

26 May 2026



EnergyAustralia

Rita Hatem

Principal Planning Officer

Energy Assessments

NSW Department of Planning, Housing and Infrastructure

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Dear Rita,

Re: SSD-50903958 – Application to align offset credit requirements in the Consent with the Biodiversity Assessment Report

Background

We refer to Development Consent (SSD-50903958) which was issued by Chris Ritchie (as delegate for the Minister for Planning and Public Spaces) on 15 November 2024 to EnergyAustralia NSW Pty Ltd (**EnergyAustralia** or the **Applicant**) to allow development of the Mt Piper battery energy storage system (the **Consent**). The Consent is in relation to a grid-scale battery energy storage system (BESS) with a capacity of up to 500 Megawatts (MW) (the **Project**). The Project is located adjacent to the EnergyAustralia owned Mt Piper Power Station within the City of Lithgow local government area.

The purpose of this letter is to expand upon our request dated 13 May 2026 issued to the NSW Department of Planning, Housing and Infrastructure (the **Department**) via the NSW Planning Portal to modify the Consent to correct a minor administrative error pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

We note that in preparing this letter, consideration has been given to the document issued by the Department titled '*State Significant Development Guidelines – Preparing a Modification Report*' dated March 2026.

Proposed Modification Details

Schedule 2, Part B, Condition B8 of the Consent states that: "*Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below, unless the Planning Secretary agrees otherwise.*"

The Consent erroneously states in Table 1 – *Ecosystem Credit Requirements* that the credits required for PCT 3747 under grid connection Option 1 is 156 (**Figure 1**). The Project biodiversity assessment report (**BDAR**) calculates this

number as 158 (**Figure 2**). This error in the Consent is the result of only including the credits required for the BESS disturbance area (value of 156) and failing to add the credits required for grid connection Option 1 disturbance area (value of 2) as described in the BDAR. Grid connection option 1 is our preferred option, and prior to offset retirement the Consent is required to align with the BDAR so that the credits are accurately retired.

Table 1 | Ecosystem Credit Requirements

		<i>Option 1</i>	<i>Option 2</i>
<i>Vegetation Community</i>	<i>PCT ID</i>	<i>Credits Required</i>	<i>Credits Required</i>
Southern Tableland Western Hills Scribbly Gum Forest	3747	156	178

Figure 1 – Table 1 of the Consent detailing ecosystem credit requirements. The credits required for grid connection option 1 for PCT 3747 is highlighted in yellow. This number is the error.

Table 8.3: Summary of credit requirements for the BESS and grid connection options – staged retirement

<i>PCT / candidate species</i>	<i>Credit Calculation Stage</i>					
	<i>1 (grid connection Option 1)</i>	<i>2 (grid connection Option 2)</i>	<i>3 (grid connection Option 3)</i>	<i>4 (grid connection Option 4)</i>	<i>5 (grid connection Option 5)</i>	<i>6 (BESS)</i>
PCT 3367	0	0	0	8	8	0
PCT 3747	2	22	7	35	43	156
<i>Chalinolobus dwyeri</i>	3	37	11	72	87	265
<i>Myotis macropus</i>	0	0	0	0	0	178
<i>Vespadelus troughtoni</i>	0	0	0	0	0	265
<i>Eucalyptus aggregata</i>	0	0	0	4	4	12

Figure 2 – Table 8.3 of the Project BDAR. The credit requirements for PCT 3747 for the both the BESS and the grid connection Option 1 are highlighted in yellow. Only the credits required for the BESS were shown in the Consent and the grid connection option 1 credits (value of 2) were not added to the BESS value of 156.

Request

EnergyAustralia requests a modification pursuant to section 4.55(1) of the EP&A Act to change to Table 1 of The Consent so that the credit requirements for PCT ID 3747 under Option 1 are 158 not 156, as per the below:

		<i>Option 1</i>	<i>Option 2</i>
<i>Vegetation Community</i>	<i>PCT ID</i>	<i>Credits Required</i>	<i>Credits Required</i>
Southern Tableland Western Hills Scribbly Gum Forest	3747	158	178

If you have and queries regarding this matter or require any additional information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Setter', with a stylized flourish at the end.

Robert Setter

Environmental Licensing & Approvals Specialist

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