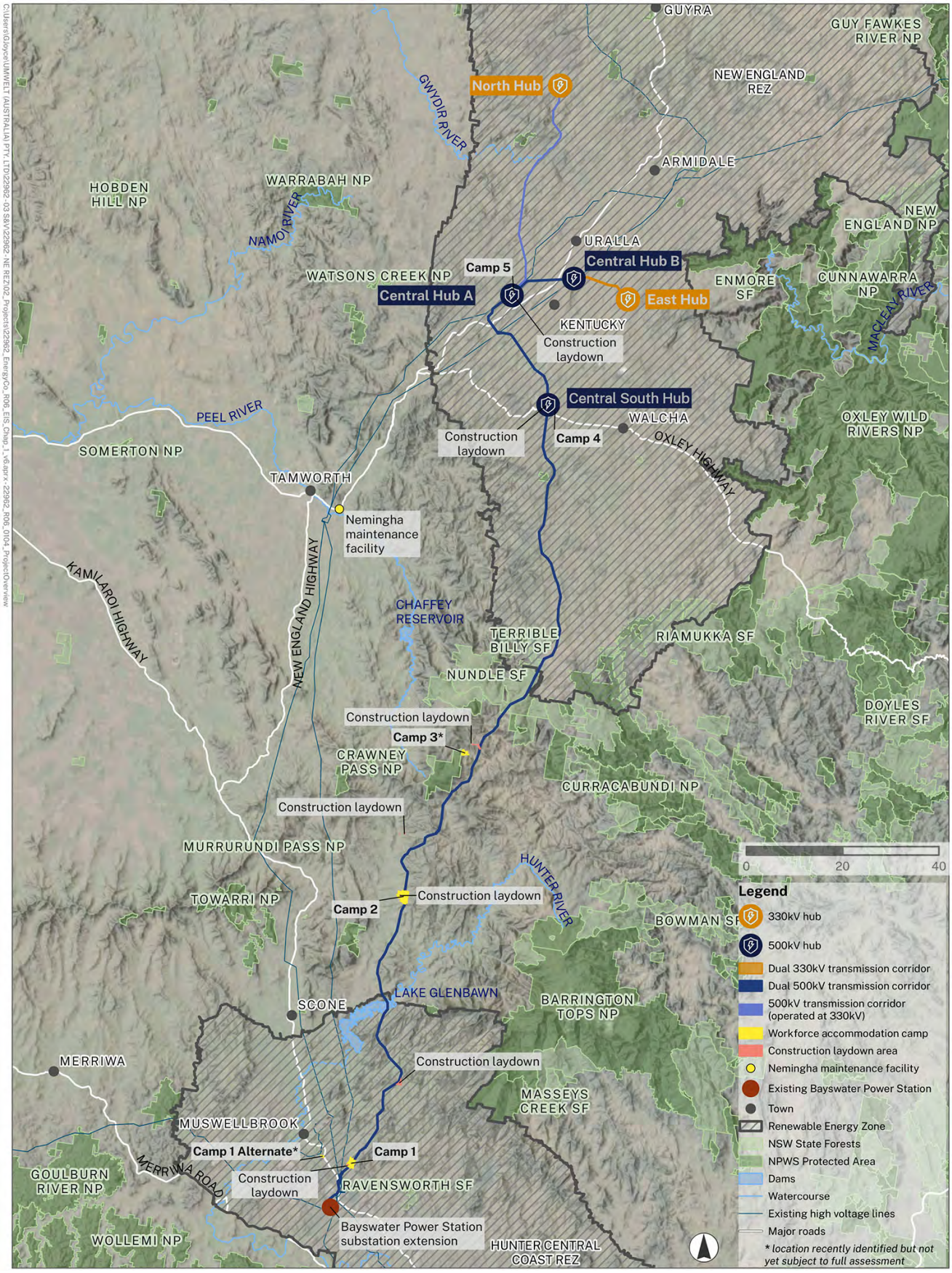
2. Nature of the Objection	4
3. Factual Background	6
4. Applicable Statutory and Policy Framework	10
5. Summary of Objection Grounds	12
6. Detailed Grounds of Objection	13
7. Relief Sought	21
8. Alternative Minimum Conditions	22
9. Information Required Before Determination	25
Conclusion	26

2 | Nature of the Objection

The objection is founded on the following related propositions:

1	**The assessment is premature.** Material fieldwork, analysis and project design remain incomplete.
2	**The project assessed is not sufficiently settled.** Infrastructure locations, ancillary sites, micro-siting, sensitive-area mapping, connectivity measures and the disturbance footprint remain subject to material refinement.
3	**The unsurveyed portion creates uncertainty.** Conservative credit assumptions do not establish where important populations, breeding resources, ecological communities, corridors or avoidance opportunities occur.
4	**The predicted environmental impact is extensive and critical.** The scale of clearing, fragmentation, noise, vibration (bats) and habitat modification requires a particularly rigorous assessment due to the remoteness and untouched nature. The reason why the area has so many critically endangered, endangered and threatened or vulnerable species is because of the remote and untouched ecological communities. The EIS does not refer to the impacts of change in water sources to the biodiversity.
5	The referred **Biodiversity Management Plan has not been developed** and should not be considered until the BMP is complete.
6	Biodiversity comparisons to alternative routes and the previous routes **have not been considered**.
7	**SAII and MNES conclusions require a completed evidentiary basis.**
8	**Avoidance and minimisation have not been demonstrated transparently at the appropriate stage.**
9	**A substantial part of the mitigation, offset and monitoring response is deferred.**
10	**The public has not received a final assessment record on which to make informed submissions.**

This submission does not contend that every incompleteness necessarily establishes legal invalidity. It submits that the identified failures, deficiencies and unresolved risks prevent a properly informed merits determination unless they are cured before approval.



