

18 December 2025

Our ref: NTS008
Your ref: SSI-53307723; 2024/10050

Ms Rose-Anne Hawkeswood
Planner
Department of Planning, Housing and Infrastructure

Submitted through Online Portal

Dear Ms Hawkeswood,

Comments on Environmental Impact Statement – Narrabri Lateral Pipeline

- 1 We refer to the Environmental Impact Statement (**EIS**) prepared by Hunter Gas Pipeline Pty Ltd (a wholly owned subsidiary of Santos Limited (**Santos**)), for its application for approval of the Narrabri Lateral Pipeline, south of Narrabri in North West NSW (the **Proposed Project**).
- 2 The Applicant in Gomeri People's Native Title Determination Application (NSD37/2019) (**Gomeri Native Title Claim**) makes this submission. The Gomeri Applicant is also a Registered Aboriginal Party (**RAP**) for the Proposed Project.

The Proposed Project

- 3 The Proposed Project is for the construction, operation, maintenance and decommissioning of an approximately 50-60 kilometre long underground gas pipeline and associated infrastructure from the Leewood and Bibblewindi facilities to the proposed Hunter Gas Pipeline east of Baan Baa in the Narrabri Local Government Area.
- 4 The EIS prepared by Hunter Gas Pipeline Pty Ltd aims to consider the potential impacts of the Proposed Project and was required to be prepared for the application for approval of the Proposed Project in accordance with the *Environmental & Planning and Assessment Act 1979* (NSW).
- 5 The Proposed Project is classified as State significant infrastructure (SSI) and critical SSI under sections 5.12, 5.13 and 5.15 of the *Environmental Planning and Assessment Act 1979* (NSW).
- 6 The Proposed Project is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and will be assessed under the bilateral agreement between the NSW and Commonwealth Governments, or an accredited assessment process.

Gomeri People's Native Title Claim

- 7 The Gomeri People are the Traditional Owners of a large area of land and waters in north west New South Wales.
- 8 The Proposed Project is within the Traditional Country of the Gomeri People and within the Gomeri People's Native Title Claim Area. The Gomeri People have a deep and abiding connection to their Country and an obligation to access, care for and protect their Country under their traditional law and customs. Accordingly, the Gomeri Applicant wish to ensure that the environmental and cultural heritage values of the Proposed Project Area are protected.

Impact of the Proposed Project on the Pilliga

- 9 The Proposed Project traverses parts of the Pilliga Forests (**the Pilliga**), including in the west the Pilliga East State Forest and the Bibblewindi State Forest. The Pilliga is of particular significance to Gomeri People, both spiritually and practically, in relation to the exercise of their native title rights and interests. Gomeri People regularly access the Pilliga to undertake a variety of cultural activities, and it contains sites of special significance to Gomeri People.

- 10 The Pilliga is often described as the “*lungs of the Gomeri Nation*”, a cradle of the Gomeri region, culture and society. Ecological integrity of the forest is integral to the continued practice of Gomeri People’s spiritual beliefs and culture, and the perpetuation of social meaning.
- 11 The importance of the Pilliga to Gomeri People must be considered in the context of the extensive extinguishment of native title and clearing of traditional Gomeri lands as a result of freehold and other grants of title. The Pilliga is one of the remaining places where native title rights and interests are still able to be freely exercised, in an environment that has remained relatively physically unchanged since the time of asserted sovereignty.
- 12 Any assessment of the effect of the Proposed Project must take into account the effect the Proposed Project will have on:
 - (a) the enjoyment of Gomeri People’s native title rights and interests;
 - (b) the way of life, culture and traditions of Gomeri People; and
 - (c) the development of the social, cultural and economic structures of Gomeri People.
- 13 The ability of Gomeri People with traditional connections to the Pilliga and the Narrabri area to exercise their native title rights and interests will be particularly affected.
- 14 While it is acknowledged that the Pilliga is not the only area where native title rights and interests are practised, there are stories and native title rights and interests associated with those stories that can only take place in that area. Stories and connection to place cannot be relocated.
- 15 Further, Gomeri People conceive people, Country, animals, and plants existing as a part of a single, interconnected and indissoluble whole. Whilst all parts of Country are significant, some areas may have a particular significance due to their connection to important spiritual or cultural stories, or its role in the ecology of the region.

