

Department of Planning, Housing and Infrastructure

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# Project EnergyConnect (NSW – Eastern Section) Modification 1

State Significant Infrastructure Modification Assessment Report (SSI-9172452-Mod-1)

August 2024





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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(SSI-9172452-Mod-1) Assessment Report

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# Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	The proposal.....	1
1.2	Approval History .....	1
<b>2</b>	<b>Proposed modification.....</b>	<b>2</b>
<b>3</b>	<b>Statutory context.....</b>	<b>3</b>
3.1	Scope of modification and assessment pathway.....	3
3.2	Mandatory matters for consideration .....	3
<b>4</b>	<b>Engagement.....</b>	<b>4</b>
4.1	Department’s engagement.....	4
<b>5</b>	<b>Assessment.....</b>	<b>5</b>
<b>6</b>	<b>Evaluation.....</b>	<b>5</b>
<b>7</b>	<b>Recommendation.....</b>	<b>7</b>
<b>8</b>	<b>Determination.....</b>	<b>7</b>
	<b>Appendices.....</b>	<b>8</b>
	Appendix A – List of referenced documents .....	8
	Appendix B – Notice of modification .....	8
	Appendix C – Consolidated consent.....	8

# 1 Introduction

## 1.1 The proposal

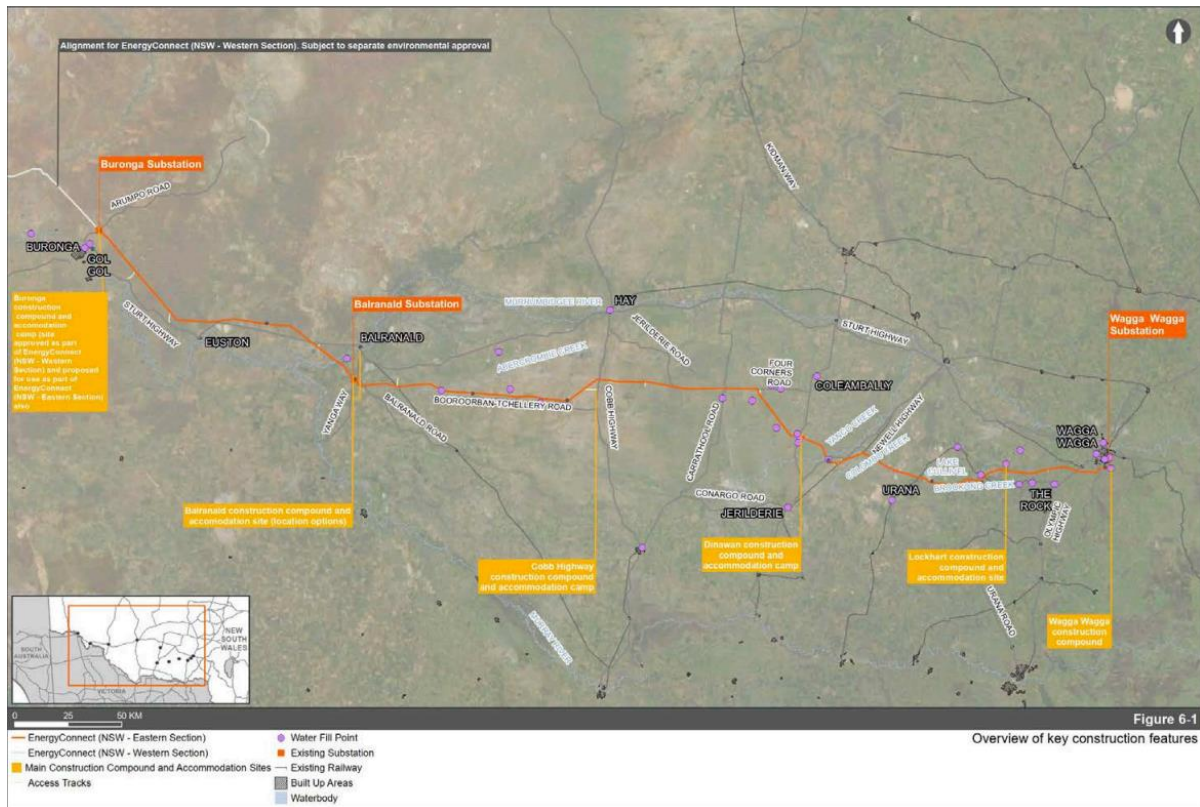
Project EnergyConnect is an approved 900 kilometre (km) electricity interconnector between Wagga Wagga in NSW and Robertstown in South Australia (SA), with a spur line to Victoria (VIC) (see Figure 1). The composite project is jointly managed by Transgrid (the proponent) and ElectraNet (the electricity transmission operators in NSW and SA respectively) and will provide the first direct connection between the NSW and SA networks. The NSW section (692 km) comprises eastern and western components.

The eastern portion, Project EnergyConnect (East), is a 537 km transmission line between the existing Buronga and Wagga Wagga substations, including a new substation near Dinawan, 170 km west of Wagga Wagga.

## 1.2 Approval History

On 2 September 2022, the then, Minister for Planning approved the critical State significant infrastructure (CSSI) application to develop the Project EnergyConnect (NSW - Eastern Section), subject to conditions. The conditions of approval require the proponent to prepare a biodiversity offset package (BOP) including, among other things, confirmation that the biodiversity offset measures have been implemented and delivered no later than 1 September 2024.

On 31 October 2022, the Planning Secretary approved the project's BOP under Condition C24. The offset measures in the approved BOP included two Biodiversity Stewardship Agreement (BSA) sites and a payment into the Biodiversity Conservation Fund (BCF) to cover the residual credit liability.



