

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s. 22(1)(a)(ii) Signature: s. 22(1)(a)(ii) Date: 26 March 2021

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Kurri Kurri Gas Fired Power Station, Hart Rd, Loxford, NSW					
EPBC No:	Assessment officer: s. 22(1)(a)(ii)		Due Date: 30 March 2021		
General requirements	Brief	Decision Notice		Letters	
	(tick or circle)				
Correct templates used	X	X	X	X	X
Template version numbers: (assessment officer to insert version numbers)	V4.2	No info	No info	No info	No info
EPBC reference number correct and used consistently	X	X	X	X	X
Title of the action consistent	X	X	X	X	X
The ACN (or ABN if no ACN) is listed and correct	X	X	X		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.	X	X	X		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities	X	X	X	X	X
Statutory deadline consistent with database record	X				
Signature blocks and dates are correct	X	X	X	X	X
List of attachments is correct	X				
All dates mentioned accord with records	X	X	X	X	X
All species references use SPRAT scientific names (first time that they are used)	X	N/A	X	N/A	<input type="checkbox"/> N/A
Material used to prepare briefing is listed	X	N/A			
Public comments are included and issues raised in public comments are addressed (s75(1A))	<input type="checkbox"/>	N/A			
Legal advice is included (if advice has been sought)	<input type="checkbox"/>	N/A			
Line area advice is included (if advice has been sought)	<input type="checkbox"/>	N/A			
All line areas consulted are clearly identified	<input type="checkbox"/>	N/A			
Comments from Commonwealth and State/Territory Ministers are included and addressed	X	N/A			
Additional information requests (stop clocks) are discussed and briefing package and additional information attached	<input type="checkbox"/>	N/A			
Current ERT Report included	X	Date of ERT Report: 19 March 2021			
Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)	<input type="checkbox"/>				<input type="checkbox"/>

Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	X			
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	X			
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	X			
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	X			
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	X			
Bioregional plans are included and discussed (where relevant)	<input type="checkbox"/>	N/A		
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	X	N/A	Date of check against SPRAT: 19 March 2021	
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	X	N/A	Date of weekly report: 19 March 2021	
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)	<input type="checkbox"/>	N/A	Date of advice received:	
NCA-PM decision	Brief	Decision Notice	Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information		<input type="checkbox"/>		
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>			
CA decision	Brief	Decision Notice	Letters	
All controlling provisions have been identified	X	X	X	
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	X			
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
Cost recovery fee schedule included	X	N/A		X

DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT

To: Louise Vickery, Assistant Secretary, Environment Assessments NSW and ACT Branch
(for decision)

Referral Decision Brief – Kurri Kurri Gas Fired Power Station, NSW (EPBC 2021/8888)

Timing: 30 March 2021 – Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>		
Designated Proponent	Snowy Hydro Limited ACN: 090 574 431		
Controlling Provisions triggered or matters protected by particular manner	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth actions (s28) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/> A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> </td> <td style="width: 50%; vertical-align: top;"> National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Threatened Species & Communities (s18 & s18A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> GBRMP (s24B & s24C)* Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> </td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth actions (s28) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/> A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Threatened Species & Communities (s18 & s18A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> GBRMP (s24B & s24C)* Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: See <u>Attachment D</u>		
Assessment Approach Decision	Yes <input type="checkbox"/> No <input type="checkbox"/> Bilateral Applies <input checked="" type="checkbox"/>		
Recommendations:			
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.			
Considered / Please discuss			
2. Agree that the proposed action is not a component of a larger action.			
Agreed / Not agreed			
3. Agree with the recommended decision under section 75 of the EPBC Act.			
Agreed / Not agreed			

4. If you agree to recommendations 2 to 3 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

5. Agree to the designated proponent.

Agreed / Not agreed

6. Note that the proposed action will be assessed for the purposes of the EPBC Act under the bilateral agreement with NSW.

Noted / Please discuss

7. Agree to the fee schedule with justifications (Attachment F) and that the fee schedule (Attachment G) be sent to the person proposing to take the action.

Agreed / Not agreed

8. Sign the notice at Attachment B (which will be published if you make the recommended decision).

Signed / Not signed

9. Sign the letters at Attachment C.

Signed / Not signed

Louise Vickery
**Louise Vickery, Assistant Secretary,
 Environment Assessments NSW and ACT Branch**

Date: 30/03/21

Comments:

KEY ISSUES:

- The proposed action includes the construction and operation of a gas-fired power station, switchyard, and associated infrastructure.
- The project footprint is 12.75 ha, with a predicted disturbance footprint of 1.54 ha of native vegetation to be cleared. Based on the small scale of disturbance, significant impacts to threatened species and ecological communities are considered unlikely.
- Snowy Hydro is classified as a Commonwealth Agency under the EPBC Act, which requires a whole of environment assessment to be conducted.

- The Department recommends that you decide that the proposal is a controlled action, because there is likely to be significant impacts to the environment, including:
 - generating emissions and pollutants which may impact air quality, and
 - potentially disturbing contaminated and/or acid-sulphate soils in the proposed action area with potential flow on impacts to surface or ground water.

BACKGROUND:

Description of the referral

A valid referral was received on 1 March 2021. The action was referred by Snowy Hydro Ltd (Snowy Hydro), which has stated its belief that the proposal is not a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Description of the proposal (including location)

Snowy Hydro proposes to construct and operate a gas fired power station and associated infrastructure at Hart Road, Loxford, NSW. The proposal involves the construction and operation of a power station and electrical switchyard, together with other associated infrastructure.

The main components of the proposed action include:

- The use of two heavy-duty Open Cycle Gas Turbines (OCGT), with a capacity of up to 750 megawatts.
- A new 132 kV electrical switchyard which will be located adjacent to the proposed action area and would connect into the existing Ausgrid 132 kV transmission network.
- A connection to a new gas lateral and storage pipeline. The design, construction and operation of this pipeline will be undertaken by a different proponent and is not part of this proposed action.
- Operating as a 'peaking' facility, the Proposal would operate only when needed (up to 10 per cent of the time on gas, and up to 2 per cent of the time on diesel, or a total of 12 per cent in any given year). Operation on diesel fuel is considered a 'back-up' function, in case gas supply to the proposal site is not available.
- Potable water, wastewater and stormwater connections, communication infrastructure and new access roads to the site will be required for the operation of the proposed action.
- Other operational components include:
 - Gas receiving station;
 - Storage tanks and other water management infrastructure;
 - Fire water storage and firefighting equipment such as hydrants and pumps;
 - Maintenance laydown areas;
 - Diesel fuel storage tank(s) and truck unloading facilities;
 - Site access roads and car parking; and
 - Office/administration, amenities, workshop/storage areas.

- Temporary power and other services will also be required during the construction phase of the proposed action.
- A permanent stormwater basin will be constructed at the site's northern boundary.

Natural gas fuel will be supplied to the proposed power station from the existing eastern Australia gas transmission network and the many other facilities that feed into it. The connection point will be into the existing Jemena JGN North Trunk gas transmission pipeline between Sydney and Newcastle with the tie in point to be located in the Newcastle area.

The Scoping Report (Attachment A2) states that AGL has announced that the large (approximately 2000 MW) coal-fired power station at Liddell, NSW will be retired in stages, with one unit to shut down in April 2022 and the remaining three in April 2023. The proposed gas fired power station at Kurri Kurri would provide additional dispatchable electricity into the NEM following the planned retirement of Liddell and the increased penetration of intermittent renewables generation.

The proposed action has been developed to assist in the transition to low-carbon electricity generation sector. In the Hunter Region, the planning process for retirement of the Liddell Power Station has commenced.

At commencement of works, the Proponent will take possession of a cleared, former industrial site with all pre-existing structures demolished and removed, and after completion of a comprehensive, extensive program of site remediation works (demolition and remediation works are currently under way, under separate approvals).

The proposed action footprint area covers 12.75 ha. Of this total area, the component parts and the locations where vegetation clearing is required, are as follows:

- power station plant area 6.81 ha, (no clearing required)
- switchyard - 1.3 ha, 1.3 ha to be cleared; including 0.98 ha of native vegetation
- buffer area - 3.73 ha (no clearing required)
- APZ - 0.61 ha, 0.6 ha to be cleared; including 0.39 ha of native vegetation
- stormwater basin - 0.3 ha, all of this to be cleared; includes 0.17 ha of native vegetation
- total new disturbance = 1.54 ha of native vegetation.

Each of the areas mentioned above, is identified in the referral documentation (Attachment A3).

The proposed action area is located on the former Hydro Aluminium Kurri Kurri, aluminium smelter site at Hart Road, Loxford, NSW (see Figure 1 below).

The proposed action, as described in the referral, is the construction and operation of a Gas Fired Power station. The referral states that the proposed action is due to start in October 2021 and will end in 2024. The indicative timings in the referral related to the construction of the power station. This matter was raised by the Department with the proponent by email dated 25 March 2021, Attachment I, where the Department confirmed the start date as January 2022, with operation commencing by 2024 (dependant on approvals and contractors), and that the power station's minimum expected design life for the mechanical and electrical components will be 30 years, while for civil and structural components it will be 50 years.