Biodiversity

- 16 Biodiversity within Gomeri People’s Country is highly diverse, with a rich tapestry of ecosystems occurring throughout.
- 17 The Proposed Project corridor passes through a range of fauna habitats which provide foraging, shelter and breeding habitat for many common and threatened fauna species. These habitats will be affected at various locations along the Proposed Project route.
- 18 The EIS found that six threatened flora species were recorded within the disturbance footprint of the Proposed Project, with an additional nine threatened flora species assumed to be present. Further, a total of 18 threatened fauna species were recorded within the disturbance footprint, with an additional eight species assumed to be present.
- 19 Annexure A to this submission includes extracts of tables from Chapter 6 of the EIS, which list the threatened flora and fauna identified as present or assumed to be present within the disturbance footprint of the Proposed Project.
- 20 As noted, Gomeri People are innately connected to the landscape of Gomeri Country and have an obligation to protect it. Gomeri People have totemic responsibilities to specific plants and animals of the Pilliga. The inability to protect Country has social effects on Gomeri People and creates a feeling of despair and hopelessness among Gomeri People.
- 21 The Gomeri Applicant considers that the establishment of biodiversity offset areas (Biodiversity Stewardship Sites) in Gomeri Country and management of the Biodiversity Stewardship Sites is of central importance and the Gomeri Applicant considers they should be owned and managed by Gomeri People.

Water

- 22 The Proposed Project intersects a total of 45 watercourses and would involve works within and around water courses which have the potential to temporarily alter the flow regime, reduce the stability of beds and banks, impact riparian vegetation and aquatic habitat, contribute to erosion and sedimentation and impact downstream water quality.
- 23 Water, both above and below ground, is of great cultural and spiritual significance to Gomeri People. On a spiritual level, there are different stories which relate to the creations of the various lakes, rivers, springs and aquifers. Ceremony, both women's and men's business, is associated with bodies of water.
- 24 The waters on Gomeri Country are also important in a practical sense as they provide Gomeri People with drinking water, which is important when camping or otherwise exercising native title rights, and provides water for ceremonial purposes.
- 25 As discussed, Gomeri People have an obligation to care for Country, which involves preventing damage or destruction to Country, including surface and subsurface water. Individuals may have totemic obligations to care for specific aspects of the landscape. The ability of Gomeri People to exercise native title rights and interests such as practicing ceremony, hunting, fishing and gathering natural resources, flora and fauna, is dependent on the health of the river systems and waterways.
- 26 Native title rights and interests, such as the right to fish and right to gather, may be affected by the degradation of water systems and impacts on waterways.

Bohena Creek

- 27 The EIS includes a table of geomorphic disturbance risks for watercourses within the Proposed Project Area. Annexure B to this submission is an extract of that table from Chapter 8 of the EIS, which notes the reach fragility of Bohena Creek, as well as Baan Baa Creek, Sandy Creek, Little Sandy Creek and Curracuban Creek, as 'high'.
- 28 As also noted in the EIS, groundwater dependent ecosystems rely on the supply of groundwater to support the species composition, structure and function of the ecosystem. The EIS notes Bohena Creek is a moderate potential aquatic groundwater dependent ecosystem. There are also high potential terrestrial groundwater dependent ecosystems comprising strips and fragmented patches of riparian vegetation located on Bohena Creek, which intersect the Proposed Project site.
- 29 Bohena Creek runs through the Proposed Project area and is a seasonal waterway. Gomeri People refer to it as an important 'upside down river' within the rich cultural landscape of the Pilliga. When Bohena Creek is not flowing, Gomeri People still access its water by digging in the creek bed.
- 30 Bohena Creek is significant due its connection to Gomeri creation stories and the men's ceremonial activities and women's business which occur along it, including relating to the crafting of cultural objects.