> Project Overview

3 | Factual Background

3.1 Assessment Documents

EIS Section 7 states that:

- the biodiversity assessment was undertaken under the Biodiversity Assessment Method (BAM);
- the outcomes are documented in the BDAR in Technical Report 1;
- the project was declared a controlled action under the EPBC Act; and
- Commonwealth assessment is to occur under the NSW–Commonwealth assessment bilateral agreement.

> Source: EIS—Biodiversity, [5]–[11].

The Commonwealth controlled-action decision was made on **16 March 2026**. The controlling provisions are listed threatened species and ecological communities under ss 18 and 18A of the EPBC Act, and the action is to be assessed under the bilateral agreement.

> Source: epbcpublicportal.environment.gov.au

3.2 Survey Coverage and Inaccessible Land

The EIS reports survey work across current and previous alignments from September 2023. It also acknowledges that, following the October 2025 corridor change, some earlier survey effort fell outside the current project area.

Further surveys of the current project area commenced in November 2025 and remained ongoing. Of the approximately 10,928-hectare project area, approximately 54% had been surveyed. Access limitations prevented surveys of the remaining area.

> Source: EIS—Biodiversity, [41]–[44]

For inaccessible land, the assessment used a combination of:

- expert advice;
- literature review;
- remote sensing;
- reference-population information;
- a bespoke roadside-vantage-point method;
- refinement of State Vegetation Type Mapping;
- government mapping; and
- assumed presence of candidate flora and fauna species.

> Source: EIS—Biodiversity, [45]–[51], [70]–[71].

The EIS characterises this as precautionary and suggests that further surveys are likely to reduce predicted impacts. That possibility does not exclude the opposite or a materially different result at particular locations. Fieldwork may reveal fewer assumed presences, but it may also identify previously unmapped populations, breeding habitat, population concentrations, TEC diagnostic characteristics, habitat trees, caves, rocky features, riparian values or avoidance opportunities.

3.3 Extent of proposed disturbance

The stated disturbance footprint is approximately **3,579 hectares**, comprising:

- approximately 3,144 hectares in disturbance area A, where all vegetation strata may be removed; and
- approximately 435 hectares in disturbance area B, where overstorey removal or partial clearing may occur.

> Source: EIS—Biodiversity, *[52]–[58]*.

Within that footprint, the EIS predicts impacts to approximately **3,203 hectares of native vegetation** across **45 PCTs**, including:

- **2,784.39 hectar**es of full clearing;
- 418.56 hectares of partial clearing; and
- an ecosystem-credit liability of **72,561 credits**.

> Source: EIS—Biodiversity, [274]–[285]

The EIS expressly notes that vegetation condition and extent in inaccessible areas were not field verified and that mapping in those areas is based on NSW Government mapping.

> Source: EIS—Biodiversity, [284]–[286]

3.4 Ecological Communities and Threatened Species

The EIS identifies approximately **5,381.95 hectares** of native vegetation in the project area corresponding to eight NSW-listed TECs (Threatened Ecological Community). Approximately **3,684.23 hectares** is said also to meet the definitions of four Commonwealth-listed TECs (Threatened Ecological Community).

> Source: EIS—Biodiversity, [92]–[96]

Within the disturbance footprint, the EIS identifies impacts on:

- **6** endangered and 2 critically endangered NSW-listed TECs (Threatened Ecological Community);
- 37 threatened flora species recorded or assumed present, of which 8 were recorded and 29 assumed present; and
- potential habitat for 35 threatened fauna species recorded or assumed present, of which 23 were recorded and 12 assumed present.

> Source: EIS—Biodiversity, [291]–[320], [333]–[341]

The EIS identifies **15 SAII (Serious and Irreversible Impact) entities** known or assumed to occur within the disturbance footprint. Several are included through assumed presence or incomplete surveys.

> Source: EIS—Biodiversity, [346]–[359]

- New England Peppermint Grassy Woodland
- Box-gum Woodland
- Small-fruited Mountain Gum
- Sooty Owl
- Tusked Frog
- Euphrasia Arguta
- Yellow Loosestrife
- Pterostylis Riparia
- Scrub Turpentine
- Large-eared Pied Bat
- Long Sunskink
- Stuttering Frog
- Brush-tailed Rock Wallaby

3.5 MNES

The EIS reports that:



> Source: EIS—Biodiversity, [362]–[368]

3.6 Clearing Corridors and Connectivity

Transmission easements may create vegetation gaps or fragmentations of approximately:

- **140 metres** for dual 500 kV lines;
- **120 metres** for dual 330 kV lines; and
- **70 metres** for the single 500 kV line,

with additional width potentially required at transposition sites and other infrastructure locations. The EIS acknowledges particular sensitivity for arboreal mammals, gliding species, ground-dependent fauna and habitat specialists.

> Source: EIS—Biodiversity, [443]–[448]

A Connectivity Strategy, including final locations and designs for retained corridors and possible artificial structures such as rope bridges and koala refuge poles, is deferred.

> Source: EIS—Biodiversity, [448], [463]–[465]

3.7 Offset liability and further work

The EIS gives the following credit estimate:

Credit category	Accessible land	Inaccessible land	Total
Ecosystem credits	28,458	44,103	**72,561**
Flora species credits	47,299	94,618	**141,917**
Fauna species credits	176,132	296,666	**472,798**
Total	251,889	435,387	**687,276**

EnergyCo states an intention to enter into a future Strategic Offset Delivery Agreement (SODA) with NSW DCCEEW. The EIS does not establish in Section 7 that all required credits or ecologically suitable conservation outcomes have been identified, secured and made available.