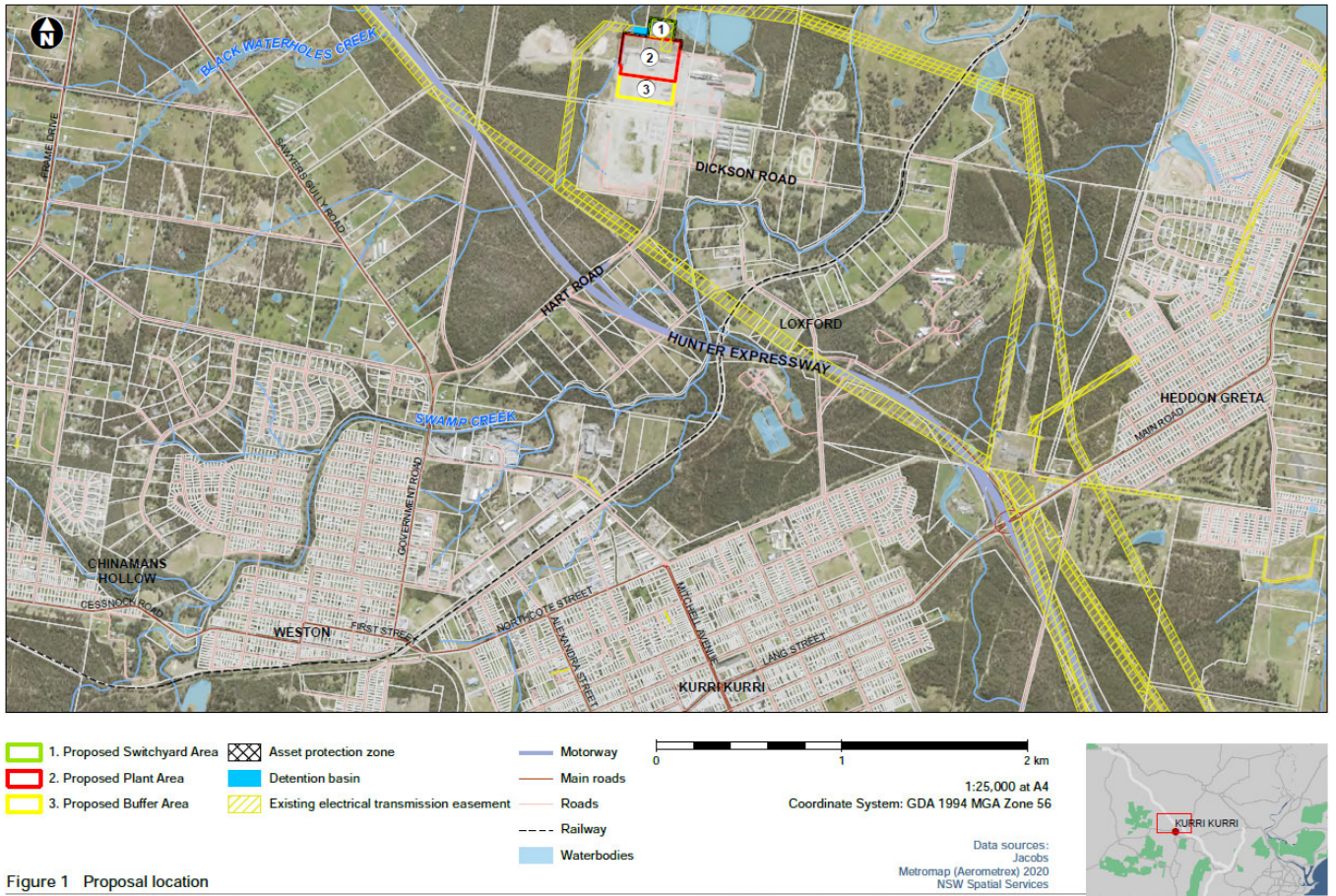


Figure 1 Proposal location

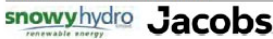


Figure 1. Location of the proposed action (taken from the referral documentation).

Description of the environment

The majority of the proposed action area has been subject to extensive prior disturbance for the construction and operation of the former Hydro aluminium smelter between 1969 and 2014 when the smelter was permanently closed. Since the smelter’s decommissioning, recent demolition and remediation works have resulted in further disturbance. The Scoping Report (Attachment A2) mentions that there is only a very small area of land which remains on the northern edge of the proposed action area that is less disturbed and is covered by fringe regrowth vegetation.

To the north, east and west of the proposed action area there is extensive native vegetation. The Scoping Report (Attachment A2) states that these areas are mapped as known habitat for endangered fauna such as the Regent Honeyeater.

The surrounds of the proposed action area are primarily flat, with natural drainage falling gradually towards the north-east towards Black Waterholes Creek. There are two large, shallow artificial ponds located north-east of the proposed action area, which were constructed to capture stormwater runoff from the smelter site and are integrated with the natural drainage regime. These ephemeral ponds overflow and discharge as irrigation to the adjacent paddock owned by Hydro Aluminium north of the site.

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate)

may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

The Department has reviewed the EPBC Act Policy Statement – Staged Development and Split Referrals Section 74A of the EPBC Act and considers that the referred action is a standalone action not dependent on other components not referred. The connection to a new gas lateral and storage pipeline, mentioned in the referral, will be done through a separate approval referred by a different proponent, and it will not compromise or reduce the ability to assess impacts to protected matters. On this basis, the Department considers that the referred action and its main components do not comprise a larger action proposed to be undertaken by the same person.

The proposed action, as described in the referral is ‘the construction and operation of a power station and electrical switchyard, together with other associated Infrastructure’. The referral states that the proposed action is due to start in October 2021 and will end in 2024, however this related to only the construction element. The Department raised this issue with the proponent and advised that the referral covers construction and operation and would be assessed by the Department on this basis, and to align with the bilateral assessment with NSW (who is undertaking a whole of life cycle assessment) if determined a controlled action. On 25 March 2021 the Department received advice that the power station’s minimum expected design life for the mechanical and electrical components will be 30 years, while for civil and structural components it will be 50 years.

The Department also confirmed with Legal Division that the referral (as written) covers construction and operation, on the basis that the referral outlines activities related to both aspects. Legal Division noted that timeframes included in section 1.11 of the referral are only indicative and did not consider that the referral needed to be varied.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provision:

- An action taken by a Commonwealth agency that is likely to have a significant impact on the environment (section 28).

These impacts are discussed below.

Commonwealth action (s28)

In accordance with s528 of the EPBC Act, a Commonwealth agency includes: a company in which the whole of the shares or stock, or shares or stock carrying more than one-half of the voting power, is or are owned by or on behalf of the Commonwealth.

The proposed action is being undertaken by Snowy Hydro Limited. In July 2018, the Commonwealth acquired all remaining shares of Snowy Hydro. Therefore, for the purposes of the EPBC Act, Snowy Hydro Limited is considered to be a Commonwealth agency and an assessment of the whole of environment is required.

The *EPBC Act Policy Statement 1.2 Significant Impact Guidelines – Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* (December 2013) provide guidance on how Commonwealth Agencies must be assessed for the purposes of the EPBC Act. Significant Impact Guidelines 1.2 must also be considered in conjunction with Significant Impact Guidelines 1.1 which deals with matters of national environmental significance.

The Significant Impact guidelines 1.2 require the consideration of the proposed action by a Commonwealth agency on the following matters:

- Impacts on plants
- Impacts on animals
- Impacts on water resources
- Pollutants, chemicals and toxic substances
- Impacts on landscapes and soils
- Impacts on people and communities
- Impacts on heritage

Using both Significant Impact guidelines 1.1 and Significant Impact guidelines 1.2 the potential impacts of the proposed action by a Commonwealth Agency have been considered and are described below.

Contaminated soils & acid-sulphate soils

According to the information presented in the Scoping Report ([Attachment A2](#)), the proposed action area is heavily disturbed from previous aluminium smelter activities between 1969 and 2014. The proponent states that prior to the construction of the proposed power station, the proposed action area will have been remediated by Hydro Aluminium Kurri Kurri Pty Ltd, to a standard suitable for its proposed future industrial use. The outcomes will be verified through an Environment Protection Agency (EPA) site audit statement, which will be prepared by an EPA accredited contaminated site auditor. The referral documentation notes that these remediation and validation works will be undertaken prior to Snowy Hydro taking ownership of this portion of the land.

The Scoping Report ([Attachment A2](#)) states that the Environmental Impact Statement (EIS), being prepared as part of the NSW bilateral process, will provide a comprehensive summary of the work done in relation to assessment and remediation of soil and water contamination at the former Hydro Aluminium smelter site. The EIS will document all the conclusions and outcomes from this process to date, to provide an understanding of the expected condition of the Proposal Site at the time that Snowy Hydro takes possession of the land.

The Department notes that the proposed action area is still registered on the NSW EPA contaminated lands register; therefore, adopting a precautionary approach the Department considers that there is benefit in waiting for the EIS to be published and that there is a real possibility that undertaking the proposed action on the area which was previously used for the Kurri Kurri aluminium smelter could cause environmental damage through substantially disturbing contaminated soils.