QUD376/2025 Gomeri People v Santos NSW Pty Ltd and Santos NSW (Narrabri Gas) Pty Ltd

- 31 The National Native Title Tribunal's (the **Tribunal**) determination in *Santos NSW Pty Ltd and Another v Gomeri People and Another* [2025] NNTTA 12 (the **Remittal Determination**), is currently subject of an appeal by the Gomeri Applicant and is set down for hearing before the Full Court of the Federal Court of Australia in March 2026.
- 32 As part of the Remittal Determination, the Tribunal imposed conditions on the grant of the Petroleum Production Leases for the Narrabri Gas Project. These conditions include that:
- (a) Santos will not undertake any future ground or surface disturbing work on or within 500 metres of Bohena Creek without the written consent of the Gomeri People;
 - (b) all gas extracted from the Narrabri Gas Project must be used for domestic supply only;

- (c) the Additional Research Program, identified in the Aboriginal Cultural Heritage Management Plan, must be implemented and completed prior to the commencement of phase 2 of the Narrabri Gas Project to ensure the protection and preservation of cultural heritage; and
- (d) there must be a fully funded and implemented Ranger Program covering the entire Pilliga Forest to manage country, protect the environment, and monitor and manage ecological threats.

Aboriginal Cultural Heritage Assessment Report

Concerns regarding survey methodology

- 33 The Gomeri Applicant holds a number of concerns regarding the survey methodology for the Narrabri Lateral Pipeline Assessment.

Unsurveyed areas

- 34 The Gomeri Applicant notes that approximately 1 kilometre of the proposed pipeline corridor and several discrete areas near the Bibblewindi facility have not been surveyed. In addressing these unsurveyed areas, the ACHAR refers to desktop and aerial assessments which determined a low likelihood of Aboriginal sites of significance being present in these areas.
- 35 The Gomeri Applicant considers that it is inappropriate to rely solely on a desktop assessment of these unsurveyed areas. It is also submitted that historical ground disturbance does not detract from the serious consequences of the Proposed Project on tangible and intangible cultural heritage values. The Gomeri Applicant considers that all areas within the Proposed Project Area should be surveyed by Gomeri People with cultural association with the Proposed Project area.

Test excavation

- 36 The Gomeri Applicant considers that test excavation works should be undertaken within the alignment, particularly in light of the artefacts and sites which have been identified during pedestrian surveying and within the disturbance footprint. Test excavations, additionally to salvage procedures, are appropriate measures for the identification and protection of cultural heritage values.

Focus on archaeological deposits

- 37 The Gomeri Applicant considers there should not be a singular focus on “objects” and “physical”, “archaeological” deposits referred to in the ACHAR for the Proposed Project area. The Gomeri Applicant considers that the nature of the survey should be more holistic in order to properly assess Gomeri People’s cultural heritage and other values which will be impacted by the Proposed Project. As such the survey should include, in addition to the identification of objects and artefacts:
- (a) the identification of sites of intangible cultural heritage;
 - (b) identification of the cultural values ascribed to land and waters within the survey area and broader cultural landscapes by Gomeri People including associated stories;
 - (c) identification of whether the survey area, or any part, is associated with travels and activities of Gomeri mythological beings;
 - (d) identification of whether the survey area, or any part, is a site of particular mythological or other significance;
 - (e) consideration of traditional responsibility for, and to, that area, totemic relationships and / or kinship relationships;
 - (f) identification of flora, fauna, water sources, aquatic ecology and waterways of particular significance to Gomeri People in the survey area; and

- (g) identification of what avoidance or mitigation measures should be implemented in relation to the areas so identified, including buffer zones, exclusion zones and protocols for on site monitoring of any ground disturbing activities during construction.
- 38 The Gomeri Applicant emphasises that the cultural heritage value of a site is reflected not only in the presence of archaeological evidence within the Proposed Project area but is also based on both physical and spiritual connection of Gomeri People to the land and waters. In some cases, an area may be part of an important cultural landscape, without necessarily containing an archaeological feature which is readily identifiable.
- 39 The Gomeri Applicant notes the limited discussion surrounding cultural values pertaining to the wider context of the Pilliga included in paragraph 4.3, which is largely reflective of successive comments provided by the Gomeri Applicant in relation to the draft ACHA and draft ACHA methodology.
- 40 The Gomeri Applicant considers that the cumulative impact assessment should account for the cumulative impacts of developments within the Proposed Project area and the broader Pilliga on the intangible cultural values of the region.
- 41 The Gomeri Applicant notes that there is a high degree of cumulative impact on both Gomeri People from the local area and the extended Gomeri kinship community on social and cultural wellbeing leading to significant health and psycho social impacts from any loss of connection to Country or culture.
- 42 Development of avoidance or mitigation measures are critical.
- 43 The Gomeri Applicant maintain that further work is needed to actively identify the cultural values ascribed to land and waters within the survey area and any avoidance or mitigation measures that should be implemented to address impacts to these values. The Gomeri Applicant submits that the only way this can be achieved is for further surveys and engagement with Gomeri People.