> Source: EIS—Biodiversity, [509]–[514]

Further work proposed after exhibition includes:

- surveys on newly accessible private land;
- surveys on new land proposed to be added to the project area;
- targeted surveys not completed for the exhibited BDAR because of seasonal timing;
- revision of the disturbance footprint;
- reassessment of mapped vegetation condition;
- additional remote assessment;
- comparison of past and alternative routes
- preparation of a revised BDAR for the Submissions Report or Amendment Report.

> Source: EIS—Biodiversity, [515]–[524]





4 | Applicable Statutory and Policy Framework

4.1 Environmental Planning and Assessment Act 1979 (NSW)

The project is to be assessed under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

In summary:

- **Section 5.**16 requires environmental assessment requirements and an EIS in the prescribed form;
- Section 5.17 governs submission of the EIS, environmental assessment and public consultation;
- Under s 5.17(2), the Planning Secretary may require a revised EIS;
- Under s 5.17(6), the Planning Secretary may require a response to submissions and a preferred infrastructure report identifying proposed changes to minimise environmental impacts or address assessment issues;
- Under s 5.17(7), a preferred infrastructure report involving significant changes be made publicly available;
- Section 5.18 requires the Planning Secretary's environmental assessment report to the Minister; and
- Section 5.19 concerns the Minister's determination and the terms on which approval may be given. (legislation.nsw.gov.au)

These provisions should be exercised so that the decision-maker has a sufficiently final description of the infrastructure and a reliable assessment of its material impacts.

4.2 Environmental Planning and Assessment Regulation 2021 and SSI Guidelines

The *Environmental Planning and Assessment Regulation 2021* requires an SSI (State Significant Infrastructure) EIS to comply with the Planning Secretary's environmental assessment requirements. The EIS must provide the information and analysis necessary for assessment of the project and its environmental consequences.

The State Significant Infrastructure Guidelines address the preparation of EISs, submissions reports, amendment reports and preferred infrastructure reports. The guidelines were currently updated in 2026 to reflect planning-system reforms and continue to distinguish between the exhibited assessment, responses to submissions and assessment of material amendments.

> Source: planning.nsw.gov.au

The statutory process permits refinement. It should not, however, be used to defer the essential baseline, impact, avoidance and significance work needed to identify the project being assessed.

4.3 Biodiversity Conservation Act 2016, Regulation and BAM

The relevant NSW biodiversity framework includes:

- the Biodiversity Conservation Act 2016 (BC Act);
- the Biodiversity Conservation Regulation 2017 (BC Regulation);
- the BAM;
- the Biodiversity Offsets Scheme (BOS); and
- applicable guidance concerning threatened entities and SAII.

The BAM establishes the assessment method, but application of the method does not eliminate the need for reliable project-specific data, defensible mapping, transparent assumptions and proper application of the avoid–minimise–offset hierarchy.

Under **cl 6.7 of the BC Regulation**, the decision-maker—not merely the proponent or accredited assessor—must determine whether proposed impacts are serious and irreversible by reference to the prescribed principles.

The current NSW SAII guidance is dated **1 May 2026** and was prepared under s 6.5(2) of the BC Act. It addresses identification of relevant biodiversity values and the decision-maker's determination of SAII.

> Source: environment.nsw.gov.au

The final assessment should therefore apply the current May 2026 guidance, rather than rely only on the earlier 2019 guidance cited in the EIS tables.

4.4 EPBC Act and Bilateral Assessment

The project is controlled action **EPBC 2025/10405** because of potential impacts on listed threatened species and ecological communities. It requires Commonwealth approval and is being assessed through the NSW bilateral process.

> Source: epbcpublicportal.environment.gov.au

The assessment record must be sufficient to enable the Commonwealth Minister to identify and evaluate impacts on each relevant MNES, including direct, indirect, facilitated and cumulative impacts; assess avoidance and mitigation; determine residual significant impacts; and formulate enforceable conditions.

A general NSW biodiversity-credit assessment is not necessarily sufficient by itself to discharge the species- and community-specific information requirements relevant to the EPBC Act.

4.5 Ecologically sustainable development

The decision-maker should have regard, as relevant, to principles of ecologically sustainable development, including:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity; and
- Maintenance of ecological integrity.

These principles are not advanced as an automatic or standalone veto. They support a cautious approach where potentially serious or irreversible harm is plausible and the scientific and spatial information remains materially incomplete.