The Scoping Report (Attachment A2) states that no acid sulphate soil (ASS) review nor testing has been undertaken in the proposed action area. However, the report notes that Wentworth Swamp, located about 1.5 km north of the proposed gas fired power station, is identified by mapping as high probability of ASS. The proponent states in the Scoping Report that as part of the EIS work in relation to the assessment and management of ASS at the former Hydro Aluminium smelter site will be undertaken and reported. The EIS will document all the conclusions and outcomes from this process to date, to provide an understanding of the expected condition of the proposed action area at the time that Snowy Hydro takes possession of the land. Therefore, adopting a precautionary approach, the Department considers the proposed action is likely to have an impact on the environment given the potential disturbance of ASS in the proposed action area. On the basis of the above, the Department considers that it is possible that the proposed action could substantially disturb acid-sulphate soils.

Water resources

The Scoping Report (Attachment A2) states that there is currently an existing potable water supply to the decommissioned aluminium smelter provided by Hunter Water, and it is planned that the proposed action will be connected to this water supply source. Water storage tanks will be provided within the power station boundary to assist with the power station peak water demands. Potable water will be also used for evaporative cooling of air into the gas turbines and other minor station water demands. Regarding the power station wastewater, the Scoping Report (Attachment A2) notes that it will connect into the existing Hunter Water connection as part of the industrial development of the proposed action area. The connection point and size will be determined as the design of the proposed action progresses.

Although the proposed action does not intend to use groundwater during the construction or operation of the power station, it is likely that the potential soil contamination of the proposed action area could have an impact on the quality of surface and/or ground water coming from the site. The groundwater/surface water exiting the site has the potential to impact vegetation/fauna offsite and it will be necessary to review the remediation management plan to establish how contaminated water coming from the site will be treated. This information is not yet available as the site has not yet been fully remediated and assessed by an independent Contaminated Site Auditor. Mitigation measures for the management of the potential impacts of contaminated water include:

- Minimising the overall site area and plant layout, to reduce impervious areas and hence reduce runoff
- Stormwater treatment processes including oily water separators, treatment of stormwater through litter/gross pollutant screens and sediment/stormwater basins.

It is anticipated that additional mitigation measures will be outlined in the EIS on this basis and using the precautionary principle, the Department considers that while the remediation management plan is not yet in place it must be concluded that it is possible that the proposed action could measurably impact the quality of surface or groundwater.

Air quality

The Scoping Report (Attachment A2) states that the key air quality issue for the project will be the potential impact of emissions of products of combustion from power generation units on local and regional air quality. The primary emission from the turbines is oxides of nitrogen. Other emissions considered in the environmental assessment include carbon dioxide, carbon monoxide, sulphur dioxide and particulate matter. Although the Proposal would generate electricity at a lower rate of greenhouse gas (GHG) emissions than black or brown coal, the GHG emissions from combustion of natural gas still needs to be considered. In the past, a

majority of substation switchgear such as circuit breakers, disconnectors, and transformers, contained some sulphur hexafluoride (SF6) gas which is considered a greenhouse gas, the use of which in this development will be determined during detailed design.

An air quality and greenhouse gas assessment will be completed as part of the EIS. The air quality assessment will be based on the quantitative prediction of potential air quality impacts in accordance with Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2016). The assessment will include review of the existing environment, inventory development, predicted emissions and air dispersion modelling. The EIS will review the Proposal's ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Greenhouse gas emissions associated with construction and operation of the Proposal will be estimated at the EIS stage. The assessment will include a high-level comparison with other power generation types as well as setting the emissions in the context of state and national emissions. The assessment will also detail any project inclusions which present a lower greenhouse gas emissions alternative. The Scoping Report (Attachment A2) states that the operation of the proposed action at peak capacity will generate low emissions compared to coal and that the proposed action is not expected to have a material impact on national greenhouse gas emissions. The Department notes that there is currently insufficient information to determine impacts associated with greenhouse gas emissions and that these will be assessed as part of the NSW process.

In relation to air quality, on the basis of the above factors, the Department considers that it is possible that the proposed action could release pollutants and emissions which could affect air quality, and further assessment is required to determine impacts associated with the proposed action.

Plants

Potential impacts on EPBC Act listed threatened species and communities are considered below and at Attachment H. In addition, the referral indicates that to date, one plant community type intersects a small area of the proposed action area at the northern end of the site. The plant community type affected contains a few species that are not listed as threatened under the EPBC Act. The proponent states in the referral that impacts on any flora species will not be significant from the clearance of 1.54 ha of native vegetation.

The Department has concluded that the proposed action is unlikely to impact plants because the proposed action will not involve medium or large-scale native vegetation clearance, the introduction of invasive species, or involve any clearance of any vegetation containing a listed threatened species which is likely to result in a long-term decline in a population or which threatens the viability of the species.

Animals

The referral documentation notes that impacts on native fauna species as a result of the proposed action are unlikely and not significant according to a habitat suitability assessment and identification of species undertaken in the proposed action area. Based on this information and the criteria outlined in the Significant Impact Guidelines 1.2, the Department considers that the proposed action will not: cause a long-term decrease in, or threaten the viability of, a native animal population or populations, substantially reduce or fragment available habitat or introduce exotic species.

People and communities

Based on the information provided in the referral documentation, the potential social and economic impacts during construction are expected to be temporary and these include increased housing and accommodation demand due to construction workforce, and increased demand on local community infrastructure. Amenity related impacts on the local community from noise and vibration, air quality, traffic and visual impacts are temporary impacts identified by the proponent for both, construction and operation stages of the project. The proposed action area, however, is surrounded by regrowth vegetation, and the former aluminium smelter and M15 Hunter Expressway to the south and the nearest residential receptors are rural residential properties about 1.25 km south-east in Loxford, and the closest residential zoned land is suburban areas of Kurri Kurri, approximately 2 km south to south-west of the proposed action area.

The referral documentation states that construction of the proposed power station would be consistent with existing and proposed surrounding industrial land uses. The proposed action has the potential to impact upon landscape character and visual amenity during construction and operation. However, as the proposed action area is largely isolated from major roads and other public areas, the proponent believes these impacts are likely to be limited to few viewers.

According to the Scoping Report ([Attachment A2](#)), the proposed gas fired power station at Kurri Kurri would provide additional dispatchable electricity into the national electric market and the increased penetration of intermittent renewables generation. The proposed action would support both direct and indirect job opportunities by the creation of jobs, generating up to 250 jobs during construction and around 10 permanent positions during operation with increased employment during maintenance events. It would also support economic diversification and contribute to offsetting the reduction in coal mining employment.

Based on the above, the Department considers that there is no real chance or possibility that the action will: substantially increase demand for, or reduce the availability of, community services, cause physical dislocation of individuals or communities, or substantially change or diminish cultural identity, social organisation or community resources.

Heritage

There are no relevant Commonwealth Heritage places or other places recognised as having heritage values within the proposed action area. There is expected to be no impact or disturbance to any heritage items as a result of the proposed action.

Indigenous heritage values relevant to the project area were identified. A preliminary search of the AHIMS database by the proponent done in August 2020, identified 33 registered Aboriginal sites recorded within a 1 km radius of the proposed action area, but none within the proposed action area. This was verified during the site survey attended by Registered Aboriginal Parties, undertaken over 2 days in January and February 2021.

The Scoping Report ([Attachment A2](#)) states that no known items of non-Aboriginal heritage are located in or around the proposed action area. The proposed action is not expected to impact on any known heritage items.

Based on the information presented above, the Department considers that there is no real chance or possibility that the proposed action will: permanently destroy, remove or substantially alter the fabric (physical material including structural elements and other components, fixtures, contents, and objects) of a heritage place or substantially diminish or restrict the heritage value of a heritage place for a community or group for which it is significant.

Conclusion

Based on the referral documentation and the information presented above, the Department considers that the proposed action is likely to have a significant impact on the environment because there is a real chance or possibility that it could measurably:

- generate emission and pollutants which may impact air and water quality, and
- potentially disturb contaminated and/or acid-sulphate soils in the proposed action area.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed threatened species and communities (s18 & 18A)

The Department's Environment Reporting Tool (ERT) indicates that a total of 38 threatened species and 5 ecological communities may occur within 5 km of the proposed action area (see the ERT report at [Attachment E](#)).

Where appropriate, field surveys for the referral have been undertaken in accordance with NSW Assessment requirements. A Biodiversity Assessment report is being prepared as part of the EIS process. The Department considers that sufficient survey information is available to make an informed referral decision.

The Department notes that Earp's Gum were observed during surveys and could be potentially impacted by the proposed action. While potential habitat is present, no other threatened species or ecological communities were observed during surveys.

Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*) – Vulnerable

Species information

Earp's Gum or Earp's Dirty Gum (*Eucalyptus parramattensis* subsp. *decadens*) is endemic to the Hunter Region, with two distinct mega populations on the Tomago Sandbeds and at Cessnock-Kurri. Earp's Gum is often found in dry sclerophyll woodland on sandy soils, in low often wet sites.

Proposed action area

Within the referral documentation, surveys found 45 individuals within the proposed action area (forming a small number relative to current local population). This included a range of ages, including few mature large hollow bearing trees, and primarily juvenile regrowth saplings.

Around 90 % of the project will occur on an existing cleared and previous development site. Within the remaining 10 % of the site small areas of intact and regrowth vegetation were identified to contain Earp's Gum.

Potential impacts

The referral information reports that the project is likely to cause an impact to 37 Earp's Gum trees. This includes directly impacting 23 trees and indirectly affecting 14 trees.

