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Friday, 14 August 2026

Kiersten Fishburn
Planning Secretary
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150
Locked Bag 5022,
Parramatta NSW 2124

CC: Nicole Brewer, Anthony Ko, Rebecca Eddington

Dear Ms Fishburn,

Re: Request to Modify Condition B26 and B27 (Biodiversity Offset Package) of the HumeLink Project (SSI 36656827)

Transgrid is the Proponent of the HumeLink project which was approved under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) on 13 November 2024 (**Infrastructure Approval**).

On 9 May 2025, clauses 6.2(2) and 6.3A of the Biodiversity Conservation Regulation 2017 (BC Regulation) were amended to add Strategic Offset Delivery Agreements (**SODAs**) as an option that could be used to meet the biodiversity offset obligations for eligible projects. SODAs were established as a conservation measure to recognise the urgency of securing the transition to renewable energy while maximising strategic biodiversity outcomes.

As a critical State significant infrastructure project under the EP&A Act and a priority transmission infrastructure project within the meaning of the *Electricity Infrastructure Investment Act 2020*, the HumeLink project is 'major project development' within the meaning of section 6.2(6) of the BC Regulation and is therefore eligible for entry into a SODA.

Where a SODA is entered into, the Environment Agency Head (the Secretary of the NSW Department of Climate Change, Energy, Environment and Water (NSW DCCEEW)) becomes responsible for delivering actions that benefit biodiversity values to fulfil the offset obligations on behalf of and funded by the proponent.

As per clause 6.3A of the BC Regulation, a SODA must specify the number and class of biodiversity credits that would otherwise have been required under the relevant planning approval for the major project development and must match or exceed the benefit to biodiversity values that would otherwise be achieved.

Transgrid has begun consultation with the Conservation Programs, Heritage, and Regulation (CPHR) Group (formerly the Biodiversity, Conservation and Science (BCS) Directorate) of NSW DCCEEW and intends to enter into a SODA with the Secretary of NSW DCCEEW for part of the HumeLink Project's biodiversity offset obligation. This proposed modification and approach to the SODA have been developed in partnership with CPHR and aligns with CPHR's advice and agreement to this approach. Transgrid and CPHR have commenced discussions regarding the terms of the SODA and the completion of other requirements including the Conservation Investment Strategy (CIS) and the Notice of Intent to enter into a SODA.

As per clause 6.3A of the BC Regulation, the Secretary of NSW DCCEEW is required to give at least 28 days' notice of an intention to enter a SODA. A notice of intention to enter a SODA for the HumeLink Project is expected to be published by the Secretary of NSW DCCEEW in late August or early September 2026.

The actions to be undertaken for the SODA will be guided by a Conservation Investment Strategy (CIS). The relevant CIS for HumeLink is currently in development by NSW DCCEEW and is expected to be complete by late September or early October 2026. The CIS will provide a state-led strategic approach to conservation in the region and will outline priority areas and actions to protect and restore biodiversity values, improve habitat connectivity, support species resilience to climate change and provide permanent conservation outcomes while also benefitting landholders. 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 SODA will contribute foundational funding to actions identified in the CIS.

To enable a SODA to be entered into, Transgrid is seeking to modify Conditions B26 and B27 of the Infrastructure Approval under section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This modification will nominate the SODA as a mechanism to deliver and implement the Biodiversity Offset Package (BOP), consistent with clauses 6.2(2)(f) and 6.3A of the BC Regulation.

The proposed modified condition wording is provided in Attachment 1. The proposed wording of the modified Condition B26 retains the existing BOP requirements and recommends a new paragraph enabling all or part of the BOP to be implemented and delivered via a SODA. Other wording changes to Condition B26 are proposed for the BOP to be 'generally' consistent/in accordance with the Environmental Impact Statement in recognition that a SODA was not contemplated in the Environmental Impact Statement. A new Condition B26A has been proposed to provide flexibility to revise the BOP (if needed), including revisions required to reflect entry into the SODA. The proposed wording of the modified Condition B27 is intended to address amendments that may be made to the bank guarantee provisions in the current Deed of Agreement dated 10 October 2024 to have regard to the value of any bank guarantee(s) to be provided under a SODA.

Transgrid understands that Ministerial concurrence under section 7.14(3A) of the NSW *Biodiversity Conservation Act 2016* (BC Act) is required to enable approval of the proposed modification. Ministerial concurrence must be obtained prior to granting the modification and is the responsibility of the relevant authority (which is understood to be the Department of Planning, Housing and Infrastructure).

The SODA will deliver the biodiversity offset measures required to meet the project's obligations and is proposed to be entered into by 13 November 2026, based on the requirements of current Condition B26(e) of the Infrastructure Approval.

Since the Environmental Impact Statement and the Infrastructure Approval could not contemplate entry into the SODA, as the SODA mechanism was introduced in the BC Regulation after the Infrastructure Approval was granted on 13 November 2024, the proposed modification to Condition B26 aims to recognise that this is now an acceptable basis upon which to satisfy part of the HumeLink project's biodiversity offset requirements.

If you wish to discuss this request, please do not hesitate to contact the undersigned by email at Sam.Pathammavong@transgrid.com.au or by telephone on 0461 465 726.

Yours sincerely



Sam Pathammavong
Environment & Sustainability Manager, HumeLink

Attachment 1 - Proposed modification to Conditions B26 and B27 (new text in red)

Biodiversity Offset Package

B26. Prior to carrying out any development that would impact on biodiversity values requiring offset or within 3 months of the date of the Project Approval whichever is sooner, the Proponent must update the Biodiversity Offset Package (Package) that is generally consistent with the EIS, in consultation with BCS and BCT and to the satisfaction of the Planning Secretary in writing. The Package must include, but not necessarily be limited to:

(a) details of the specific biodiversity offset measures to be implemented and delivered generally in accordance with the EIS;

(b) the cost for each specific biodiversity offset measure, as determined in accordance with a BCF Charge Statement indexed on a monthly basis in accordance with the Biodiversity Offsets Payment Calculator Order 2022;

(c) the timing and responsibilities for the implementation and delivery of the measures required in the Package;

(d) a report to be provided every 6 months from the approval of the updated Package to the Planning Secretary, BCS and the BCT setting out the progress towards delivering each specific biodiversity offset measure; and

(e) confirmation that the biodiversity offset measures will have been implemented and delivered no later than 13 November 2026, unless otherwise agreed with the Planning Secretary.

Following the Planning Secretary's approval, the Proponent must implement and deliver the Biodiversity Offset Package.

All or any part of the Biodiversity Offset Package may be implemented and delivered, including for the purpose of Condition B26(e), by entry into a Strategic Offset Delivery Agreement in accordance with clauses 6.2(2)(f) and 6.3A of the Biodiversity Conservation Regulation 2017.

B26A. The Proponent may revise the Package in consultation with BCS and BCT and to the satisfaction of the Planning Secretary in writing.

B27. Prior to carrying out any development that could impact the biodiversity values requiring offset, the Proponent must lodge bank guarantee(s) with a total value of $502,332,107, in accordance with the Deed of Agreement with the Planning Secretary (or delegate) executed on 10 October 2024. The Proponent must comply with the terms of the Deed, including any amendments made to the Deed where a Strategic Offset Delivery Agreement is entered into under condition B26.