Engagement of Gomeri People

- 44 The Gomeri Applicant considers it to be crucial that only appropriate Gomeri People with cultural association with the Proposed Project area and who have the requisite skills to undertake heritage survey work in the Proposed Project area should be employed to undertake survey work and to provide information about the cultural values in the Project area.
- 45 It is further noted that, whilst the RAP process is subject to the current provisions of the *National Parks and Wildlife Act 1974 (NSW)*, related regulations and Heritage NSW Policy, the 2010 Guidelines for Proponents do not prescribe that RAPs must be employed in survey work.

Intellectual Property

- 46 We note that the Gomeri Applicant's previous comments regarding the sensitivity and confidentiality of Gomeri People's cultural information are briefly acknowledged at paragraph 4.2.4.
- 47 The Gomeri Applicant consider that:
- (a) there should be further detailed engagement relevant to the maintenance of confidentiality of cultural information, to be included in the Aboriginal Cultural Heritage Management Plan (ACHMP); and
 - (b) all Gomeri cultural information obtained during the proposed survey activities and the taking of oral histories are the intellectual property of the Gomeri People.
- 48 Gomeri People engaged to undertake future survey activities for the Proposed Project must be given a clear opportunity to specify the restrictions to be placed on any information reported for inclusion on AHIMS (site cards). Gomeri People should also have the opportunity to have their own records of artefacts, sites and places of importance identified during survey, construction and

rehabilitation and the opportunity to have their own cultural mapping and database developed to hold Gomeri People's cultural information.

- 49 In addition, the Gomeri Applicant considers it critical that the views and information provided by Gomeri People during surveys and monitoring works are recognised and valued by all archaeologists and anthropologists engaged in relation to the Proposed Project.

Risk Assessment and Management and Avoidance and Mitigation Measures

- 50 The Gomeri Applicant considers that the pipeline route should be determined so as to avoid impact on Gomeri People's cultural heritage. In the limited circumstances where this is not possible, the impact on Gomeri People's cultural heritage should be minimised and mitigated.

Aboriginal Cultural Heritage Management Plan

- 51 Implementation of cultural heritage management plans are key. There have been too many instances where management plans have been devised but not adhered to, leading to the irreparable loss of cultural heritage values both tangible and intangible.
- 52 The ACHMP should be developed in partnership with Gomeri People so as to avoid and minimise impacts on Aboriginal cultural heritage.
- 53 The Gomeri Applicant submit that any ACHMP devised to protect both environmental and cultural heritage values should include a strict criteria for the carrying out of the activity and the instigation of processes through which Gomeri People have ongoing heritage monitoring roles in relation to the Proposed Project, including during the construction phase. The Gomeri Applicant recommend the employment of Gomeri cultural heritage monitors to manage contingencies such as the discovery of sites during construction and other Gomeri cultural heritage. Those appointed to such a role should also have the ability to report to the Gomeri community on all project issues quarterly.

The Gomeri Applicant thanks you for the opportunity to make this submission.

Yours sincerely,

Mishka Holt

Mishka Holt
Principal Solicitor
NTSCORP Limited

Annexure A

Table 6.4 Threatened flora species – recorded and assumed present

Species	Listing	
	BC Act ¹	EPBC Act ¹
Species recorded		
<i>Androcalva procumbens</i> (syn. <i>Commersonia procumbens</i>)	V	V
Pine Donkey Orchid (<i>Diuris tricolor</i>)	V	-
Winged Peppergrass (<i>Lepidium monoplacoides</i>)	E	E
Native Milkwort (<i>Polygala linariifolia</i>)	E	-
Greenhood Orchid (<i>Pterostylis cobarensis</i>)	V	-
<i>Tylophora linearis</i> (<i>Tylophora linearis</i>)	V	E
Species assumed present		
<i>Cyperus conicus</i>	E	-
Bluegrass (<i>Dichanthium setosum</i>)	V	V
Finger Panic Grass (<i>Digitaria porrecta</i>)	E	-
Belson's Panic (<i>Homopholis belsonii</i>)	E	V
Spiny Peppergrass (<i>Lepidium aschersonii</i>)	V	V
Large-leafed Monotaxis (<i>Monotaxis macrophylla</i>)	E	-
Scant Pomaderris (<i>Pomaderris queenslandica</i>)	E	-
Slender Darling Pea (<i>Swainsona murrayana</i>)	V	V
Austral Toadflax (<i>Thesium australe</i>)	V	V

