

ATTACHMENT 1

Commonwealth Department of Climate Change, Energy, the Environment and Water assessment requirements

McPhillamys Gold Project Modification 1 (SSD-9505 MOD 1) (EPBC 2023/09704)

Introduction

1. On 27 March 2024, a delegate of the Federal Minister for the Environment and Water determined that the some components of the McPhillamys Gold Project Modification 1 were 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:
 - i. listed threatened species and communities (sections 18 and 18A); and
 - ii. listed migratory species (sections 20 and 20A).
2. The proposed action will be assessed using an accredited process for the purposes of the EPBC Act. 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 Federal Minister to make an informed decision on whether or not to approve; and
 - iii. information addressing the matters outlined in Schedule 4 of the *Environment 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 Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) considers that the proposed action is likely to have a significant impact on the following:
 - i. listed threatened species and communities (sections 18 and 18A):
 - a) White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered;
 - b) Yellow-spotted Bell Frog (*Litoria castanea*) – Critically Endangered; and
 - ii. listed migratory species (sections 20 and 20A):
 - a) Satin Flycatcher (*Myiagra cyanoleuca*)
4. The DCCEEW also notes that the following species considered in the referral would have a high or moderate likelihood of occurring in, or near, the survey area:
 - i. listed threatened species and communities (sections 18 and 18A):
 - a) Natural Temperate Grassland of the South Eastern Highlands – Critically Endangered
 - b) Austral Toadflax (*Thesium australe*) – Vulnerable
 - c) Basalt Pepper-cress (*Lepidium hyssopifolium*) – Endangered
 - d) Booroolong Frog (*Litoria booroolongensis*) – Endangered
 - e) Black Gum (*Eucalyptus aggregata*) – Vulnerable
 - f) Blue Mountains Water Skink (*Eulamprus leuraensis*) – Endangered
 - g) Brown Treecreeper (*Climacteris picumnus victoriae*) – Vulnerable
 - h) Diamond Firetail (*Stagonopleura guttata*) – Vulnerable
 - i) Gang-gang Cockatoo (*Callocephalon fimbriatum*) – Endangered
 - j) Greater Glider (*Petauroides volans*) – Endangered
 - k) Koala (QLD, NSW and ACT) (*Phascolarctos cinereus*) – Endangered

- l) *Kunzea cambagei* – Vulnerable
 - m) Large-eared Pied Bat (*Chalinolobus dwyeri*) – Endangered
 - n) Latham's Snipe (*Gallinago hardwickii*) – Vulnerable
 - o) Painted Honeyeater (*Grantiella picta*) – Vulnerable
 - p) Pilotbird (*Pycnoptilus floccosus*) – Vulnerable
 - q) Regent Honey Eater (*Anthochaera phrygia*) – Critically Endangered
 - r) Silver-leaved Mountain Gum (*Eucalyptus pulverulenta*) – Vulnerable
 - s) Smooth Bush-pea (*Pultenaea glabra*) – Vulnerable
 - t) Southern Whiteface (*Aphelocephala leucopsis*) – Vulnerable
 - u) South-eastern Glossy Black-Cocktao (*Calyptorhynchus lathami lathami*) – Vulnerable
 - v) Spotted-tail Quoll (*Dasyurus maculatus maculatus*) – Endangered
 - w) Superb Parrot (*Polytelis swainsonii*) – Vulnerable
- ii. listed migratory species (sections 20 and 20A):
- a) White-throated Needletail (*Hirundapus caudacutus*)
 - b) Black-faced Monarch (*Monarcha melanopsis*)
 - c) Rufous Fantail (*Rhipidura rufifrons*)
5. Note that 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.

Assessment requirements

Listed threatened species and communities and listed migratory species

6. The Modification Report must include:

- i. 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 relevant NSW offsetting method;
- ii. 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;
- iii. 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 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;
- iv. 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 quantity the extent of all impact areas to each relevant EPBC Act listed species or community;
- v. for each of the EPBC Act listed species and communities likely to be ultimately significantly impacted by the development, the Modification Report must provide 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;
- vi. 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. All suitable habitat MNES significantly impacted must be offset. It is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action (ie. "like-for-like"); and
- vii. the final layout of proposed infrastructure, including the transmission lines, as there may be additional impacts to MNES if the layout changes and may not have been considered at the

preliminary stage. any additional MNES identified during the assessment must have an assessment of significant impacts undertaken, and if they are found to be significantly impacted, appropriate avoidance, mitigation and offset measures must be applied in the Modification Report.

Information Sources

7. For information given in a Modification Report, the Modification Report must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

Relevant references and guidelines

8. The Bilateral Agreement (clause 7.3) requires that NSW ensure that the Assessment Report addresses whether granting (or not granting) approval is not inconsistent with Australia's obligations under international conventions, or management plans, or principles of relevance to the action's controlling provisions. The international conventions, management plans and principles that must be considered in relation to this proposal include:
 - i. listed threatened species or ecological community
 - a) Australia's obligations under the:
 - Convention on Biological Diversity (Biodiversity Convention);
 - 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); or
 - b) a recovery plan or threat abatement plan
 - ii. listed migratory species
 - a) Australia's obligations under the:
 - Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention);
 - China-Australia Migratory Bird Agreement (CAMBA);
 - Japan-Australia Migratory Bird Agreement (JAMBA);
 - Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA); or
 - b) another international agreement approved under section 209(4) of the EPBC Act.
9. The Bilateral Agreement (clause 7.4) requires that NSW consider guidance material and relevant policies and plans when assessing an action and developing a recommendation to the Commonwealth Minister. The policies and plans that must be considered in relation to this proposal include:
 - i. relevant conservation advice and other relevant policies available on the DCCEEW's SPRAT database;
 - ii. bioregional plans; and
 - iii. relevant strategic assessment reports.
10. Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support to applicants and NSW DPHI in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found on the DCCEEW's SPRAT Database.