5 | Summary of Objection Grounds

Ground	Principal evidence	Legal or decision-making significance	Requested response
1. Premature assessment	Only approximately 54% of the 10,928-hectare project area surveyed; surveys ongoing; access prevented survey of balance. *([42]–[51])*	The baseline and residual impacts cannot yet be determined with adequate confidence.	Refuse or require completed surveys and revised EIS/BDAR.
2. Unsettled design	New sites, detailed design, micro-siting and footprint revision deferred. *([252]–[270], [515]–[524])*	The assessment does not yet address a sufficiently settled project.	Require fixed impact envelope, revised design and assessment before determination.
3. Methodological uncertainty	Remote sensing, roadside observations, mapping, benchmark condition and assumed species presence. *([45]–[51], [70]–[71])*	Conservative credit estimates do not resolve ecological or spatial uncertainty.	Field verification wherever reasonably practicable and uncertainty analysis.
4. Clearing and fragmentation	3,579-hectare footprint; 3,203 hectares of native vegetation affected; 45 PCTs. *([54]–[58], [275]–[285])*	Magnitude demands rigorous avoidance and regional-context assessment.	Redesign to reduce clearing, widths and fragmentation.
5. TECs and threatened species	Eight NSW TECs; four Commonwealth TECs in project area; numerous recorded or assumed species. *([92]–[96], [291]–[341])*	Ecological consequences extend beyond credit calculations.	Entity-specific impact and avoidance assessment.
6. SAII	Fifteen potential SAII entities; many assumed present; surveys incomplete. *([346]–[361])*	Decision-maker cannot safely complete cl 6.7 task on an incomplete record.	Current-guidance, entity-specific SAII reassessment.
7. MNES	Controlled action; significant residual impacts predicted for multiple entities. *([362]–[368])*	Bilateral record must support a separate Commonwealth decision.	Revised MNES appendix based on completed data.
8. Avoidance not demonstrated	General route-refinement claims; future micro-siting relied upon. *([252]–[270])*	Avoidance must precede offsetting and be demonstrated transparently.	Alternatives matrix and reasons for route and design selection.
9. Indirect and prescribed impacts	Edge effects, weeds, pathogens, fire, water, collision, vehicle strike, karst and rocky habitat. *([401]–[442])*	Management plans cannot substitute for baseline risk assessment.	Quantified impact zones, controls and enforceable thresholds.
10. Connectivity	Easement gaps of 70–140 metres; corridor locations and structures deferred. *([443]–[448], [463]–[465])*	Fragmentation consequences remain uncertain.	Final mapped, protected and performance-tested connectivity design.
11. Cumulative impacts	Biodiversity analysis substantially cross-refers to Section 24 and BDAR appendix. *([466]–[470])*	Lack of transparent synthesis impedes scrutiny of regional impacts.	Updated regional cumulative-impact assessment.
12. Offset feasibility	687,276 credits, including 435,387 for inaccessible land; future SODA. *([505]–[514])*	Availability, equivalence, timing and permanence are unresolved.	Offset feasibility plan and security before clearing.
13. Deferred plans	BMP, sensitive-area maps, micro-siting, procedures and Connectivity Strategy deferred. *([475]–[490])*	Adaptive management is unsuitable as the primary response to irreversible loss.	Finalise essential plans before determination or clearing.
14. Public participation	Final surveys, footprint, BDAR, SAII conclusions and credits will post-date exhibition. *([515]–[524])*	Public submissions are being sought on a materially incomplete record.	Full re-exhibition of revised documents.
15. ESD principles	Serious potential harm combined with unresolved uncertainty.	Supports caution, avoidance and acquisition of better information.	Do not approve until uncertainty is materially reduced.
16. Data integrity	Multiple area categories, assumptions and future revisions.	Internal inconsistencies may propagate through impact and credit calculations.	Independent reconciliation and audit.

6 | Detailed Grounds of Objection

Ground 1 | Prematurity and absence of a final assessment

The EIS was exhibited while material biodiversity surveys remained incomplete. Approximately 46% of the project area had not been surveyed, and some targeted surveys in accessible areas could not be completed because of survey timing.

> Source: EIS—Biodiversity, [42]–[51], [515]–[520].

This is material because survey timing and effort affect the detection of:

- Seasonal flora, including orchids and other short-detectability species;
- Breeding frogs;
- Migratory or nomadic birds;
- Microbats and cave use;
- Denning, nesting and roosting resources;
- Reptiles associated with rocky habitat;
- Gliders and other arboreal mammals; and
- The diagnostic condition and extent of TECs.

The proponent's express proposal to revise the footprint, reassess vegetation condition, conduct outstanding surveys and produce a revised BDAR confirms that the exhibited assessment is not final.

> SUBMISSION

Approval should not be based on the expectation that the assessment may later become more accurate. The assessment should be sufficiently complete before impacts become authorised.

Ground 2 | Material Project Design Remains Unsettled

The EIS states that full assessment of recently identified ancillary locations, including alternate camp or new land, will occur in the revised BDAR. It also states that reference-design refinement, detailed design and micro-siting will continue after exhibition.

> Source: EIS—Biodiversity, [252]–[270]

Micro-siting can appropriately resolve minor construction details within a fully assessed envelope. It should not determine, after approval:

- whether a significant population or TEC patch is cleared;
- the location and width of habitat severance;
- whether critical breeding or roosting habitat is affected;
- the actual impact on a potential SAII entity;
- the final offset obligation; or
- whether a feasible avoidance alternative existed.

> SUBMISSION

The approval process should assess the project actually proposed, not a broad corridor within which material biodiversity consequences will later be selected.

Ground 3 | Methodological uncertainty for inaccessible land

The submitter acknowledges that assuming benchmark vegetation condition and species presence may generate conservative credit calculations. That is preferable to assuming absence.

It does not, however, cure uncertainty about:

- actual species distribution and abundance;
- whether habitat supports a locally or regionally important population;
- breeding, roosting, denning or refuge sites;
- TEC diagnostic condition;
- habitat-tree density and hollow classes;
- movement pathways and bottlenecks;
- rocky, cave, karst and riparian features;
- the interaction between habitat patches;
- the availability of route-level or site-level avoidance; or
- the significance of impacts under SAII and EPBC Act criteria.

The proposition that further survey is likely to reduce credit liability should not become a substitute for completing the assessment. Reduction of an assumed polygon does not necessarily mean reduction of ecological risk; fieldwork may identify a smaller but more important population or resource.

> SUBMISSION

The revised assessment should distinguish clearly between uncertainty that affects only credit quantity and uncertainty that affects impact significance, population viability, connectivity or avoidance.

Ground 4 | Scale of clearing and fragmentation

The proposed impact—approximately 3,203 hectares of native vegetation across 45 PCTs—is substantial. It includes approximately 2,784.39 hectares of full clearing and 418.56 hectares of partial clearing.

> Source: EIS—Biodiversity, [275]–[285]

Partial clearing should not be treated as ecologically negligible. Removal of overstorey can:

- eliminate canopy connectivity;
- remove hollows, nests and foraging resources;
- alter shade, moisture, temperature and wind exposure;
- increase edge effects and weed invasion;
- modify fire behaviour; and
- impair long-term recruitment and structural complexity.

