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23 September 2025

Department of Planning, Housing and Infrastructure

Dear Sir/Madam

Hunter Transmission Project EIS Submission - SSI 70610456

I refer to the public exhibition of the Hunter Transmission Project EIS and wish to make a submission objecting to the proposal.

My submission relates to the following matters:

1. Extent and significance of **biodiversity impacts** - All relevant biodiversity impacts have not been considered, only threatened species being assessed. Adequate measures to avoid impacts on biodiversity values have not been implemented.
2. Lack of evidence that **route selection and project alternatives** have been appropriately considered, with no feasibility and cost benefit analysis of nature impacts.
3. **Carbon emissions and climate change** - the project will substantially contribute to additional atmospheric carbon emissions and is not net carbon neutral.
4. **Integrity of biodiversity offset arrangements** - the project will cause a decline in biodiversity values that are unable to be adequately compensated for.
5. Arrangements for **offset delivery** are unknown, risky and unsatisfactory.
6. **Cumulative impacts consideration** is insufficient and does not reflect important consequential changes resulting from the proposal.
7. **Project approval and governance** considerations - there are concerns relating to administrative conflicts of interest between EnergyCo and DCCEEW, biodiversity impact avoidance is secondary to private land avoidance and open to legal challenge, deferring critical approval considerations to a separate plan and agency (SODA and CIS) is contrary to established legal principles.
8. The project is not **ecologically sustainable development (ESD)** - the project does not conserve biodiversity and has applied the precautionary principle inappropriately.

Environmental assessment of the proposal must have regard to the extent to which broad policy objectives for NSW are achieved (including avoiding biodiversity impacts, achieving 'nature positive' outcomes, achieving net zero carbon emissions, increasing the koala population, and impacting on the achievement of state conservation land targets).

Biodiversity impacts

There is no case for clearing and significantly fragmenting important areas of native vegetation in largely intact natural areas of conservation significance at a time when there is global agreement, and national and NSW targets for 'nature positive' development. The HTP project contributes to the fragmentation of intact natural areas and a continuing loss of biodiversity values. Many significant impacts could have been avoided by choosing an alternative route.

The EIS understates biodiversity impacts, and fails to consider direct and indirect consequences of the project on the long term functionality of natural ecosystems and the ability to manage these areas for conservation. Many of the undisturbed areas of state forest traversed by the proposed project have biodiversity values equivalent to National Parks and Wildlife Service managed reserves that are listed of World Heritage value, such as Yengo National Park.

The assessment is based solely on applying the Biodiversity Assessment Method (BAM), the main purpose of which is simply to calculate species and ecosystem offset credit requirements for the Biodiversity Offset Scheme. This method:

1. Focuses only on the presence of NSW listed threatened species. Impacts on other species are not evaluated or subject to biodiversity offsets.
2. Ignores population viability or threshold requirements for the persistence of species, such as minimum habitat areas required.
3. Is based on a 'no net biodiversity loss' standard that is lower than current NSW and Commonwealth policy standards to achieve 'nature positive' development outcomes.
4. Places no value on the fragmentation of intact natural areas such as many areas traversed by the Hunter Transmission Project.
5. Does not consider species interactions, including the consequences of loss of pollinating insects, hydrological impacts of soil erosion and nutrients in waterways, or habitat connectivity barriers resulting from construction of linear infrastructure especially tracks.
6. Does not take into account climate change impacts and predicted risks to impacted populations.
7. Lacks any ability to consider risks that disturbance associated with the project will favour introduction and spread of weeds and feral animal species that threaten the persistence of biodiversity values.

While the project has minimised biodiversity impacts, it has failed to avoid biodiversity impacts adequately as required by the applicable legislation. Nowhere in the project EIS does it specify exactly the biodiversity impacts that have been avoided. Section 5.2 of the Department of Planning, Housing and Infrastructure Transmission Guideline 2024 states "*We expect proponents to demonstrate that they have applied the principles of avoidance, minimisation and mitigation in selecting route options. Unavoidable impacts can be offset by purchasing and/or retiring biodiversity credits or paying the Biodiversity Conservation Fund under the Biodiversity Offset Scheme*."

