

Bilateral Assessment Requirements

Application Number	SSI-76014961
EPBC Number	2025/10097
Project	Muswellbrook Pumped Hydro Energy Storage
Location	4 km northeast of Muswellbrook within the Muswellbrook local government area
Proponent	Muswellbrook Pumped Hydro Pty Ltd
Date of Issue	5 December 2025
Desired Performance Outcome	Requirement
1. Environmental Impact Assessment Process	<p>1. On 28 October 2025, a delegate of the Minister for the Environment, determined that the Muswellbrook Pumped Hydro Energy Storage project (the proposed action) is a controlled action under section 75 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). The EPBC Act controlling provisions for the proposed action are:</p> <p><i>a. Listed threatened species and communities (sections 18 and 18A)</i></p> <p>2. The delegate confirmed that the proposed action will be assessed under the accredited bilateral agreement with New South Wales (<i>Amending Agreement No. 1</i>), and as such, is required to be assessed in the manner specified in Schedule 1 to that Agreement, including, addressing the matters outlined in Schedule 4 of the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (EPBC Regulations).</p> <p>3. The designated proponent must undertake an assessment of all protected matters that may be impacted by the proposed action under the controlling provisions identified in paragraph 1. The Australian Government Department of Climate Change, Energy, the Environment and Water (AG DCCEEW) considers that the proposed action is likely to have a significant impact on the protected matters listed in Appendix A.</p> <p>4. The Applicant must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the proponent to undertake an analysis of the relevant impacts and ensure all protected matters that are likely to be impacted are assessed for the Commonwealth Minister’s consideration.</p>
2. References	<p>Guidelines for Biodiversity matters of National Environmental Significance Guidelines for Heritage Matters of National Environmental Significance</p>

APPENDIX A - Significant impact on EBPC Act protected matters

The Department of Climate Change, Energy, the Environment and Water considers that the proposed action is likely to have a significant impact on the protected matters listed in **Table 1**.

Table 1 | Protected matters likely to be significantly impacted

MNES	Threatened category
Threatened ecological community	
Central Hunter Valley eucalypt forest and woodland	Critically Endangered
Mammalia	
Large eared pied bat (<i>Chalinobus dwyeri</i>)	Endangered

The Department of Climate Change, Energy, the Environment and Water considers that the protected matters listed in **Table 2** are at risk of being impacted by the proposed action.

Table 2 | Protected matters at risk of impact

MNES	Threatened category
Mammalia	
Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>)	Vulnerable
Koala (<i>Phascolarctos cinereus</i>)	Endangered
Spotted-tailed Quoll (<i>Dasyurus maculatus maculatus</i>)	Endangered
Reptile	
Hunter Valley Delma (<i>Delma vescolineata</i>)	Endangered
Aves	
Regent Honeyeater (<i>Anthochaera phrygia</i>)	Critically Endangered
Brown Treecreeper (south-eastern) (<i>Climacteris picumnus victoriae</i>)	Vulnerable