Easements of up to approximately 140 metres through forested areas are capable of creating substantial gaps for canopy-dependent fauna and habitat specialists.

> Source: EIS—Biodiversity, [443]–[448]

> SUBMISSION

The revised EIS requires a landscape-scale fragmentation analysis, not only an area-based clearing account.

Ground 5 | Threatened ecological communities and threatened species

Eight NSW TECs and areas corresponding to four Commonwealth TECs are identified in the project area. The disturbance footprint affects numerous listed communities and habitat for numerous threatened species.

> Source: EIS—Biodiversity, [92]–[96], [291]–[341]

- Credit calculations are not a complete account of ecological consequences. The revised assessment should address:
- condition, patch size and configuration;
- relationship to remaining regional extent;
- recruitment and age structure;
- population and metapopulation function;
- key habitat resources;
- connectivity with conservation lands;
- indirect degradation;
- vulnerability to drought, fire and climate change; and
- prospects for genuine restoration or replacement.

> SUBMISSION

For each materially affected TEC and threatened species, the revised BDAR should provide a concise impact statement linking evidence, impact pathway, avoidance, mitigation, residual risk and proposed offset response.

Ground 6 | Inadequate basis for SAII determination

Fifteen SAII entities are identified as known or assumed to occur in the disturbance footprint. Several have been included on the basis of assumed presence, expert polygons or incomplete targeted surveys.

> Source: EIS - Biodiversity, [346]–[361]

The decision-maker must independently determine SAII under cl 6.7 of the BC Regulation. That task should not be reduced to accepting credit calculations or the assessor's conclusion.

Each entity requires transparent application of every relevant cl 6.7 principle, including:

- current population and distribution information;
- the NSW and regional context of the affected occurrence;
- the scale and quality of habitat affected;
- direct, indirect and cumulative impact pathways;
- uncertainty and sensitivity analysis;
- the degree of contribution to extinction risk;
- irreplaceability and recovery potential;
- feasible avoidance and redesign; and
- the consequences of worst-case assumptions.

The final analysis should apply the **1 May 2026 NSW SAII guidance** and explain any differences from analysis prepared under the superseded 2019 guidance.

> Source: (environment.nsw.gov.au)

> SUBMISSION

Offsetting is not a substitute for determining whether an impact is serious and irreversible or for avoiding that impact.

Ground 7 | MNES and bilateral-assessment deficiencies

The project's controlled-action status means the NSW assessment record must be sufficiently complete for a separate Commonwealth approval decision.

The record should identify, for each relevant MNES:

- the affected population, occurrence or community;
- habitat critical to survival;
- direct, indirect and cumulative impacts;
- impacts of construction, operation and maintenance;
- application of approved conservation advice and recovery plans;
- alternatives and avoidance;
- mitigation effectiveness and uncertainty;
- the residual significant impact; and
- any proposed offset and its conformity with applicable Commonwealth requirements.

The EIS predicts significant residual impacts on three Commonwealth TECs, six threatened flora species and 18 threatened fauna species.

> Source: EIS—Biodiversity, [362]–[368]

> SUBMISSION

It is unsafe to leave essential MNES fieldwork and impact definition to post-exhibition studies. A revised MNES assessment should be prepared and re-exhibited.

Ground 8 | Avoidance and minimisation have not been adequately demonstrated

The EIS describes broad corridor changes and examples of avoidance. Those steps are relevant and should be acknowledged.

> Source: EIS—Biodiversity, [252]–[269]

However, the exhibited material does not transparently demonstrate the comparative consideration of:

- alternative route variants;
- alternative tower, substation, camp, laydown and access-track locations;
- narrower easements or disturbance areas;
- spanning of sensitive vegetation;
- alternative conductor or tower configurations;
- undergrounding at discrete critical locations;
- helicopter, drone or low-impact construction methods;
- access from already disturbed land;
- seasonal construction constraints; and
- permanent no-go areas.

Future micro-siting is not equivalent to a documented alternatives assessment.

> SUBMISSION

A geospatial alternatives matrix should identify each feasible option, its biodiversity consequences, engineering constraints, cost or constructability implications, and reasons for selection or rejection.

Ground 9 | Indirect, prescribed and operational impacts

The EIS recognises risks from:

- edge effects;
- noise, light and dust;
- weeds and pathogens;
- altered fire regimes;
- hydrological change and water-quality impacts;
- vehicle strike;
- collision with transmission infrastructure;
- disturbance of breeding and roosting habitat;
- karst, cave and rocky-habitat impacts; and
- ongoing vegetation management.

> Source: EIS—Biodiversity, [401]–[442], [449]–[465]

The assessment requires greater definition of impact zones, duration, frequency, consequence and mitigation effectiveness.

Karst and rocky habitats warrant particular caution because subsurface voids, hydrological connections, cave use and breeding habitat may not be reliably identified by desktop mapping alone. Similarly, ongoing removal of hazard trees may cause impacts additional to the initial construction footprint.

> SUBMISSION

Baseline risk and residual impact must be assessed before reliance is placed on later management plans.

Ground 10 | Habitat connectivity remains unresolved

The project intersects a broad climate-change corridor and numerous local movement pathways. The EIS acknowledges sensitivity of gliders, arboreal mammals, ground-dependent fauna and habitat specialists to canopy and vegetation gaps.

> Source: EIS—Biodiversity, [72]–[78], [443]–[448]

The proposed connectivity response remains indicative. Rope bridges and refuge poles may assist some species in some settings, but their effectiveness depends upon:

- species-specific design;
- placement relative to established movement pathways;
- adjoining vegetation structure;
- predator exposure;
- crossing length;
- maintenance;
- demonstrated use; and
- timely corrective action.