**Figure 1 |** Regional context and project layout map

## 2 Proposed modification

The modification application seeks approval to extend the timeframe for implementing and delivering the required biodiversity offset measures by 12 months (i.e. until 1 September 2025). The proponent has highlighted administrative delays in finalising their originally proposed BSAs, along with investigations into additional potential BSAs (in order to reduce any residual credit liability and potential payments into the biodiversity credit fund), as the principal reasons for requiring an extension to the delivery timeframe.

The proposed modification is described in further detail in the Modification Report (see **Appendix A**).



# 3 Statutory context

## 3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in Table 1 below.

**Table 1 |** Permissibility and assessment pathway

Consideration	Description
<b>Scope of modification</b>	<p>In accordance with s5.25 of the EP&amp;A Act, a proponent may request the Minister to modify the approval for State significant infrastructure.</p> <p>The Department has reviewed the scope of the modification and considers that it can be characterised as a minor modification involving administrative amendments to the project's consent.</p> <p>The Department is satisfied the proposed modification is within the scope of section 5.25 of the EP&amp;A Act.</p>
<b>Consent Authority</b>	<p><b>Minister for Planning and Public Spaces</b></p> <p>The Minister will be the approval authority under section 5.25(4) of the EP&amp;A Act unless the Minister has delegated his determination functions to the Department.</p>
<b>Decision-maker</b>	<p><b>Delegate Position</b></p> <p>The Director, Energy Assessments, may determine the application in accordance with the Minister's delegations dated 9 March 2022, as there were no public objections, the Applicant has not disclosed any reportable political donations and the relevant Councils: Balranald Shire Council, Edward River Council, Federation Council, Lockhart Shire Council, Murray River Council, Murrumbidgee Council, Wagga Wagga City Council and Hay and Wentworth Shires (Councils) did not object.</p>

## 3.2 Mandatory matters for consideration

### 3.2.1 Objects of the EP&A Act

In determining whether to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act including the principles of ecologically sustainable development (ESD).

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

### 3.2.2 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all CSSI modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

Given the modification involves only administrative changes to the conditions, the Department is satisfied that the modification would not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

## 4 Engagement

### 4.1 Department's engagement

Due to the minor nature of the proposed modification, the application was not publicly exhibited. However, the Department made the application publicly available on the Major Projects website and notified and invited comments from relevant government agencies. No public submissions were received.

#### 4.1.1 Summary of advice received from government agencies

The Department received advice from the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Biodiversity, Conservation and Science Division (BCS), the Biodiversity Conservation Trust (BCT) and Nature Offset Markets team on the modification application.

These three agencies provided joint advice on the modification which included broad support for the proposed extension in time, noting that additional time would allow for better biodiversity outcomes to be achieved through the BOP. In supporting the extension, BCS also requested that the BOP be amended to update the biodiversity offset delivery methodology and the BCT requested to be a consultee on the BOP.

This advice recognised that updates to the BOP are outside the scope of this modification.

## 5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application;
- the Environmental Assessment and conditions of approval for the original application; and
- the requirements of the EP&A Act and Regulation.

The modification application proposes to extend the timeframe to implement the offset measures by 12 months. Importantly, no further impacts to biodiversity would be enabled through this modification.

The Department notes that the identified biodiversity stewardship sites provide a substantial portion of the required ecosystem (96%) and species credits (51%) on a like for like basis and that the proponent identified a clear strategy for meeting the full offset liability through securing and retiring appropriate ecosystem and species credits.

The proponent has identified that the requested extension would also facilitate the preparation of a revised BOP, as requested by BCS and BCT.

The Department considers the modification would allow for better biodiversity outcomes to be achieved through the BOP, while accounting for the unexpected administrative delays in finalising the BSAs. The Department also notes, the modification would not alter the public interest of the development.

## 6 Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department considers that the modification is largely administrative in nature and does not involve any physical changes to the project. Overall, the Department considers that there would be no increase in environmental impacts compared to those already assessed and approved.

The Department recognises that the extension in delivery timeframe would enable the proponent to update their BOP to improve biodiversity outcomes by primarily retiring credits to meet the offset liability. The relevant biodiversity agencies consulted with agree that this as a beneficial outcome.

The Department also recommends that condition C24 be amended to require consultation with the BCT during preparation of the revised BOP.



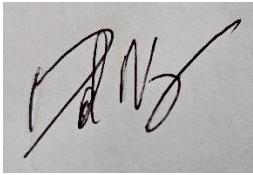
Consequently, the Department concludes the proposed modification is in the public interest and should be approved, subject to the recommended changes to the conditions of consent as outlined in Appendix B.

## 7 Recommendation

It is recommended that the Director, Energy Assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report;
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- agrees with the key reasons for approval listed in the notice of decision;
- modifies the consent for the EnergyConnect (NSW – Eastern Section) Modification 1 (SSI-9172452-Mod-1) as amended, subject to the conditions in the attached instrument of modification; and
- signs the attached instrument of modification (Error! Reference source not found.).

Recommended by:



30/08/2024

David Way  
Senior Environmental Assessment Officer  
Energy Assessments

## 8 Determination

The recommendation is adopted by:



30/08/2024

Nicole Brewer  
Director  
Energy Assessments

# Appendices

## Appendix A – List of referenced documents

Modification Report: Refer to folder “Modification Application” on the Department’s website at: [MOD 1 - Extension of Offset Timing | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

## Appendix B – Notice of modification

Notice of modification: Refer to folder “Determination” on the Department’s website at: [MOD 1 - Extension of Offset Timing | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

## Appendix C – Consolidated consent

Notice of consolidated consent: Refer to folder “Determination” on the Department’s website at: [MOD 1 - Extension of Offset Timing | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)