The biodiversity assessment using the BAM has considered only listed threatened species. These constitute a tiny fraction of total species and biodiversity impacted by the proposal. For example, the following matters of significance are not considered:

- Potential impacts of ridge and hilltop clearing and infrastructure on insect hilltopping. This is congregating behaviour of some insects (especially butterflies) on the summits of hills to facilitate breeding, making such locations of special conservation significance. Loss of hilltopping sites is listed as a key threatening process under the *Biodiversity Conservation Act 2016* and should be further investigated prior to project approval.
- Loss or fragmentation of habitat for common species that are required to maintain functional ecosystems, including bird or insect pollinators, or fungal associations required to retain species.
- The extent of hollow bearing tree loss resulting from clearing associated with the project. Documenting and quantifying the location and extent of hollow bearing trees should be a requirement to demonstrate that biodiversity impacts have been avoided.
- Species specific impacts, resources and habitat requirements need to be considered. For example, are there important populations of key species affected by the development (such as genetically unique, high population density or disjunct populations, etc?).

Impacts of linear infrastructure on habitat connectivity are a significant concern for the conservation of many species and affect the functioning of natural areas. While the Biodiversity Assessment Report Appendix J (Technical Report 1 Part 5) reviews habitat connectivity, the generic consideration of this issue is not site specific, nor does it consider opportunities to avoid loss of habitat connectivity, only considering mitigation measures. This omission provides evidence of failure to apply the legislated avoid, minimise and offset hierarchy.

Species specific impacts have not been adequately considered. These impacts have not been fully identified or understood which is a requirement to both avoid and manage expected impacts. For example, Table 8.13 identifies a total of 47 EPBC Act listed species likely to be significantly affected by the project. Assumptions in the BAM mean that for each of these species there is no understanding of local populations and their characteristics and viability, all of which is essential to effectively understand and manage impacts. Specific examples of concern are:

1. Greater Gliders - the Draft National Recovery Plan for Greater Gliders (DCCEEW 2025) notes the need to review loss of habitat trees and hollows and to "maintain habitat quality, minimise disturbance, and protect critical resources for this species. "*Activities must prioritise the preservation of hollow-bearing trees*" and "*retaining hollow-bearing trees within contiguous landscapes is essentia*l". This does not appear to have been done.
2. Koalas - Koala populations, habitat trees, movement patterns, and population viability within the area of impact are unknown. The NSW Koala Strategy commits the NSW Government to doubling the population of Koalas, while at the same time the HTP proposal intends to remove and reduce habitat for this species. Further analysis of the project impacts on 284.4 ha of habitat for this species should be provided, rather than simply relying on assumed provision of 10,260 species credits to compensate for this loss.
3. Littlejohns Tree Frog - which is highly restricted in distribution.
4. Rare orchids including *Genoplesium insigne* which are difficult to survey for, have small and highly restricted populations, and are known from the existing transmission lines easements to be upgraded as part of the project.

Mitigation measures included in EIS Appendix E (Table E.1) should include additional measures for biodiversity impacts including (1) timing of clearing to avoid breeding/flowering times for key species, (2) implementing biosecurity measures to avoid disturbance and the spread of weeds, pathogens and feral animals, and (3) additional pre-construction surveys for key species of concern.

The biodiversity impacts of the proposal have not been adequately identified, and the project should not be approved without being able to demonstrate that the proposed route is the lowest biodiversity impact alignment that is possible, and that suitable offsets are available to compensate for the expected losses.

RECOMMENDATION

1. Further route investigation and options should be considered to confirm that the final route has avoided biodiversity values and has the lowest biodiversity impacts.
2. A species by species assessment of populations impacted by the proposal and their viability should be undertaken, not simply a credit assessment calculation.
3. Field surveys in addition to the Biodiversity Assessment Method requirements need to be undertaken for some species and ecological processes. For example, potential insect hilltopping sites are highly ecologically significant and may be impacted by the project. Expert surveys need to be undertaken to determine any potential impacts and avoidance measures required for hilltopping insects that provide essential ecosystem functions.

4. Project offsetting should be based on a 'nature positive' standard, and the quantum of offsets required should reflect this. This reflects current NSW Government policy as outlined in the NSW Plan for Nature 2024.
5. The extent of biodiversity offset credits for the project in the EIS substantially undervalues the true biodiversity impact as the Biodiversity Assessment Method applies offsets at a 'no net loss' standard for threatened species only, and does not consider any other species. Therefore, the biodiversity credit liability should be higher than the amount calculated by the BAM.

Route selection & project alternatives

It is doubtful that the best route option has been chosen for the preferred corridor, in the apparent absence of a cost benefit or feasibility assessment.

The preferred alignment of additional transmission lines is along existing transmission line easements, not through significant undisturbed areas of native vegetation with high biodiversity value, significant visual impact, and extremely high bush fire and environmental risk. This is also a key requirement in documenting the extent of avoidance of impacts to biodiversity values.