A 10 m fire asset protection zone is proposed around the proposed site, resulting in impacts to the additional 14 trees currently mapped within this 10 m buffer that would require trimming or slashing. The removal of the trees and saplings was described by the proponent and consultant in an online meeting with the Department on 9 March 2021 as 'slashing', with the remaining growth being allowed to regrow. Observations describe the species as resilient to change and disturbance.

Avoidance and mitigation measures

The proponent anticipates that measures to avoid or reduce impacts will include:

- Delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- Identification and where feasible, protection of any habitat features including hollow-bearing trees.

The proposed action would not break apart continuous areas of the PCT 1633 (including Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*)) into separate smaller fragments. Impacts would be limited to the edge of a large contiguous patch. Habitat connectivity is expected to remain in a similar state after completion of the proposed action and there is unlikely to be an alteration to community composition, altered species interactions, or altered ecosystem functioning in the locality due to the proposed action. Habitat fragmentation is not considered an important impact of the proposed action with regard to its context and intensity. The proposed action would result in minimal disturbance of native vegetation. Where this disturbance cannot be avoided, the intact vegetation proposed to be impacted would be of a small amount and would not contribute to further fragmentation.

Conclusion

The proposed action is unlikely to have a significant impact on this vulnerable species as there is no real chance or possibility that it will:

- reduce the area of occupancy of an important population
- modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline
- introduce disease that may cause the species to decline, or
- interfere substantially with the recovery of the species.

Given the small scale of clearing less than 2 ha of native vegetation, and impacts to 37 trees, the potential direct impact, and contribution to indirect impacts such as edge effects caused by the proposed action is not considered to be significant to the population of Earp's Gum.

Other listed threatened species and ecological communities

The proponent identified the following species as having a moderate or high potential to occur in the study area based on the presence of suitable habitat:

- Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered – 0.40 ha of habitat
- Swift Parrot (*Lathamus discolor*) – Critically Endangered – 0.40 ha of habitat
- Koala (*Phascolarctos cinereus*) combined populations of Qld, NSW and the ACT – Vulnerable – 0.40 ha of habitat
- Australasian Bittern (*Botaurus poiciloptilus*) – Endangered – 0.05 ha of habitat
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable – 0.40ha of habitat.

The Department notes that around 90 per cent of the project will occur on an existing cleared and previous development site. There will be limited disturbance to potential habitat of 1.54 ha. The Department also notes that only very minor habitat in the context of each species is proposed to be impacted and significant impacts are not considered likely. The Department's analysis is at [Attachment H](#).

Listed migratory species (s20 & 20A)	<p>The ERT identified 12 migratory species as potentially occurring within or adjacent to the proposed action.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts and limited clearing of vegetation, the proposed action is unlikely to have a significant impact on migratory species.</p> <p>For these reasons the Department considers that sections 20 and 20A are not controlling provisions for the proposed action.</p>
Ramsar Wetlands (s16 & 17B)	<p>The ERT (Attachment E) did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar listed wetlands of international importance is within 10 km of the Hunter estuary wetlands.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the Department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
World Heritage properties (s12 & 15A)	<p>The ERT (Attachment E) did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the Department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
National Heritage places (s15B & 15C)	<p>The ERT (Attachment E) did not identify any National Heritage places located within or adjacent to the proposed action area.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the Department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area.</p>

	<p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the Department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action will be undertaken on Commonwealth land as Snowy Hydro will purchase the site.</p> <p>The ERT (Attachment E) identified a defence site, Scobie Barracks - Australian Air Force Cadets 308 Squadron, within 5km of the proposed action area. Impacts to the base are not expected.</p> <p>Section 26(3)(f) of the EPBC Act provides that the Commonwealth land controlling provisions do not apply to actions taken by a Commonwealth agency.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the Department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	<p>The proposed action is not located overseas. For this reason, the Department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>
A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)	<p>The proposed action is not a coal seam gas or a large coal mining development. For these reasons the Department considers that sections 24D and 24E are not controlling provisions for the proposed action.</p>

SUBMISSIONS:

Public submissions

The proposal was published on the Department's website on 1 March 2021 and public comments were invited until 16 March 2021. No public submissions were received.

Comments from Commonwealth Ministers

By letter dated 1 March 2021, the following ministers were invited to comment on the referral:

- The Hon Angus Taylor MP, Minister for Energy and Emissions Reduction.
 - An email from **s. 47F(1)**, a representative of the Gas Taskforce Division of the the Department of Industry, Science, Energy and Resources, was received on 5 March 2021 and noted that the division is not in a position to comment on any significant impacts from the Kurri Kurri project on any of the matters protected under the EPBC Act ([Attachment D1](#)).
 - An email from a representative of the Resources Division of the Department of Industry, Science, Energy and Resources, was received on 16 March 2021, replied that on this occasion, the Department has no comments to add ([Attachment D2](#)).
- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians.
 - On 16 March 2021, a representative of the National Indigenous Australians Agency (NIAA) ([Attachment D3](#)), provided the following comments in response to that invitation:
 - Land holds cultural and spiritual significance to Indigenous Australians and it is important their voices are heard on projects proposed on their country. We are encouraged by Snowy Hydro Ltd's engagement and consultation with the relevant Registered Aboriginal Parties (RAPs) and other Aboriginal community organisations. We note that as a result of this consultation, an Aboriginal cultural heritage assessment identified no sites or items of Aboriginal cultural heritage significance, or likely to contain Aboriginal cultural heritage. We encourage the proponent to maintain engagement with the Registered Aboriginal Parties throughout the life of the project.
 - The National Indigenous Australians Agency also encourages the engagement of Indigenous employees and businesses should the project proceed. Snowy Hydro Ltd should consider engaging with Supply Nation, which maintains a free online directory that can be used to identify suitable Indigenous business to support project implementation. Likewise, it would be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.
- Mr **s. 47F(1)**, delegate of Minister the Hon Linda Reynolds CSC, Minister for Defence.
 - No comments were received in response to this invitation.
- The Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia.
 - No comments were received in response to this invitation.

Comments from State/Territory Ministers

By letter dated 1 March 2021, Mr s. 47F(1), the delegated contact for the New South Wales Minister for Planning and Public Spaces, the Hon Rob Stokes MP, was invited to comment on the referral.

Mr s. 47F(1), on behalf of the NSW Department of Planning, Industry and Environment (DPIE), responded on 3 March 2021 and noted that the proposed action would be assessed under the bilateral agreement between the Commonwealth and NSW Government, should the proposed action be determined to be a controlled action (Attachment D4).

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act.

The NSW Department of Planning, Industry and Environment (DPIE) informed the Department on 3 March 2021 that the bilateral agreement with NSW will apply to this project.

This proposal is being assessed by NSW DPIE as a State Significant Infrastructure (SSI) under the NSW Environment Assessment and Planning Act 1979 (EP&A Act) and the State Environmental Planning Policy (State and Regional Development) 2011. The bilateral agreement therefore applies to the project.

Secretary's Environmental Assessment Requirements (SEARs) for the proposed action were provided to Snowy Hydro Limited on 5 February 2021. The Department understands that the proponent is currently preparing an Environmental Impact Statement in response to the SEARs. The Department has advised Snowy Hydro that should you determine the action a controlled action the bilateral agreement is likely to apply.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The Department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.2 Significant Impact Guidelines – Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* (December 2013), and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve.

There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at Attachment F. The fee schedule (without justifications) at Attachment G will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Director
Northern NSW Assessments
29 March 2021

s. 22(1)(a)(ii)

Northern NSW Assessments
Ph: s. 22(1)(a)(ii) and s. 22(1)(a)(ii)

ATTACHMENTS

A: Referral documentation and attachments

A1: Referral

A2: Scoping Report

A3: Vegetation clearing identified in the proposed action area

B: Decision notice **FOR SIGNATURE**

C: Letters

C1: Letter to the proponent **FOR SIGNATURE**

C2: Letter to NSW Government **FOR SIGNATURE**

D: Ministerial comments

D1: Gas Task Force Division - Department of Industry, Science, Energy and Resources

D2: Resources Division - Department of Industry, Science, Energy and Resources

D3: National Indigenous Australians Agency

D4: New South Wales Minister for Planning and Public Spaces

E: ERT Report – 19 March 2021

F: Fee schedule (with justifications)

G: Fee schedule (without justifications)

H: Threatened species analysis

I: Email dated 25 March 2021 to Proponent regarding end date of proposed action and response from Proponent.



EPBC Ref: 2021/8888

s. 47F(1)

General Manager Water and Environment
Snowy Hydro Limited
Monaro Highway
COOMA NSW 2630

Dear **s. 47F(1)****Decision on referral****Kurri Kurri Gas Fired Power Station, NSW (EPBC 2021/8888)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action to construct and operate a gas fired power station and associated infrastructure at Hart Road, Loxford, NSW.

As a delegate of the Minister for the Environment, I have decided under section 75 of the 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:

- An action taken by a Commonwealth agency that is likely to have a significant impact on the environment (section 28).

