

ATTACHMENT 1

Guidelines for preparing assessment documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for proposals being assessed under the NSW Assessment Bilateral

Narrabri Lateral Pipeline (SSI-53307723) (EPBC 2024/10050)

Introduction

1. On 7 February 2025, a delegate of the Commonwealth Minister for the Environment and Water (Commonwealth Minister) determined that the Narrabri Lateral Pipeline (project) was a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act controlling provision for the proposed action are:
 - a) listed threatened species and communities (sections 18 and 18A).
2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and therefore must be assessed in the manner specified in Schedule 1 to that agreement. The assessment documentation must include:
 - a) 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;
 - b) 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
 - c) 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 provision identified in paragraph 1. The Commonwealth Minister considers that the proposed action is likely to have a significant impact on the following listed threatened species and communities (sections 18 and 18A):
 - *Tylophora linearis* –Endangered
4. Based on the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW)'s Environment Reporting Tool and information provided by the Species Profiles and Threats Database, DCCEEW also considers that the proposed action may result in impacts to the following species:
 - a) Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia – Endangered
 - b) Poplar Box Grassy Woodland on Alluvial Plains – Endangered
 - c) White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered
 - d) *Androcalva procumbens* – Vulnerable Department of Climate Change, Energy, the Environment and Water 2 OFFICIAL
 - e) Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – Endangered
 - f) Pilliga Mouse (*Pseudomys pillagaensis*) – Vulnerable
 - g) South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*) – Vulnerable
 - h) Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – Vulnerable
 - i) Swift Parrot (*Lathamus discolor*) – Critically Endangered
 - j) Spotted-tail Quoll (southeastern mainland population) (*Dasyurus maculatus maculatus*) - Endangered
 - k) Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered
 - l) Grey Falcon (*Falco hypoleucos*) – Vulnerable
 - m) Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable

These species require further assessment, surveys and analysis to determine whether they are likely to be significantly impacted.

5. The Applicant must consider each of the protected matters under the triggered controlling provision 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 Environmental Impact Statement (EIS) must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.

Project Description

7. The title of the action, background to the action 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 environment 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 EIS must include an assessment of the relevant impacts¹ of the action on the matters protected by the controlling provisions, including:
 - a) 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;
 - b) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
 - c) analysis of the significance of the relevant impacts; and
 - d) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Avoidance, mitigation and offsetting

12. For each of the relevant protected matters that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
 - a) a description, and an assessment of the expected or predicted effectiveness of the mitigation measures;
 - b) any statutory policy basis for the mitigation measures;
 - c) the cost of the mitigation measures;
 - d) 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; and
 - e) 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 EIS 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 EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
 - a) conservation advice or recovery plan for the species or community;
 - b) relevant threat abatement plan for a process that threatens the species or community;

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

- c) wildlife conservation plan for the species; and
- d) any strategic assessment.

[Note: the relevant guidelines and policy statements for each species and community are available from the Commonwealth DCCEEW Species Profiles and Threats Database: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>]

15. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraph 16.

Specific Risks

16. Key risks associated with the proposed action from the Commonwealth perspective include:

- a) The proposed activities may have significant direct impacts upon the above mentioned listed threatened species and communities via:
 - i. Clearing of individuals of listed threatened flora species
 - ii. Clearing of native vegetation used for foraging and/or breeding for listed threatened species or commensurate with listed ecological communities
 - iii. Clearing of native vegetation which constitutes habitat critical to the survival of listed threatened species or ecological communities and the loss of which could fragment existing populations or substantially modify, destroy or isolate an area of important habitat for listed species and communities.
- b) The proposed activities may result in indirect impacts upon the above mentioned listed threatened species and communities via:
 - i. Construction activities, including from noise, lighting, vibration impacts.
 - ii. Fauna mortality from vehicle strike associated with construction and/or ongoing operation and maintenance of the pipeline
 - iii. Potential loss in the quality of habitat within or adjacent to the proposed action area from contamination, hydrological changes, sedimentation and erosion, increased human activity and/or increases in weed incursion, feral pest activity and pathogens.

17. In addition, further analysis of the impacts of the 2023 'Duck Creek' bushfires in the Pilliga forests on EPBC Act listed threatened species and communities should be undertaken during the assessment. Further assessment will determine whether the remaining habitat within the proposed action area is of substantially greater importance to the survival of the listed threatened species following the fires and/or whether the population of the species in the area is considered an important population. This information, once obtained, can be considered when determining avoidance, mitigation and offset measures for these species

Other approvals and conditions

18. 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.

Information Sources

19. For information given in an EIS, the EIS 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.

References

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

- a) Listed threatened species or ecological community:
 - i. 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
 - ii. a recovery plan or threat abatement plan.

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

- a) Relevant conservation advice and other relevant policies available on Commonwealth DCCEEW Species Profiles and Threats Database.
 - b) Bioregional plans.
 - c) Relevant strategic assessment reports.
22. Guidance on the biodiversity offset scheme for a major project where there are predicted to be impacts on matters on MNES can be found via the NSW Department of Planning, Housing and Infrastructure website below.
- a) Key Guidance – Biodiversity:
<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/biodiversity>
 - b) Guidelines for matters of environmental significance:
<https://www.planningportal.nsw.gov.au/sites/default/files/documents/2024/Guidance%20for%20Accredited%20Assessors%20-%20MNES%20form%200.pdf>
23. Other references
- a) *Environment Protection and Biodiversity Conservation Regulations 2000* Schedule 4.
 - b) *NSW Assessment Bilateral Agreement* (2015) - Item 18.1, Item 18.5, Schedule 1.
 - c) *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013) EPBC Act.