

ATTACHMENT 1

Assessment Requirements Relevant to the *Environmental Protection and Biodiversity Conservation Act 1999*

Wilpinjong Extension Project - Modification 3 (SSD-6764-Mod-3) (EPBC 2025/10105)

Introduction

1. On 1 May 2025, a delegate of the Federal Minister for the Department of Climate Change, Energy, the Environment and Water (DCCEEW) determined that the Wilpinjong Extension Project - Modification 3 was a controlled action under section 75 and section 87 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act controlling provisions for the proposed action are:
 - i. listed threatened species and communities (sections 18 and 18A); and
 - ii. A water resource, in relation to unconventional gas or large coal mining development (section 24D and 24E).
2. The proposed action will be assessed for the purposes of the EPBC Act under the Bilateral Agreement with New South Wales. The assessment documentation must include:
 - i. an assessment of all impacts that the action is likely to have on each matter protected by a provision of Part 3 of the EPBC Act;
 - ii. enough information about the proposal and its relevant impacts to allow the Commonwealth Minister to make an informed decision on whether or not to approve; and
 - iii. information addressing the matters outlined in Schedule 4 of the *Environmental Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).
3. The Applicant must undertake an assessment of all protected matters that may be impacted by the development under the controlling provisions identified in paragraph 1. The DCCEEW considers that there is likely to be a significant impact on the following:
 - i. *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* – Critically Endangered;
 - ii. *Central Hunter Valley Eucalypt Forest and Woodland* – Critically Endangered;
 - iii. Large-eared Pied Bat (*Chalinolobus dwyeri*) – Endangered; and
 - iv. Surface and groundwater resources within the modification area, and surrounding areas.
4. DCCEEW also considers that the proposed action may result in significant impacts to the following species:
 - i. Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered
 - ii. Koala (*Phascolarctos cinereus*) – Endangered

- iii. South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) – Endangered;
 - iv. Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*) – Vulnerable
 - v. Diamond Firetail (*Stagonopleura guttata*) – Vulnerable
 - vi. Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
 - vii. White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable
 - viii. South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*) – Vulnerable
5. 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 Applicant to undertake an analysis of the significance of the relevant impacts and ensure that all protected matters that are likely to be significantly impacted are assessed for the Commonwealth Minister's consideration.

General Requirements

Relevant Regulations

6. The Modification Report must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.

Modification Description

7. The title of the action, background of the action and current status.
8. The location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on Matters of National Environmental Significance (MNES).
9. How the action relates to any other actions that have been, or are being taken in the region affected by the action.
10. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

Impacts

11. The Modification Report must include an assessment of the relevant impacts¹ of the action on the matters protected by the controlling provisions, including:
- i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long-term relevant impacts;
 - ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
 - iii. analysis of the significance of the relevant impacts; and
 - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

¹ Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

Avoidance, mitigation and offsetting

12. For each of the relevant matters protected that are likely to be significantly impacted by the action, the Modification Report must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
 - i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,
 - ii. any statutory policy basis for the mitigation measures;
 - iii. the cost of the mitigation measures;
 - iv. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
 - v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
13. Where a significant residual adverse impact to a relevant protected matter is considered likely, the Modification Report must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
14. For each of the relevant matters likely to be impacted by the action the Modification Report must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
 - i. conservation advice or recovery plan for the species or community;
 - ii. relevant threat abatement plan for a process that threatens the species or community;
 - iii. wildlife conservation plan for the species; and
 - iv. any strategic assessment.

Key Issues

Biodiversity (Listed threatened species and communities)

Comments

15. Key risks associated with the proposed action from the Commonwealth perspective include:
 - i. Direct impacts to listed threatened ecological communities, including:
 - Reduced extent of the community, fragmentation effects, impacts on habitat critical to the survival of a community, and modification or destruction of non-living factors (e.g. water, nutrients or soil) necessary for a community's survival.
 - ii. Direct impacts on threatened species including:
 - Adverse effects on habitat critical to the survival of a species and disruption of the breeding cycles.

iii. Indirect impacts to threatened species and ecological communities including:

- Introduction of *Phytophthora cinnamomic* and other pathogens, collapse of nearby caves, disruption of breeding activities and reduced habitat quality due to amenity impacts (ie noise dust and light), habitat clearing, dispersal of weed and invasive species, and contamination of downstream aquatic habitats.