Based on the information available in the referral, the proposed action is likely to have a significant impact on the environment, including but not limited to:

- generating emissions and pollutants which may impact air quality, and
- potentially disturbing contaminated and/or acid-sulphate soils in the proposed action area with potential flow on impacts to surface or ground water.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

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

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed action*. Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

The National Indigenous Australians Agency (NIAA) provided comments on your referral on behalf of the Minister for Indigenous Australians. The NIAA encourages ongoing engagement with the Registered Aboriginal Parties and other Aboriginal community organisations throughout the life of the project. The NIAA also encourages the engagement of Indigenous employees and businesses in the project through Supply Nation, which maintains a free online directory of Indigenous businesses, along with Vocational Training and Employment Centres and other employment providers.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000*, your assessment is subject to cost recovery. Please find attached a copy of the fee schedule for your proposal. Because the proposal will be assessed under the bilateral agreement with NSW, the Department will not be charging fees for Stage 1 of the assessment, as this stage will be undertaken by NSW. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedule provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the Department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit. Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>

The Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

The project manager, s. 22(1)(a)(ii), will contact you shortly to discuss the assessment process. If you have any questions about the referral process or this decision, please contact s. 22(1)(a)(ii), by email to s. 22(1)(a)(ii)@awe.gov.au, or telephone (02) s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

I have also written to the NSW Department of Planning, Industry and Environment (DPIE), to advise them of this decision. I note that the Department has discussed the assessment with DPIE and has confirmed that no supplementary Secretary's Environmental Assessment Requirements (SEARS) are required, as the EPBC Act matters are already covered in the NSW SEARS.

Yours sincerely



Louise Vickery
Assistant Secretary
Environment Assessments NSW and ACT
30th March 2021



EPBC Ref: 2021/8888

Mr s. 47F(1)

Director Case Managers
Business Performance and Reporting
Strategic Services Branch
Planning and Assessments Group
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear s. 47F(1)

Decision on referral**Kurri Kurri Gas Fired Power Station, NSW (EPBC 2021/8888)**

I am writing to advise you, as the designated contact for the New South Wales Minister for Planning and Public Spaces, the Hon Rob Stokes MP, of my decision on the referral of the proposed action, to construct and operate a gas fired power station and associated infrastructure at Hart Road, Loxford, NSW.

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:

- An action taken by a Commonwealth agency that is likely to have a significant impact on the environment (section 28).

Based on the information available in the referral, the proposed action is likely to have a significant impact on the environment, including but not limited to:

- generating emissions and pollutants which may impact air quality, and
- potentially disturbing contaminated and/or acid-sulphate soils in the proposed action area with potential flow on impacts to surface or ground water.

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

I note that the Department has discussed the assessment with NSW Department of Planning, Industry and Environment (DPIE) and has confirmed that no supplementary Secretary's Environmental Assessment Requirements (SEARS) are required, as the EPBC Act matters 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, s. 22(1)(a)(ii), by email to s. 22(1)(a)(ii)@awe.gov.au, or telephone (02) s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink that reads "Louise Vickery". The signature is written in a cursive, flowing style.

Louise Vickery
Assistant Secretary
Environment Assessments NSW and ACT
30th March 2021

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Saturday, 6 March 2021 11:32 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii); s. 22(1)(a)(ii)
Subject: FW: FOR ACTION Invitation to comment on Referral – Energy (EPBC 2021/8888) Kurri Kurri Gas Fired Power Station, NSW [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

Hi s. 22(1)(a)(ii), see below nil comment.

Regards

s. 22(1)(a)(ii)

From: Gas Taskforce Division <GasTaskforceDivision@industry.gov.au>
Sent: Friday, 5 March 2021 2:20 PM
To: s. 22(1)(a)(ii) @environment.gov.au>
Cc: DLO Taylor <DLOTaylor@industry.gov.au>
Subject: FW: FOR ACTION Invitation to comment on Referral – Energy (EPBC 2021/8888) Kurri Kurri Gas Fired Power Station, NSW [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

I hope you are going well at EAD and looking forward to the long weekend.

In response to your invitation to comment, the Gas Taskforce Division is not in a position to comment on any significant impacts from the Kurri Kurri project on any of the matters protected under the EPBC Act.

Thank you!

s. 47F(1)

s. 47F(1)
Executive Assistant to Michelle Croker | Head of Division
Gas Taskforce
Department of Industry, Science, Energy and Resources

s. 47F(1) | **s. 47F(1)** @industry.gov.au

Department of Industry, Science, Energy & Resources | www.industry.gov.au

Level 5, 51 Allara Street, Canberra City ACT 2601
GPO Box 2013, Canberra ACT 2601 Australia

OFFICIAL



Australian Government
**Department of Agriculture,
Water and the Environment**

The Hon Angus Taylor MP
Minister for Energy and Emissions Reduction
Parliament House
CANBERRA ACT 2600

Date: 1 March 2021
EPBC Ref: 2021/8888
EPBC contact: **s. 22(1)(a)(ii)**
s. 22(1)(a)(ii)
s. 22(1)(a)(ii)[@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear Minister

Invitation to comment on referral

Kurri Kurri Gas Fired Power Station, Hart Rd, Loxford, NSW

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Snowy Hydro Limited to develop a gas fired power station and associated infrastructure, Hart Rd, Loxford, New South Wales, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **16 March 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter **s. 22(1)(a)(ii)**
A/g Director
Environment New South Wales (South)
Environment Assessments (NSW and ACT)
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email **s. 22(1)(a)(ii)**[@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact **s. 22(1)(a)(ii)** and quote EPBC 2021/8888.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)
A/g Director
Referrals Gateway

OFFICIAL
OFFICIAL

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 16 March 2021 5:11 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Resources (EPBC 2021/8888) Kurri Kurri Gas Fired Power Station, NSW [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}, another comment FYI.

Regards
^{s. 22(1)(a)(ii)}

From: **s. 47F(1)** @industry.gov.au>
Sent: Tuesday, 16 March 2021 5:05 PM
To: **s. 22(1)(a)(ii)** @environment.gov.au>
Cc: EPBC <EPBC@industry.gov.au>
Subject: Invitation to comment on Referral – Resources (EPBC 2021/8888) Kurri Kurri Gas Fired Power Station, NSW [SEC=OFFICIAL]

Dear ^{s. 22(1)(a)(ii)},

Thank you for the opportunity to comment on EPBC 2021/8888 - Kurri Kurri Gas Fired Power Station, NSW.


On this occasion, the Department has no comments to add.

Kind regards,

^{s. 47F(1)}

s. 47F(1)
Policy Officer, Resources Stewardship and Environment
Resources Strategy | Resources Division
Department of Industry, Science, Energy and Resources
10 Binara Street, Canberra City ACT 2601
GPO Box 2013, Canberra ACT 2601 Australia
Ph: **s. 47F(1)**
s. 47F(1)[@industry.gov.au](mailto:s.47F(1)@industry.gov.au)

Supporting economic growth and job creation for all Australians

 *The department acknowledges the traditional owners of the country throughout Australia and their continuing connection to the land, sea and community. We pay our respect to them and their cultures and to the elders past and present.*

OFFICIAL

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 16 March 2021 3:41 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: NIAA Agency Comment re Gas Power Station at Loxford, NSW (EPBC Ref: 2021/8888) [SEC=OFFICIAL]

Hi Rachael, see below comments from the NIAA on your referral.

Regards

s. 22(1)(a)(ii)

From: Environment Policy <EnvironmentPolicy@niaa.gov.au>
Sent: Tuesday, 16 March 2021 1:49 PM
To: s. 22(1)(a)(ii) @environment.gov.au
Cc: Heritage <Heritage@niaa.gov.au>; s. 47F(1) @niaa.gov.au; s. 47F(1) @niaa.gov.au
Subject: NIAA Agency Comment re Gas Power Station at Loxford, NSW (EPBC Ref: 2021/8888) [SEC=OFFICIAL]

OFFICIAL

Dear s. 22(1)(a)(ii)

Thank you for your correspondence of 24 February 2021 regarding the referral of the proposed development by Snowy Hydro Limited of a gas fired power station and associated infrastructure at Hart Rd, Loxford in New South Wales (EPBC Ref: 2021/8888).

Land holds cultural and spiritual significance to Indigenous Australians and it is important their voices are heard on projects proposed on their country. We are encouraged by Snowy Hydro Ltd's engagement and consultation with the relevant Registered Aboriginal Parties (RAPs) and other Aboriginal community organisations. We note that as a result of this consultation, an Aboriginal cultural heritage assessment identified no sites or items of Aboriginal cultural heritage significance, or likely to contain Aboriginal cultural heritage. We encourage the proponent to maintain engagement with the Registered Aboriginal Parties throughout the life of the project.

The National Indigenous Australians Agency also encourages the engagement of Indigenous employees and businesses should the project proceed. Snowy Hydro Ltd should consider engaging with Supply Nation, which maintains a free online directory that can be used to identify suitable Indigenous business to support project implementation. Likewise, it would be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Thank you for the opportunity to comment on this referral.

Yours sincerely,

Lisa Nitschke | Branch Manager
Land Policy and Environment Branch
Economic Policy and Program Group
National Indigenous Australians Agency
p. (02) 6152 3423 | s. 47F(1)
w. niaa.gov.au w. indigenous.gov.au

s. 47F(1) | Executive Assistant
P. s. 47F(1)



The National Indigenous Australians Agency acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



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Mr s. 22(1)(a)(ii)
A/ Director – Environment New South Wales (South)
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

03/03/2021

Dear s. 22(1)(a)(ii)

**Kurri Kurri Power Station Project
(SSI-12590060) (2021/8888)**

I refer to the Commonwealth's request for advice in relation to the Kurri Kurri Power Station Project.

