



Mr Tim Kirby
Director
Case Management
Planning and Assessment
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Kirby

**Decision on referral
Kurri Kurri Lateral Pipeline Project, Hart Rd, Loxford, NSW (EPBC 2021/9113)**

I am writing to advise you, as the designated contact for the New South Wales Minister for Planning, the Hon Anthony Roberts MP, of my decision on the referral of the proposed action, to construct and operate a medium pressure transmission pipeline, high pressure storage pipeline, compressor and delivery station, including associated infrastructure, at Hart Rd, Loxford, New South Wales.

As a delegate of the Minister for the Environment, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 & 18A)

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance, including but not limited to:

- River-flat Eucalypt Forest on Coastal Floodplains of southern New South Wales and eastern Victoria (River-flat Eucalypt Forest) – Critically Endangered
The proposed action will clear approximately 1.1 ha of River-flat Eucalypt Forest which is likely to have a significant impact on the ecological community because it will reduce its extent.
- Koala ((combined populations of Queensland, NSW and the Australian Capital Territory) (*Phascolarctos cinereus*)) - Vulnerable
The proposed action will clear an estimate of 47.61 ha of vegetation containing Koala food trees. These areas are deemed to be habitat critical to the survival of the Koala.

- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
The proposed action will clear 52.32 ha of habitat critical to the survival of the species, particularly winter and flowering vegetation which are identified as resources critical to the survival of the species.
- Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered
The proposed action will clear 49.95 ha of suitable foraging habitat, including 0.4 ha of area mapped as important habitat for the species. Therefore, it is likely that the proposed action will have a significant impact on the Regent Honeyeater because it will adversely affect habitat critical to the survival of the species, and interfere with the recovery of the species.
- Swift Parrot (*Lathamus discolor*) – Critically Endangered
The proposed action will clear 54 ha of suitable foraging habitat containing key food tree species for the Swift Parrot. It is likely that the proposed action will have a significant impact on this species as it will adversely affect habitat critical to the survival of the species, and interfere with the recovery of the Swift Parrot.

Please note that this may not be a complete list and additional impacts may be identified during the preparation of the Environmental Impact Statement (EIS). In this regard, the department considers it the responsibility of the proponent 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 Minister’s consideration.

The NSW Department of Planning and Environment has advised the department that the project will be assessed in a manner specified in Schedule 1 of the bilateral agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the New South Wales Government.

I note the department considers that no supplementary Secretary’s Environmental Assessment Requirements (SEARS) are required, as the EPBC Act matters likely to be significantly impacted by the proposed action are already covered in the NSW SEARS.

A copy of the document recording this decision is enclosed. If you have any questions about the referral process or this decision, please contact the project manager [REDACTED] and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Kate Gowland
Acting Assistant Secretary
Environment Assessments (NSW and ACT) Branch
8 February 2022