Economic evaluation that considers the value of loss of biodiversity, climate change impacts, and climate change resilience and risks should have formed part of the EIS.

RECOMMENDATION

- Cost benefit analysis of project options that considers the value of nature and climate change costs is required to demonstrate that avoidance of biodiversity impacts has been genuinely considered.

Carbon emissions & climate change

The project will substantially contribute to additional atmospheric carbon emissions and is not net carbon neutral.

Since the main purpose of the Hunter Transmission Project is to facilitate the provision of a carbon neutral energy source, it is important to ensure that the project construction and operation will be carbon neutral. Nowhere does this appear to have been a consideration in route selection, design or in the environmental assessment.

Total greenhouse gas emissions (EIS Section 22.2.3) from the project are estimated to be 1,610,555 t CO_2-e during construction and 94,900 t CO_2-e over 100 years of operation. Around 20% of total emissions are attributable to native vegetation clearing. These amounts are <u>not</u> negligible as suggested in the EIS. It is also highly likely that the estimated operational emissions substantially underestimate emissions and costs of managing transmission line easements, access roads, and vegetation. They also fail to consider future costs from decommissioning the infrastructure which should be in included in a full life cycle assessment.

Carbon emissions are a relevant consideration in determining the proposal and appropriate conditions. Climate impacts on the local environment attributable to the project contribution to greenhouse gas emissions have not been considered, nor has the opportunity to achieve zero carbon emissions. This should have been an essential requirement for the project.

RECOMMENDATION

- With the project substantially contributing additional atmospheric carbon emissions, approval should be conditional upon the provision of carbon offsets to make it a net carbon positive development.
- Carbon emissions from the project should be offset by protecting and rehabilitating high biodiversity value land using the proposed Strategic Offset Delivery Agreement.

Integrity of biodiversity offset arrangements

No detail has been provided that can demonstrate with certainty that biodiversity offsets can be achieved in practice.

It is stated in the EIS that "*EnergyCo intends to enter into a SODA for the HTP with the Secretary of the NSW DCCEEW. Under this agreement, responsibility for delivering biodiversity offsets will be transferred to DCCEEW with commensurate funding*."

Section 8.6 states *"Biodiversity offsets secured under the SODA will constitute either the retirement of like-for-like credits or conservation actions that are targeted at impacted entities. The Department will engage with credit owners, landholders and other potential partners in offset delivery through a range of programs including Credit Supply Fund auction processes, sponsored biodiversity stewardship agreements under the Stewardship Support Program, acquisition of new public land to create credits and tailored Savings our Species projects*."

Without the Strategic Offset Delivery Agreement (SODA) being publicly available and exhibited concurrently with the EIS, it is impossible to know whether, how or if offsets will be provided, and whether this can occur within a reasonable time. There are substantial risks to delivering offsets that can compensate for the proposed loss of biodiversity values. This is important for determining project feasibility as well as for the determination of its environmental impact. The proposed arrangement simply transfers liability for biodiversity offsets from one government entity to another, and actually absolves the project proponent from responsibility for its environmental impacts. Retiring offset credits also represents a different biodiversity outcome from that stated in Section 2.3.4 which states that "*To enhance conservation values in the Hunter Region, EnergyCo is committed to a strategic approach to the delivery of biodiversity offsets developed for HTP in collaboration with the NSW Conservation Programs, Heritage and Regulation (CPHR)*."

There has been a suggestion in EIS consultation discussion with EnergyCo representatives that the final biodiversity offset requirement and therefore funding for the CIS will vary based on both (1) further revisions of the Biodiversity Development Assessment Report and (2) a foreshadowed program of monitoring of actual construction impacts. However, this is not mentioned in the EIS, and would mean that there is no certainty of decision-making or outcome. It could also mean that the biodiversity offset credit liability changes over time with little certainty or transparency of outcome.

The EIS and biodiversity offset strategy (see Chapter 8 (Biodiversity) and Technical Report 1 - Biodiversity development assessment report) provides inadequate basis for project approval.

It is of concern that the Australian Government has endorsed the NSW Biodiversity Offsets Scheme which includes the BAM biodiversity credit system and offset rules as set out in the Biodiversity Conservation Regulation 2017 (NSW), enabling the project to meet its offset obligations through the one scheme. However, there can be no certainty that suitable offset credits can be provided, given the lack of detail in the CIS and without a clear delivery program that identifies state, regional and local conservation land targets and minimum species population benchmarks.