The NSW Department of Planning, Industry and Environment can confirm that the project would be able to be assessed in a manner in accordance with the Amending Agreement No. 1 to the Bilateral Agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the New South Wales Government, if it is declared a controlled action.

If the decision is made that the action would be a controlled action the Department would need to issue revised Secretary's Environmental Assessment Requirements prior to an application being lodged. The Department understands that the applicant, Snowy Hydro, may be lodging its application and Environmental Impact Statement by the week commencing 22 March 2021.

If you wish to discuss this matter further, please contact s. 47F(1) , who can be contacted on / at s. 47F(1) @planning.nsw.gov.au. ^{s. 47F(1)}

Yours sincerely

s. 47F(1)

Director
Resource Assessments

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Kurri Kurri 5 km buffer

Report created: 19/03/2021 08:56:45

[Summary](#)

[Details](#)

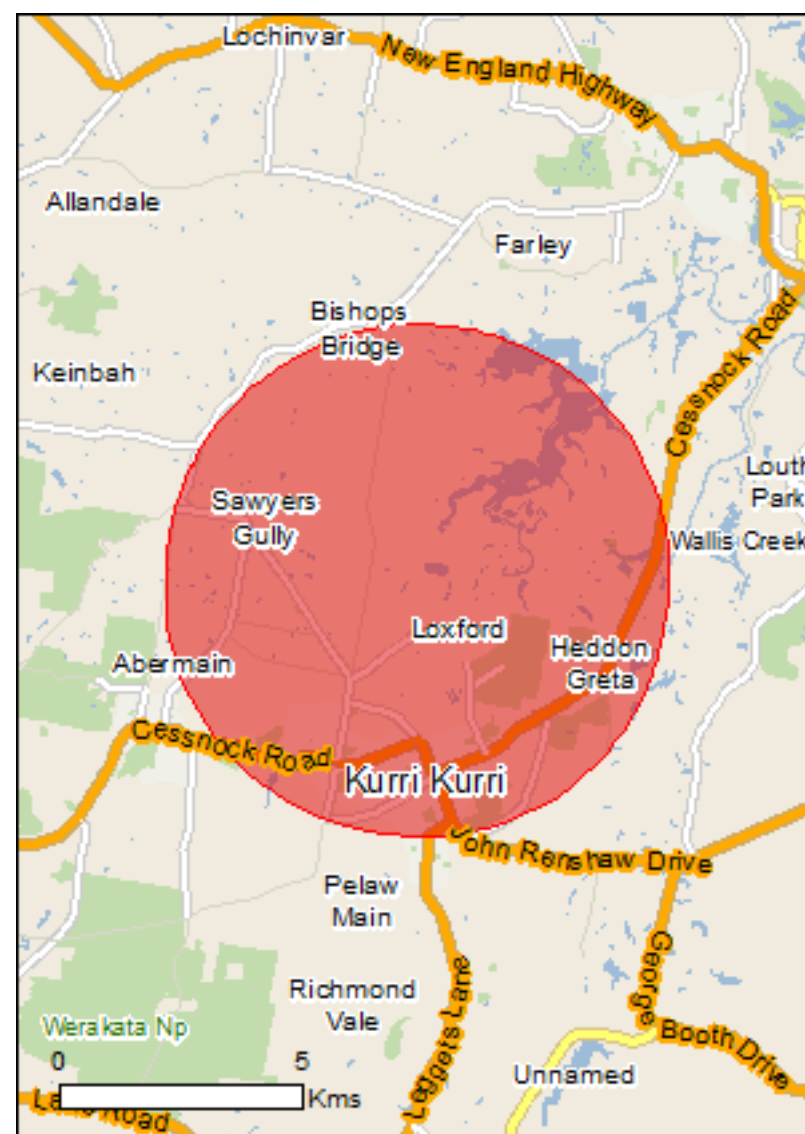
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

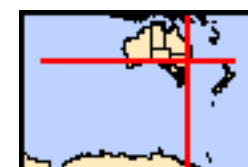
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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Limited



Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	1
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	5
Threatened Species:	38
Migratory Species:	16

Other Matters Protected by the EPBC Act

Commonwealth Lands:	2
Commonwealth Heritage Places:	None
Listed Marine Species:	22
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	2
Regional Forest Agreements:	1
Invasive Species:	46
Nationally Important Wetlands:	None
EPBC Act Referrals:	15
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar Wetlands)

[\[Resource Information \]](#)

Name	Proximity
Hunter estuary wetlands	10 - 20km upstream from Ramsar site

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Central Hunter Valley eucalypt forest and woodland	Critically Endangered	Community may occur within area
Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	Endangered	Community likely to occur within area
Hunter Valley Weeping Myall (Acacia pendula) Woodland	Critically Endangered	Community may occur within area
River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria	Critically Endangered	Community likely to occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Anthochaera phrygia	Critically Endangered	Species or species habitat known to occur within area
Regent Honeyeater [82338]		

Current Scientific Name	Status	Type of Presence
Botaurus poiciloptilus Australasian Bittern [1001]	LEX - 24872 Endangered	Species or species habitat likely to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat known to occur within area
FROG		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat may occur within area
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat known to occur within area

MAMMAL

Current Scientific Name	Status	Type of Presence
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	LEX - 24872 Vulnerable	Species or species habitat known to occur within area
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat likely to occur within area
Petauroides volans Greater Glider [254]	Vulnerable	Species or species habitat may occur within area
Petrogale penicillata Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
Pseudomys novaehollandiae New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat known to occur within area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area
PLANT		
Acacia bynoeana Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat known to occur within area
Cryptostylis hunteriana Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat may occur within area
Cynanchum elegans White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area
Eucalyptus glaucina Slaty Red Gum [5670]	Vulnerable	Species or species habitat known to occur within area

Current Scientific Name	Status	Type of Presence
Eucalyptus parramattensis subsp. decadens Earp's Gum, Earp's Dirty Gum [56148]	LEX - 24872 Vulnerable	Page 38 of 67 Species or species habitat known to occur within area
Euphrasia arguta [4325]	Critically Endangered	Species or species habitat may occur within area
Grevillea parviflora subsp. parviflora Small-flower Grevillea [64910]	Vulnerable	Species or species habitat known to occur within area
Persicaria elatior Knotweed, Tall Knotweed [5831]	Vulnerable	Species or species habitat likely to occur within area
Persoonia hirsuta Hairy Geebung, Hairy Persoonia [19006]	Endangered	Species or species habitat may occur within area
Prasophyllum sp. Wybong (C.Phelps ORG 5269) a leek-orchid [81964]	Critically Endangered	Species or species habitat may occur within area
Pterostylis gibbosa Illawarra Greenhood, Rufa Greenhood, Pouched Greenhood [4562]	Endangered	Species or species habitat may occur within area
Rhizanthella slateri Eastern Underground Orchid [11768]	Endangered	Species or species habitat may occur within area
Rhodamnia rubescens Scrub Turpentine, Brown Malletwood [15763]	Critically Endangered	Species or species habitat likely to occur within area
Rhodomyrtus psidioides Native Guava [19162]	Critically Endangered	Species or species habitat may occur within area
Rutidosis heterogama Heath Wrinklewort [13132]	Vulnerable	Species or species habitat known to occur within area

Current Scientific Name	Status	Type of Presence
Syzygium paniculatum Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	LEX - 24872 Vulnerable	Species or species habitat likely to occur within area
Tetratheca juncea Black-eyed Susan [21407]	Vulnerable	Species or species habitat may occur within area
Thesium australe Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat may occur within area

REPTILE

Delma impar Striped Legless Lizard, Striped Snake-lizard [1649]	Vulnerable	Species or species habitat may occur within area
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Migratory Species [Resource Information]

Current Scientific Name	Threatened	Type of Presence
Migratory Marine Birds		

Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
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Migratory Terrestrial Species

Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
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Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area
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Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
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Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area
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Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area
--	--	--

Current Scientific Name	Threatened	Type of Presence
Rhipidura rufifrons Rufous Fantail [592]	LEX - 24872	Species or species habitat known to occur within area
Symposiachrus trivirgatus as Monarcha trivirgatus Spectacled Monarch [83946]		Species or species habitat may occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat likely to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Commonwealth Lands	[<u>Resource Information</u>]
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The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name

Commonwealth Land -

Commonwealth Land - Telstra Corporation Limited

Listed Marine Species	Threatened	[<u>Resource Information</u>]
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Current Scientific Name	Threatened	Type of Presence
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Bird

Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
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Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area
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Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area overfly marine area
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Ardea modesta as Ardea alba Eastern Great Egret [82410]		Species or species habitat known to occur within area overfly marine area
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Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
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Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area
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Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat likely to occur within area overfly marine area
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Current Scientific Name	Threatened	Type of Presence
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]	LEX - 24872	Species or species habitat likely to occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area overfly marine area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area overfly marine area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area overfly marine area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area overfly marine area
Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area overfly marine area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area