Note: 1. V – vulnerable, E – endangered

Table 6.5 Threatened fauna species – recorded and assumed present

Species	Listing		BAM credit type
	BC Act ¹	EPBC Act ¹	
Species recorded during surveys (candidate and predicted species)			
Dusky Woodswallow (<i>Artamus cyanopterus cyanopterus</i>)	V	-	Ecosystem
South-eastern Glossy Black-Cockatoo (<i>Calyptorhynchus lathami lathami</i>)	V	V	Species / ecosystem
Eastern Pygmy-possum (<i>Cercartetus nanus</i>)	V	-	Species
Brown Treecreeper (south eastern) (<i>Climacteris picumnus victoriae</i>)	V	V	Ecosystem
White-bellied Sea-Eagle (<i>Haliaeetus leucogaster</i>) ²	V	-	Species / ecosystem
White-throated Needletail (<i>Hirundapus caudacutus</i>)	V	V	Ecosystem
Square-tailed Kite (<i>Lophoictinia isura</i>)	V	-	Species / ecosystem
Turquoise Parrot (<i>Neophema pulchella</i>)	V	-	Ecosystem
Corben's Long-eared Bat (<i>Nyctophilus corbeni</i>)	V	V	Ecosystem
Little Lorikeet (<i>Parvipsitta pusilla</i>)	V	-	Ecosystem
Squirrel Glider (<i>Petaurus norfolcensis</i>)	V	-	Species
Scarlet Robin (<i>Petroica boodang</i>)	V	-	Ecosystem
Koala (<i>Phascolarctos cinereus</i>)	E	E	Species
Grey-crowned Babbler (Eastern subspecies) (<i>Pomatostomus temporalis temporalis</i>)	V	-	Ecosystem
Pilliga Mouse (<i>Pseudomys pilligaensis</i>)	V	V	Ecosystem
Speckled Warbler (<i>Pyrrholaemus sagittatus</i>)	V	-	Ecosystem
Diamond Firetail (<i>Stagonopleura guttata</i>)	V	V	Ecosystem
Eastern Grass Owl (<i>Tyto longimembris</i>)	V	-	Ecosystem
Candidate species credit species assumed present			
Pink-tailed Worm-lizard (<i>Aprasia parapulchella</i>)	V	V	Species
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	E	E	Species
Pale-headed snake (<i>Hoplocephalus bitorquatus</i>)	V	-	Species
Barking Owl (<i>Ninox connivens</i>)	V	-	Species / ecosystem
Grey-headed Flying-fox (foraging) (<i>Pteropus poliocephalus</i>) ²	V	V	Species / ecosystem
Masked Owl (<i>Tyto novaehollandiae</i>)	V	-	Species / ecosystem
Border Thick-tailed Gecko (<i>Uvidicolus sphyurus</i>)	V	V	Species
Eastern Cave Bat (<i>Vespadelus troughtoni</i>)	V	-	Species

Note: 1. V – vulnerable, E – endangered

2. No breeding or important habitat for this species is present within disturbance footprint; therefore, this species has been excluded from requiring further assessment and offsetting as a species credit species and is retained as an ecosystem credit species only.

Annexure B

Table 8.2 Geomorphic disturbance risk for watercourses with a stream order of three or higher

Watercourse	Strahler stream order	Reach geomorphic condition	Reach fragility	Geomorphic disturbance risk ¹
Bohena Creek	6	Poor	High	Moderate
Biblewindi Creek	4	Poor	Moderate	Moderate
Sandy Creek	3	Good	High – west of KP36 Moderate – east of KP36	High
Little Sandy Creek	3	Good	High	High
Tulla Mullen Creek	4	Moderate	Moderate	Moderate
Baan Baa Creek	3	Poor	High	Moderate
Curracubah Creek	4	Poor	High	Moderate

Note: 1. The table provides information on the geomorphic risk for the named watercourses shown on Figure 8.1 and Figure 8.2. Further information about geomorphic conditions and risks for other watercourses is provided in section 4.3.5 of Technical Report 4 (Water).