RECOMMENDATION

- The proposed arrangements for biodiversity offsets incorporate inherent conflicts of interest, provide uncertain outcomes, and are likely unachievable. They therefore, do not provide an adequate basis on which the project can be reasonably approved and meet relevant legal principles.
- The SODA must apply a 'nature positive' biodiversity offset standard to the project, should be publicly exhibited with the EIS, and form part of the project approval.
- The use of 'equivalent conservation actions' instead of biodiversity offsets and retirement of credits that protect natural areas and rehabilitate land is not acceptable and should be in addition to meeting a credit requirement.
- Ideally, biodiversity offsets for the project should be secured in advance of the development proceeding.

Consideration of cumulative impacts

The methodology for cumulative impact assessment underrepresents the significance of total cumulative impacts and potential interrelationships. It is based solely around development projects and does not consider cumulative impacts more broadly.

Issues such as biodiversity loss, carbon emissions, and regional landscape scale change and fragmentation are hardly considered, even though these are probably the most significant and irreversible consequences of the project. Similarly, the time period for cumulative impacts is not considered, especially over the long term and expected life of the project. EIS Table 23.6 is completely inadequate for considering cumulative impacts, referring to only four threatened ecological communities and 9 species and three development projects, when cumulative loss of biodiversity entities at landscape and bioregional scales is highly significance. Statements made on page 1007 that "*Impacts to habitat connectivity are expected to only occur in the short term where affected flora and fauna would disperse from the project impact area after having adjusted to the new transmission corridor*" and "*Habitat connectivity for bird and bat species given they are migratory in nature, were assessed to be largely unaffected as a result of the project*" are overly simplistic and unlikely to reflect reality.

Reference should have been made to assessments made in the NSW Biodiversity Outlook Report Card (NSW DCCEEW 2025) which estimates that within the bioregion in which much of the project is situated, around 75% of the original plant (habitat) diversity persists yet remaining natural ecosystems retain only about 35% of original carrying capacity.

Importantly, the project is contributing to cumulative native vegetation clearing and greenhouse gas emissions to the atmosphere, which together are leading to cascading biodiversity loss that is irreversible.

RECOMMENDATION

- The EIS is an inadequate basis for assessing cumulative impacts of the project. The risk that such impacts will occur is downplayed, and should be recognised in project conditions relating to key impacts.

Project approval considerations

Avoidance of private properties has taken precedence over avoidance of impacts on biodiversity values. This is contrary to legislative requirements of the *Biodiversity Conservation Act 2016* and the object of the *Environmental Planning and Assessment Act 1979* to "*to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats*."

Deferring consideration and administration of biodiversity offset requirements for the project to a separate agreement between the project proponent and the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) is concerning. This is a critical consideration in assessment of the environmental impacts and in the determination of the proposal. The legal principle that crucial aspects of project assessment and determination are unable to be deferred to a later plan, strategy, or a subsequent decision by another agency suggest that the lack of certainty in relation to biodiversity offset arrangements represents reasons for refusal of the application.

The clear administrative conflict of interest between DECCW in its role overseeing the BC Act and application of the BAM requirements and as an authority preparing and delivering the SODA and CIS is concerning and raises doubts as to the extent to which the intent in the EIS "*to enhance conservation values in the Hunter Region*" (Section 2.3.4) will be achieved.

RECOMMENDATION

- With uncertainty that sufficient biodiversity offset credits will be able to be secured to offset the proposed development within a reasonable time, approval and administrative arrangements must be put in place to ensure reasonable certainty that regional conservation values are enhanced in practice.

Ecologically sustainable development (ESD)

Consideration of the principles of ecologically sustainable development and how they have been considered in the design and environmental impact assessment of the HTP is provided in Table 25.2. This consideration is both superficial and tokenistic. Simply stating that measures have taken to avoid, minimise and offset biodiversity impacts does not mean that biodiversity has been conserved, and that the precautionary principle has been applied appropriately.

Evidence available suggests that the project will contribute to continuing biodiversity and ecosystem decline, and that there are many biodiversity risks from the project that have not been identified, let alone compensated for in a way that enhances conservation values in the Hunter Region.

Securing necessary biodiversity offsets and conservation measures in advance of the development proceeding, and maintaining the existing populations of native species would be the only way to indicate that ecologically sustainable development has been achieved in practice.

RECOMMENDATION

- Demonstrating that the ecologically sustainable development will be achieved requires securing appropriate biodiversity offsets and/or additional conservation reserves to compensate for impacts in advance of project approval.

Thanks for your consideration of this submission.

Yours sincerely

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