> SUBMISSION

Connectivity outcomes should be mapped and designed before approval or, at minimum, before any clearing in the relevant sector. Performance criteria should address actual use and ecological function, not merely installation.

Ground 11 | Cumulative-impact assessment lacks transparent biodiversity synthesis

Section 7 substantially cross-refers to Section 24 and an appendix to the BDAR for cumulative impacts.

> Source: EIS—Biodiversity, [466]–[470]

A sufficient biodiversity cumulative-impact assessment should identify:

- the projects included and excluded;
- their status and reasonable foreseeability;
- spatial and temporal overlap;
- combined PCT and TEC clearing;
- regional habitat-corridor loss;
- combined effects on relevant populations;
- interaction with transmission and renewable-energy development;
- compounding effects of fire, drought and climate change;
- competition for offset credits and stewardship sites; and
- thresholds beyond which regional ecological function may be compromised.

> SUBMISSION

A cross-reference without an accessible and transparent biodiversity synthesis impedes public scrutiny and informed decision-making.

Ground 12 | Offset scale, feasibility and timing

A liability of **687,276 credits** is exceptional in scale. More than half— **435,387 credits** —is attributed to inaccessible land.

> Source: EIS—Biodiversity, [505]–[509]

Before approval, the decision-maker should understand:

- whether required credits exist or can realistically be generated;
- whether they satisfy applicable like-for-like or variation rules;
- whether offsets are geographically and ecologically relevant;
- whether threatened-species habitat and TEC values can genuinely be secured;
- the timing gap between impact and conservation gain;
- additionality and permanence;
- management funding and long-term stewardship;
- landholder participation;
- risks of reliance on restoration rather than protection; and
- interaction with credit demand from other regional projects.

A future SODA may be a delivery mechanism. It does not itself demonstrate the availability or ecological adequacy of offsets for this project.

> SUBMISSION

No clearing should occur until the applicable offset obligation has been finally calculated and corresponding offsets are legally secured. A payment-only pathway should not be accepted merely for administrative convenience and should be used only where lawful and ecologically justified.

Ground 13 | Excessive reliance on adaptive management and deferred plans

The EIS defers substantial detail to:

- the Biodiversity Management Plan;
- Sensitive Area Mapping;
- the Vegetation Clearing Procedure;
- species action measures;
- fauna and hollow-management procedures;
- unexpected-find protocols;
- the Connectivity Strategy; and
- monitoring and adaptive-management programs.

(EIS—Biodiversity, [475]–[490].)

Adaptive management is appropriate where:

- baseline conditions are known;
- the relevant impact is reversible;
- outcomes can be detected before unacceptable harm occurs;
- objective thresholds exist;
- corrective measures are proven; and
- sufficient time and authority exist to intervene.

It is not an adequate primary response to clearing of irreplaceable habitat, loss of breeding sites or serious and irreversible impacts.

> SUBMISSION

Essential design and avoidance matters should be resolved before approval. Remaining plans must contain measurable outcomes, hold points, stop-work triggers, independent approval and public reporting.

Ground 14 | Public participation and procedural fairness

The public is presently being asked to comment without:

- final survey data;
- a final project footprint;
- final assessment of new land and ancillary sites;
- a revised BDAR;
- final SAII conclusions;
- a final credit liability;
- a final connectivity design; or
- final key management strategies.

The intended post-exhibition work is capable of changing both the extent and the character of impacts. A reduction in credit numbers would not necessarily make the changes immaterial; newly identified populations, routes or habitat values could materially alter the assessment.

> SUBMISSION

A revised EIS, revised BDAR, updated MNES assessment and associated maps should be re-exhibited for a full statutory consultation period.

Ground 15 | Precautionary principle, intergenerational equity and biodiversity conservation

The assessment combines:

- potentially serious or irreversible harm;
- extensive clearing and fragmentation;
- affected threatened entities;
- incomplete data; and
- uncertain offset feasibility.

In those circumstances, lack of full scientific certainty should not be used to postpone cost-effective measures to prevent environmental degradation. Here, those measures include obtaining better information, redesigning the project and avoiding high-risk locations before authorisation.

Intergenerational equity also requires attention to the permanent loss and fragmentation of habitat, particularly where future ecological restoration cannot reliably reproduce mature forest structure, hollows, cave systems, complex soils or established ecological relationships.

Ground 16 | Data integrity and internal consistency

The revised assessment should independently reconcile:

- project area, survey area, assessment area and disturbance footprint;
- current and previous corridor survey effort;
- accessible and inaccessible land;
- disturbance areas A and B;
- full clearing, partial clearing and operational vegetation management;
- recorded, likely and assumed presence;
- habitat polygons and individual-count estimates;
- TEC diagnostic condition and PCT association;
- ecosystem and species credit calculations;
- impact areas reported in different tables;
- SAII-specific impact areas;
- MNES impact areas;
- new and alternate sites; and
- all changes between exhibited and revised versions.

All spatial data should use a common version date and be supported by a change register explaining every material alteration.

7 | Relief Sought

A. Primary relief — refusal

The submitter requests that approval be **refused in its current form** because:

1. the biodiversity assessment is materially incomplete;
2. the project design and impact footprint remain unsettled;
3. the residual risk to threatened biodiversity, SAII entities and MNES cannot presently be determined with sufficient confidence;
4. avoidance and minimisation have not been demonstrated on a final evidentiary basis; and
5. offset feasibility and key mitigation outcomes remain unresolved.