Assessment Requirements

16. For each of the EPBC Act listed species predicted to occur in the modification area, and each of the EPBC Act listed ecological communities likely to be significantly impacted, the Modification Report must provide:

- Survey results, including details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Commonwealth guidelines and policy statements and/or the relevant NSW offsetting method;
- A description and quantification of habitat in the study area (including suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advices, conservation advices, recovery plans, and threat abatement plans;
- Maps displaying the above information (specific to each EPBC protected matter) overlaid with the proposed action. It is acceptable, where possible, to use the mapping and assessment of Plant Community Types (PCTs) and the species surveys prescribed by the BAM as the basis for identifying EPBC Act-listed species and communities. The Modification Report must clearly identify which PCTs are considered to align with habitat for the relevant EPBC Act listed species or community, and provide individual maps for each species or community;
- Information on proposed avoidance and mitigation measures to deal with the impacts of the action, and a description of the predicted effectiveness and outcomes that the avoidance and mitigation measures will achieve;
- Quantification of the offset liability for each species and community significantly impacted, and information on the proposed offset strategy, including discussion of the conservation benefit for each species and community, how offsets will be secured, and the timing of protection. It is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action i.e. 'like-for-like'; and
- Like-for-like includes protection of native vegetation that is the same ecological community or habitat being impacted (preferably in the same region where the impact occurs), or funding to provide a direct benefit to the matter being impacted e.g. threat abatement, breeding and propagation programs or other relevant conservation measures.

A water resource, in relation to a large coal mining development or unconventional gas development

Comments

17. Key risks associated with the proposed action from the Commonwealth perspective include potential impacts to groundwater and surface water resources within the modification area and surrounding area, including:
- i. effects of depressurisation of aquifers and drawdown on the groundwater table;
 - ii. changes in groundwater flow patterns and baseflow;
 - iii. alteration to stream catchment areas and/or baseflow to nearby creeks;
 - iv. potential alteration of the water balance of the approved Wilpinjong Coal Mine and final landforms;
 - v. potential impact to nearby groundwater dependent ecosystems (such as riparian vegetation on the Cumbo, Wilpinjong and Wollar Creeks); and
 - vi. potential impacts to nearby critically endangered woodland communities as a result of changes to water flows and soil chemistry.

Assessment Requirements

18. The Modification Report must include a detailed water assessment. The water assessment must be undertaken in accordance with the IESC Information Guidelines (<https://iesc.environment.gov.au/information-guidelines>) and provide the information outlined in these guidelines.
19. To adequately assess the impact of the proposed action on water resources, the Modification Report must include:
- i. site specific information based on scientific evidence or modelled data.
 - ii. assessment of the potential significant impacts to water resources that include:
 - a) impact assessment data from mining to date;
 - b) predictions of surface water and groundwater impacts from the proposed action; and
 - c) a cumulative impact assessment for surface and groundwater resources.

Other approvals and conditions

20. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations.

Relevant References and Guidelines

International Conventions, Management Plans and Principles

21. The international conventions, management plans and principles that must be considered in relation to this proposal include:

- Listed threatened species and communities
 - Australia's obligations under the:
 - Convention on Biological Diversity
 - The Convention on Conservation of Nature in the South Pacific (Apia Convention)
 - The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
 - relevant recovery plans or threat abatement plans.

Policies and Plans

22. The policies and plans that must be considered in relation to this proposal include:

- Relevant conservation advice and other relevant policies available on DCCEEW's Species Profile and Threats Database ([SPRAT](#))
- Bioregional plans
- Relevant strategic assessment reports
- Water Resources

Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found in the [SPRAT](#) database.

Other references

- *Environment Protection and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E
- *Environment Protection and Biodiversity Conservation Regulations 2000 Schedule 4*
- Commonwealth and NSW Governments Bilateral Agreement (*Amending Agreement No.1, 2020*) - Item 2 (a)(i) of Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1 (2013)* EPBC Act
- *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* October 2012
- *Information Guidelines for Independent Expert Scientific Committee advice on coal seam gas and large coal mining development proposals (2014)*