

ATTACHMENT 4

COMMONWEALTH DEPARTMENT OF THE ENVIRONMENT AND ENERGY - ASSESSMENT REQUIREMENTS

Guidelines for preparing assessment documentation relevant to the EPBC Act for proposals being assessed under an Accredited NSW Assessment Process

Glendell Continued Operations Project (EPBC 2019/8409) (SSD 9349)

Introduction

On 10 July 2019, a delegate of the Federal Minister for the Environment determined that the Glendell Continued Operations Project is a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act controlling provisions for the proposed action are:

- listed threatened species and communities (sections 18 and 18A); and
- a water resource, in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

The delegate also decided under section 87 of the EPBC Act that the proposed action will be assessed under the State's accredited assessment process under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). These guidelines provide information on environmental assessment requirements for the proposed action.

Matters of National Environmental Significance

All matters of national environmental significance (MNES) protected under the triggered controlling provisions are potentially relevant, however the Department of the Environment and Energy (DoEE) considers that there is likely or potential to be a significant impact on the following:

- Central Hunter Valley Eucalypt Forest and Woodland ecological community – critically endangered
- Regent Honeyeater (*Anthochaera Phrygia*) – critically endangered
- Swift Parrot (*Lathamus discolor*) – critically endangered
- The Green and Golden Bell Frog (*Litoria aurea*) – vulnerable
- Spotted-tailed Quoll (*Dasyurus maculatus maculatus*) – endangered
- Large-eared Pied Bat (*Chalinolobus dwyeri*) – vulnerable
- Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – vulnerable
- New Holland Mouse (*Pseudomys novaehollandiae*) – vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – vulnerable
- Trailing Woodruff (*Asperula asthenes*) – vulnerable
- The proposed action is likely to have significant impacts on groundwater and surface water resources and quality.

Note: this may not be a complete list and it is the responsibility of the Applicant to ensure any protected matters under this controlling provision are assessed for the Commonwealth decision-maker's consideration.

Based on the referral documentation, it was determined that significant impacts are unlikely for Red Goshawk (*Erythrotriorchis radiatus*), Australian Painted Snipe (*Rostratula australis*), Greater Glider (*Petauroides volans*) and Brush-tailed Rock-wallaby (*Petrogale penicillata*). If the assessment process identifies any new or increased impacts on these species compared to the impacts described in the referral, such impacts must be addressed in the EIS.

Key Issues

Key significant impacts associated with proposed action on MNES are associated with:

- the removal of native vegetation, particularly the Central Hunter Valley Eucalypt Forest and Woodland ecological community, and habitat for the Swift Parrot, Regent Honeyeater, Spotted-tailed Quoll, Koala, Grey-headed Flying-fox, New Holland Mouse, Large-eared Pied Bat and the Green and Golden Bell Frog. These impacts must be appropriately offset for EPBC Act purposes.
- groundwater (both alluvium associated with watercourses and deeper hard rock aquifers) and surface water resources and quality, including:
 - groundwater drawdown/depressurisation
 - groundwater-surface water connectivity
 - potential cumulative impacts and interaction with impacts from neighbouring projects
 - potential long term impacts of mine void, including groundwater losses to evaporation.

General Assessment Requirements

The EIS must address the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* and the matters outlined below in relation to the controlling provisions.

For each of the EPBC Act controlling provisions impacted by the proposed action, the EIS must provide:

1. 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. For ecological communities, this includes any condition thresholds provided in the listing advice or approved conservation advice.
2. 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 and recovery plans, threat abatement plans.
3. Maps displaying the above information (specific to EPBC matters) 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 EIS 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.
4. Description of the nature, geographic extent, magnitude, timing and duration of any likely direct, indirect and consequential impacts on any relevant EPBC Act-listed species and communities. It must clearly identify the location and quantify the extent of all impact areas to each relevant EPBC Act-listed species or community.
5. 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.
6. 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'.

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.