B. Alternative relief — further assessment before determination

If the project is not refused, the Planning Secretary should exercise the available statutory powers to require:

6. a completed and revised EIS;
7. a revised, final and internally reconciled BDAR;
8. all reasonably practicable seasonal and targeted surveys;
9. field verification of inaccessible land wherever access can reasonably be obtained;
10. assessment of all new land and ancillary sites;
11. a materially refined disturbance footprint;
12. updated SAII assessments under current May 2026 guidance;
13. an updated, entity-specific MNES assessment;
14. a transparent alternatives and avoidance matrix;
15. a regional cumulative-impact assessment;
16. a detailed offset-feasibility and delivery plan;
17. a complete and detailed Environmental Impact Statement of the previous route and how it compares with the current route;
18. independent peer review by experts without prior project involvement;
19. written review by relevant NSW biodiversity and Commonwealth agencies;
20. a Submissions Report and, where applicable, Amendment Report or preferred infrastructure report; and
21. full public re-exhibition of materially revised documents.

C. Further alternative — minimum conditions if approval is contemplated

Approval should not be granted merely because conditions may later be drafted. If approval is nevertheless contemplated, the minimum conditions should be imposed in precise and enforceable terms.

8 | Alternative Minimum Conditions

8.1 Pre-clearing assessment and hold points

- No clearing until a final field-verified BDAR has been accepted in writing by the Planning Secretary following consultation with relevant biodiversity agencies.
- No clearing in an area subject to an incomplete seasonal survey until that survey is completed within an appropriate detection period.
- Establish sector-specific hold points requiring written release by an independent biodiversity auditor.
- Do not permit known data gaps to be managed solely through an unexpected-find protocol.
- Require pre-clearance verification by suitably qualified species experts where SAII entities, MNES, breeding habitat, caves, rocky habitat or TECs may occur.

8.2 Spatial limits and no-go areas

Impose hard spatial clearing caps by:

- PCT;
- vegetation zone and condition;
- NSW and Commonwealth TEC;
- threatened-species habitat;
- full and partial clearing category; and
- project sector.

Attach georeferenced impact and exclusion maps to the approval.

Establish no-go zones for:

- SAII habitat that can reasonably be avoided;
- critical or high-value MNES habitat;
- breeding, roosting and denning sites;
- caves, karst and high-value rocky habitat;
- core riparian corridors; and
- high-density habitat-tree areas.

Prohibit transfer of unused clearing allowances between ecological categories or project sectors without further assessment.

8.3 Design and construction limits

- Set maximum easement, access-track, tower-pad, laydown and ancillary-site widths.
- Require use of existing disturbed corridors wherever reasonably practicable.
- Require documented consideration of spanning, narrower clearing and low-impact construction methods.
- Prohibit material footprint changes without further environmental assessment and public consultation.
- Require infrastructure to be micro-sited away from TECs, threatened-species habitat, hollow-bearing trees, rocky habitat and riparian areas.

8.4 Fauna and habitat protection

- Apply hollow-bearing-tree retention targets and staged-clearing requirements.
- Restrict clearing during relevant breeding, nesting and roosting periods.
- Require fauna spotter-catchers with stop-work authority.
- Require species-specific protocols for gliders, koalas, owls, microbats, frogs, turtles, reptiles and rocky-habitat fauna.
- Require salvage and reinstatement of logs, rocks, hollows and other habitat resources where ecologically appropriate.
- Exclude blasting and high-vibration work near karst, caves and sensitive breeding habitat unless an independently reviewed assessment demonstrates acceptability.

8.5 Connectivity

- Approve the Connectivity Strategy before clearing that may sever a corridor.
- Specify minimum retained-corridor widths, vegetation structure and canopy-gap limits.
- Require connectivity measures to be operational before adjoining habitat is cleared.
- Require independent performance monitoring based on species use, not merely completion of structures.
- Establish corrective-action and additional-offset triggers if connectivity targets are not achieved.

8.6 Indirect and operational impacts

- Apply enforceable controls for weeds, pathogens, washdown, fire, erosion, sediment, dust, noise, lighting and chemicals.
- Establish low vehicle-speed zones and restrictions on dawn, dusk and night travel through sensitive habitat.
- Require fauna-collision risk mapping and bird-diverter installation in high-risk locations.
- Regulate ongoing vegetation management, including hazard-tree removal and herbicide use.
- Require approval for removal of any additional hollow-bearing tree during operation.
- Impose incident notification and ecological-response requirements.

8.7 Offsets

- Require the final credit liability to be calculated from the approved, field-verified footprint.
- Secure legally enforceable offsets before the corresponding impact occurs.
- Require like-for-like and ecological-equivalence outcomes except where a departure is expressly lawful and scientifically justified.
- Demonstrate additionality, permanence, management funding and geographic relevance.
- Prohibit reliance on a future SODA alone as evidence that the obligation has been discharged.
- Prohibit a payment-only pathway unless lawful, transparently justified and demonstrated to achieve an ecologically appropriate outcome.
- Publish the offset register, retirement evidence, stewardship agreements and implementation status.
- Publish the offset register for the prior route for public scrutiny and comparison.

8.8 Independent oversight and transparency

- Appoint an independent biodiversity auditor and independent project ecologist approved by the Planning Secretary.
- Give those officers authority to stop work.
- Require annual independent audits and public reporting.
- Publish clearing registers, incident reports, monitoring data, corrective actions and offset progress.

