

Mr Tom Hatfield
Environmental Assessment Manager - Infrastructure Development
APA Transmission Pty Limited

Via Email: Tom.Hatfield@apa.com.au; APAKurriKurriLateralPipeline@apa.com.au

Dear Mr Hatfield

Kurri Kurri Lateral Pipeline Project (SSI-22338205 / EPBC 2021/9113) – Bilateral Assessment

I refer to the New South Wales Planning Secretary's Environmental Assessment Requirements (SEARs) issued on 23 July 2021 for the preparation of an Environmental Impact Statement (EIS) for the Kurri Kurri Lateral Pipeline Project (the project).

On 8 February 2022, a delegate of the Commonwealth Minister for the Environment determined that the project is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), as it is likely to have a significant impact on Matters of National Environmental Significance relevant to the project; namely, listed threatened species and communities under sections 18 & 18A (see **Attachment A**). The letter lists the species that are considered likely to be significantly impacted.

The project will be assessed in a manner in accordance with the *Amending Agreement No. 1 to the Bilateral Agreement* under Section 45 of the EPBC Act relating to environmental assessment between the Commonwealth and the New South Wales Governments – see <https://www.awe.gov.au/sites/default/files/env/pages/43badfb2-b8be-4a10-a5b9-feab2d38a5d2/files/nsw-bilateral-agreement-amending-agreement.pdf>

The amending agreement sets out the information requirements for the Department to appropriately undertake the assessment under the amended bilateral. In particular, please note sufficient information will need to be included in the EIS to inform the Department's assessment as required under the following:

- Section 6 – Assessment: including for example significance assessment on Matters of National Environmental Significance; and
- Section 7 – Relevant plans, policies and other instruments: including for example sufficient information to demonstrate that the action is not inconsistent with these relevant plans including threat abatement plans, recovery plans, and consideration of relevant policies and guidelines for example bioregional plans.

The Department requires that the EIS includes the additional information as outlined above, in conjunction with the SEARs issued on 23 July 2021.

If you have any questions about these requirements, please contact Mandana Mazaheri on 02 9995 5093.

Yours sincerely,



17/02/2022

Stephen O'Donoghue
Director
Resource Assessments
as nominee of the Planning Secretary

Enclosed: **Attachment A** – Letter from the Commonwealth Department of Agriculture, Water and the Environment