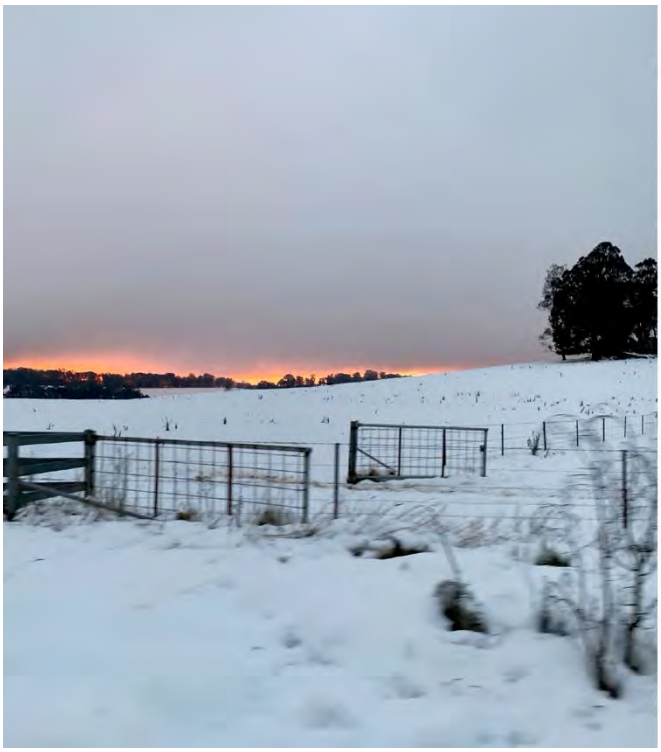
- Notify agencies and affected stakeholders promptly of exceedances and material discoveries.
- Establish a transparent complaints and compliance mechanism.

8.9 Adaptive management and enforcement

- State objective, numerical performance criteria.
- Set early-warning, corrective-action and stop-work thresholds.
- Prescribe timeframes for investigation and remediation.
- Require approval of material adaptive responses by the Planning Secretary.
- Prevent adaptive management from authorising impacts above approved clearing limits.
- Require additional avoidance, rehabilitation or offsets where performance criteria are not met.
- Impose rehabilitation security sufficient to fund corrective work and long-term monitoring.

8.10 Cumulative impacts and Commonwealth consistency

- Require regional cumulative-impact monitoring in cooperation with other REZ and transmission proponents.
- Monitor combined effects on key TECs, populations, corridors and offset markets.
- Review conditions where regional thresholds are approached or exceeded.
- Ensure NSW conditions are consistent with, and do not undermine, Commonwealth MNES conditions.
- Require compliance reporting capable of being used by both NSW and Commonwealth regulators.





9 | Information Required Before Determination

Required information	Minimum content	Status disclosed by EIS
Final project description	Fixed or tightly bounded infrastructure and impact envelope	Further refinement and micro-siting proposed
Survey coverage register	Property, date, method, season, effort, limitations and results	Approximately 54% of project area surveyed
Outstanding survey program	Species, locations, seasonal windows and completion dates	Further targeted and access-dependent surveys proposed
Final vegetation mapping	Field-verified PCT, condition, TEC status and polygon metadata	Inaccessible-area mapping not field verified
Final threatened-species mapping	Recorded populations, assumed habitat, breeding resources and confidence	Numerous assumed presences
SAII assessment	Entity-specific application of every relevant cl 6.7 principle and May 2026 guidance	Further survey may change number and extent
MNES assessment	Separate species/community impact statements and significant-impact analysis	Based partly on incomplete field data
Alternatives assessment	Route, site, width, technology and construction alternatives matrix	Broad avoidance narrative provided
Prior Route EIS	Prior proposed route EIS should be completed and fully evaluated against the new proposed route.	Undisclosed
Final clearing schedule	Caps by PCT, TEC, species habitat, sector and clearing category	Footprint to be revised
Connectivity design	Mapped corridors, specifications, target species and performance criteria	Strategy deferred
Indirect-impact analysis	Impact zones, pathways, durations, thresholds and residual risk	Substantial reliance on management measures
Cumulative-impact analysis	Transparent project list, combined clearing and regional thresholds	Cross-reference to other sections/appendices
Offset feasibility plan	Credit availability, matching, timing, security and contingency	Future SODA proposed
Final management plans	Objective criteria, hold points, stop-work triggers and reporting	Multiple plans deferred
Independent peer review	Review of methodology, mapping, SAII, MNES, cumulative impacts and credits	Not demonstrated in the material reviewed
Reconciliation report	Version-controlled comparison of exhibited and revised data	Required after revision
Public re-exhibition package	Revised EIS, BDAR, maps, MNES and peer-review reports	Not yet available

Conclusion

The EIS identifies potentially extensive impacts on native vegetation, threatened ecological communities, threatened species, habitat connectivity and MNES. At the same time, it confirms that material survey, design, impact-assessment and mitigation work remains unfinished.

The scale of the proposed impact does not permit essential questions to be left to assumptions, post-exhibition revision or post-approval management. Conservative credit calculations are not a substitute for knowing what is present, understanding its ecological importance, identifying avoidance opportunities and determining whether proposed impacts may be serious, irreversible or significant.

For those reasons, the submitter requests:

1	**Refusal of the project in its current form.**
2	**Alternatively, suspension of determination pending complete surveys, redesign, a revised EIS and BDAR, updated SAII and MNES assessments, independent peer review and public re-exhibition.**
3	**Full EIS comparison - proposed Walcha to Bayswater Transmission Line to past proposed route and the existing New England Highway transmission corridor, including:** • biodiversity credits • comparison on the impacts to biodiversity.
4	**If approval is ultimately contemplated, the stringent outcome-based conditions and hold points specified above.**

The submitter respectfully requests that this objection be considered in the Department's assessment report and by the relevant NSW decision-maker.

The submitter **reserves the right to supplement this objection** when the revised BDAR, further survey results, Submissions Report, Amendment Report, preferred infrastructure report, agency advice or additional MNES material becomes publicly available.

WALCHA HIGH COUNTRY GUARDIANS

Rouchel Brook ACTION GROUP

PROTECT THE VALLEY
UPPER HUNTER
RESPONSIBLE INFRASTRUCTURE GROUP

Voice for Walcha