Current Scientific Name	Threatened	Type of Presence
Pandion haliaetus Osprey [952]	LEX - 24872	Species or species habitat likely to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat known to occur within area overfly marine area
Symposiachrus trivirgatus as Monarcha trivirgatus Spectacled Monarch [83946]		Species or species habitat may occur within area overfly marine area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area overfly marine area

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Werakata National Park	NSW
Werakata State Conservation Area	NSW

Regional Forest Agreements	[Resource Information]
Note that all areas with completed RFAs have been included.	
Name	State
North East NSW RFA	New South Wales

Invasive Species	[Resource Information]	
Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,		
Name	Status	Type of Presence
Bird		
Acridotheres tristis Common Myna, Indian Myna [387]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
Alauda arvensis Skylark [656]	LEX - 24872 Feral	Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]	Feral	Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]	Feral	Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area
Lonchura punctulata Nutmeg Mannikin [399]	Feral	Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Passer montanus Eurasian Tree Sparrow [406]	Feral	Species or species habitat likely to occur within area
Pycnonotus jocosus Red-whiskered Bulbul [631]	Feral	Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]	Feral	Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]	Feral	Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]	Feral	Species or species habitat likely to occur within area

Frog

Name	Status	Type of Presence
Rhinella marina	LEX - 24872	Page 45 of 67
Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus		
Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area
Canis familiaris listed as Canis lupus familiaris		
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Feral deer		
Feral deer species in Australia [85733]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Rattus norvegicus		
Brown Rat, Norway Rat [83]	Feral	Species or species habitat likely to occur within area
Rattus rattus		
Black Rat, Ship Rat [84]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
Vulpes vulpes Red Fox, Fox [18]	LEX - 24872 Feral	Page 46 of 67 Species or species habitat likely to occur within area
Plant		
Alternanthera philoxeroides Alligator Weed [11620]	WoNS	Species or species habitat likely to occur within area
Anredera cordifolia Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]	WoNS	Species or species habitat likely to occur within area
Asparagus aethiopicus Asparagus Fern, Ground Asparagus, Basket Fern, Sprengi's Fern, Bushy Asparagus, Emerald Asparagus [62425]	WoNS	Species or species habitat likely to occur within area
Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]	WoNS	Species or species habitat likely to occur within area
Asparagus plumosus Climbing Asparagus-fern [48993]	WoNS	Species or species habitat likely to occur within area
Cabomba caroliniana Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171]	WoNS	Species or species habitat likely to occur within area
Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]	WoNS	Species or species habitat may occur within area
Chrysanthemoides monilifera subsp. monilifera Boneseed [16905]	WoNS	Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. rotundata Bitou Bush [16332]	WoNS	Species or species habitat likely to occur within area
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
Dolichandra unguis-cati Cat's Claw Vine, Yellow Trumpet Vine, Cat's Claw Creeper, Funnel Creeper [85119]	LEX - 24872 WoNS	Page 47 of 67 Species or species habitat likely to occur within area
Eichhornia crassipes Water Hyacinth, Water Orchid, Nile Lily [13466]	WoNS	Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]	Invasive	Species or species habitat may occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]	WoNS	Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]	WoNS	Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]	Invasive	Species or species habitat may occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]	WoNS	Species or species habitat likely to occur within area
Sagittaria platyphylla Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]	WoNS	Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]	WoNS	Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
Senecio madagascariensis	LEX - 24872	Page 48 of 67
Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]	WoNS	Species or species habitat likely to occur within area

EPBC Act Referrals [\[Resource Information \]](#)

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral			
Title	Reference	Referral Outcome	Assessment Status
Battery Recycling Facility, Kurri Kurri, NSW	2016/7782	Not Controlled Action	Completed
Collection and reprocessing of carbonaceous materials	2005/2196	Not Controlled Action (Particular Manner)	Post-Approval
construction of 33kV substation and relocation of power line	2005/2395	Not Controlled Action	Completed
Development of the Hunter Economic Zone Industrial Estate	2004/1417	Controlled Action	Post-Approval
F3 to Branxton Link Electricity Adjustments	2007/3814	Controlled Action	Post-Approval
Hebburn No 2 Colliery	2001/301	Not Controlled Action	Completed
Hunter Employment Zone - Stage 1, Road and Rail access	2002/653	Controlled Action	Completed
Hunter Natural Gas Pipeline	2004/1902	Not Controlled Action	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed
Kurri Kurri Gas Fired Power Station	2021/8888	Referral Decision	Referral Publication
New dual carriageway from F3 Fwy to Branxton Link	2007/3431	Controlled Action	Post-Approval
Pelaw Main Bypass Road near Cessnock	2007/3891	Controlled Action	Completed
Remediation and demolition of Hydro Aluminium Kurri Kurri Smelter, NSW	2015/7496	Not Controlled Action	Completed
Revised alignment Hunter Natural Gas Pipeline	2005/2470	Not Controlled Action	Completed

Title	Reference	Referral Outcome	Assessment Status
Rezoning and Residential Development of Avery's Village, Cessnock, NSW	2007/3880	Not Controlled Action (Particular Manner)	Post-Approval

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/8888

Date of Fee Schedule: March 30, 2021

Project title: Kurri Kurri Gas Fired Power Station, Hart Road, Loxford, NSW

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$3,073	\$0	\$7,034
Stage 2	\$3,655	\$4,866	\$0	\$8,521
Stage 3	\$2,175	\$5,123	\$5,491 (Estimate)	\$12,789 (Estimate)
Stage 4	\$8,355	\$12,551	\$5,491 (Estimate)	\$26,397 (Estimate)
TOTAL PROJECT COST	\$18,146	\$25,615	\$10,982 (Estimate)	\$54,743 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY	FEE
CONTROLLING PROVISIONS			
Part A Fees	A Listed threatened species and ecological communities	None	\$0
	Not applicable.		
	B Listed migratory species	None	\$0
	Not applicable.		
	C Wetlands of international importance	None	\$0
	Not applicable.		
	D Environment of the Commonwealth marine area	None	\$0
	Not applicable.		
	E World heritage properties	None	\$0
	Not applicable.		
	F National heritage places	None	\$0
Not applicable.			
G Nuclear actions	None	\$0	
Not applicable.			
H Great Barrier Reef Marine Park	None	\$0	
Not applicable.			
I Water Resources	None	\$0	
Not applicable.			
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	High	\$25,615	

		COMPLEXITY	FEE
	Based on the referral documentation, the Departments considers that the proposed action is likely to have a significant impact on the environment because there is a real chance or possibility that it could measurably reduce the quantity, quality or availability of surface or ground water; it could increase atmospheric concentrations of gases which will contribute to the greenhouse effect or ozone damage, and it could substantially disturb contaminated or acid-sulphate soils in the proposed action area. Options to manage these potential impacts are not well understood yet, as the proponent will be undertaken relevant assessments when developing the EIS.		
	NUMBER OF PROJECT COMPONENTS		
	K Number of project components	Low	\$0
	Construction and operation of a gas fired power station		
	COORDINATION WITH OTHER LEGISLATION		
	L Coordination with other legislation	Low	\$0
	ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE		
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Site surveys/Knowledge of environment	Low	\$0
	N/A		
	N Management measures (including mitigation and offsets)	Moderate	\$10,982
	N/A		
	O Project scope	Low	\$0
	N/A		
	EXCEPTIONAL CIRCUMSTANCES		
Exceptional circumstances	P Exceptional circumstances	False	\$0
	N/A		
	TOTAL COMPLEXITY FEES (Estimate)		\$36,597
	BASE FEE		\$18,146
	TOTAL FEE (Estimate)		\$54,743

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
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Stage 4	\$8,355	\$12,551	\$5,491 (Estimate)	\$26,397 (Estimate)
TOTAL PROJECT COST	\$18,146	\$25,615	\$10,982 (Estimate)	\$54,743 (Estimate)

Notes:

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Fee Breakdown

		COMPLEXITY FEE	
CONTROLLING PROVISIONS			
Part A Fees	A Listed threatened species and ecological communities	None	\$0
	B Listed migratory species	None	\$0
	C Wetlands of international importance	None	\$0
	D Environment of the Commonwealth marine area	None	\$0
	E World heritage properties	None	\$0
	F National heritage places	None	\$0
	G Nuclear actions	None	\$0
	H Great Barrier Reef Marine Park	None	\$0
	I Water Resources	None	\$0
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas High	High	\$25,615
NUMBER OF PROJECT COMPONENTS			
	K Number of project components	Low	\$0
COORDINATION WITH OTHER LEGISLATION			
	L Coordination with other legislation	Low	\$0
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Site surveys/Knowledge of environment	Low	\$0
	N Management measures (including mitigation and offsets)	Moderate	\$10,982
	O Project scope	Low	\$0
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P Exceptional circumstances	False	\$0
TOTAL COMPLEXITY FEES (Estimate)			\$36,597
BASE FEE			\$18,146
TOTAL FEE (Estimate)			\$54,743

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

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Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)

ATTACHMENT H

Kurri Kurri Gas Fired Power Station, NSW (EPBC 2021/8888)

Listed threatened species and communities (s18 & 18A)

The Department's Environment Reporting Tool (ERT) indicates that a total of 38 threatened species, and 5 ecological communities may occur within 5 km of the proposed action area (see the ERT report at Attachment E). Based on the location of the action, likely habitat in the area of the proposed action, and the past record of the species, the Department considers that impacts potentially arise in relation to the following matters:

- Listed threatened species and communities (section 18 & section 18A)
 - Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*) – Vulnerable
 - Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered
 - Swift Parrot (*Lathamus discolor*) – Critically Endangered
 - Koala (*Phascolarctos cinereus*) combined populations of Qld, NSW and the ACT – Vulnerable
 - Australasian Bittern (*Botaurus poiciloptilus*) – Endangered
 - Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable.

Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*) – Vulnerable

Species information

Earp's Gum or Earp's Dirty Gum (*Eucalyptus parramattensis* subsp. *decadens*) is endemic to the Hunter Region, with two distinct mega populations on the Tomago Sandbeds and at Cessnock-Kurri. Earp's Gum is often found in dry sclerophyll woodland on sandy soils, in low often wet sites.

Proposed action area

Within the referral documentation, surveys found 45 individuals within the proposed action area (forming a small number relative to current local population). This included a range of ages, including few mature large hollow bearing trees, and primarily juvenile regrowth saplings.

Around 90 % of the project will occur on an existing cleared and previous development site. Within the remaining 10 % of the site small areas of intact and regrowth vegetation were identified to contain Earp's Gum.

Potential impacts

The referral information reports that the project is likely to cause an impact to 37 Earp's Gum trees. This includes directly impacting 23 trees and indirectly affecting 14 trees.

A 10 m fire asset protection zone is proposed around the proposed site, resulting in impacts to the additional 14 trees currently mapped within this 10 m buffer that would require trimming or slashing. The removal of the trees and saplings was described by the proponent and consultant in an online meeting with the Department on 9 March 2021 as 'slashing', with

the remaining growth being allowed to regrow. Observations describe the species as resilient to change and disturbance.

Avoidance and mitigation measures

The proponent anticipates that measures to avoid or reduce impacts will include:

- Delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- Identification and where feasible, protection of any habitat features including hollow-bearing trees.

The proposed action would not break apart continuous areas of the PCT 1633 (including Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*)) into separate smaller fragments. Impacts would be limited to the edge of a large contiguous patch. Habitat connectivity is expected to remain in a similar state after completion of the proposed action and there is unlikely to be an alteration to community composition, altered species interactions, or altered ecosystem functioning in the locality due to the proposed action. Habitat fragmentation is not considered an important impact of the proposed action with regard to its context and intensity. The proposed action would result in minimal disturbance of native vegetation. Where this disturbance cannot be avoided, the intact vegetation proposed to be impacted would be of a small amount and would not contribute to further fragmentation.

Conclusion

The proposed action is unlikely to have a significant impact on this vulnerable species as there is no real chance or possibility that it will:

- reduce the area of occupancy of an important population
- modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline
- introduce disease that may cause the species to decline, or
- interfere substantially with the recovery of the species.

Given the small scale of clearing less than 2 ha of native vegetation, and impacts to 37 trees, the potential direct impact, and contribution to indirect impacts such as edge effects caused by the proposed action is not considered to be significant to the population of Earp's Gum.

Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered

Species information

The Regent Honeyeater is a striking black and yellow bird with a patchy distribution between south-east Queensland and central Victoria. It primarily occurs in box-ironbark woodland, but also occurs in other forest type. The species primarily feeds on nectar from eucalypt species and mistletoes and it prefers taller and larger diameter trees for foraging.

Proposed action area

The Department's ERT identified this species as known to occur within the area, with the referral documentation refining the likelihood of occurrence within the proposed action area as moderate. BioNet records the species within 10 km south-west of the proposed action

area. The total area of mapped important habitat for the Regent Honeyeater in the Cessnock-Kurri area is around 415 ha, and the project will directly impact around 0.40 ha of intact woodland.

The referral documentation reported that surveys were conducted outside the breeding period for Regent Honeyeater, no nest sites were noted in the survey results, and while the Recovery Plan for the Regent Honeyeater identifies 9 key foraging species, surveys found none of these species in the proposed action area.

Potential impacts

There are potential impacts to foraging habitat through clearing and the introduction of competition and pathogens, and an increase in invasive species. Noisy Miners (*Manorina melanocephala*) and Bell Miners (*Manorina melanophrys*) are abundant in the habitat which may make the habitat less suitable for the Regent Honeyeater due to competitive exclusion. The action may result in weed invasion and the removal of habitat may concentrate local miner populations, therefore increasing competition.

There is also potential indirect impact to the species through the transmission of pathogens such as *Phytophthora cinnamomi* into retained habitat near the proposed action site. Infection of native plants by *Phytophthora cinnamomi* has been identified as being spread by construction machinery. This water-borne mould infects the roots of plants and has the potential to cause dieback. Machinery associated with vegetation clearance and subsequent construction has the potential to transmit the fungus to remaining native vegetation remnants of the species. This is a potential indirect impact to the species through the transmission of pathogens into retained habitat near the facility.

Avoidance and mitigation measures

The potential transmission of pathogens into retained habitat near the facility can be mitigated through the development and implementation of suitable control measures for vehicle and plant hygiene and the use of current best practice hygiene protocols as part of the construction environmental management plan (CEMP).

The proponent anticipates that measures to avoid or reduce impacts will include:

- delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- identification and where feasible, protection of any habitat features including hollow-bearing trees.

Conclusion

The proposed action is unlikely to have a significant impact on this critically endangered species as there is no real chance or possibility that it will:

- reduce the area of occupancy of a population
- adversely affect habitat critical to the survival of a species
- disrupt the breeding cycle of an important population
- modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

- result in invasive species that are harmful to a critically endangered species becoming established in the endangered or critically endangered species' habitat
- introduce disease that may cause the species to decline, or
- interfere substantially with the recovery of the species.

Therefore, the proposed action is unlikely to cause a significant impact due to a small amount of intersection in predicted habitat with the proposed action area, the key species of important habitat for the Regent Honeyeater are not present within the site, the high mobility of the bird, limited vegetation clearing of potential habitat.

Swift Parrot (*Lathamus discolor*) – Critically Endangered

Species information

The Swift Parrot is a slim, medium-sized parrot that is mostly bright green in colour, with dark-blue patches on the crown, a prominent red face, and the chin and throat are narrowly bordered with yellow. The species breeds in Tasmania during the summer and the entire population migrates to mainland Australian for the winter. On the mainland the Swift Parrot disperses widely to forage on eucalypt species, with the majority being found in Victoria and NSW. Important habitat can include flowering Eucalyptus trees, such as the Spotted Gum and Swamp Mahogany.

Proposed action area

The referral's Assessment of Significance identifies that the Lower Hunter forests within the Cessnock-Kurri Kurri-Branxton area are of state significance for the Swift Parrot. The Swift Parrot is a winter visitor to the region and typically associated with flowering eucalyptus trees. There is known important foraging habitat present within the proposed action area for the Swift Parrot, however there are no important Endangered Ecological Communities listed under the BC Act present on site.

The species may visit and utilise trees in the proposed action area for foraging intermittently when no other suitable resources are available. However, no key winter flowering species, such as Spotted Gum and Swamp Mahogany, were found in the disturbance footprint during surveys.

Potential impacts

The main potential impact to the Swift Parrot is the removal of foraging habitat within the proposed action area containing some potential low-quality foraging habitat, which would lead to the loss of potential feed trees and directly affect the species' opportunity to feed in the area.

Similar to the Regent Honeyeater, the Swift Parrot also has the potential to be affected by a possible increase in exclusive competition by other birds, and the introduction of weeds and pathogens such as *Phytophthora cinnamomic* which would harm the species' habitat.

Avoidance and mitigation measures

The measures proposed to avoid impact to the Swift Parrot's habitat include avoiding any significant feed trees within the proposed action area.

The risk of pathogens will be mitigated through the development and implementation of suitable control measures for vehicle and plant hygiene and the use of current best practice hygiene protocols as part of the CEMP.

The proponent anticipates that measures to avoid or reduce impacts will include:

- delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- identification and where feasible, protection of any habitat features including hollow-bearing trees.

Conclusion

The proposed action is unlikely to have a significant impact on this critically endangered species as there is no real chance or possibility that it will: lead to a long-term decrease in the size or recovery of a population of a species, fragment or reduce the area of occupancy of a population, disrupt the breeding cycle of a population, modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline, or introduce disease or invasive species that may cause the species to decline.

Therefore, the proposed action is unlikely to cause a significant impact to the Swift Parrot due to limited vegetation clearing of potential habitat within the proposed action area, the high mobility of the species, and the absence of flowering gums (important food sources) within the proposed action area.

Koala (*Phascolarctos cinereus*) combined populations of Qld, NSW and the ACT – Vulnerable

Species information

The Koala is a medium-sized, arboreal marsupial endemic to Australia. Koalas inhabit a range of temperate, sub-tropical and tropical forest and woodland dominated by eucalypt species, and their habitat can be broadly defined as any forest or woodland containing Koala food trees.

Substantial areas of Koala habitat across the east coast were burnt during the 2019/20 summer bushfires and the species is on the Department's provisional list of species requiring urgent management intervention.

Proposed action area

The likelihood of occurrence is moderate in the proposed action area and surrounding landscape due to the presence of potential habitat. The vegetation in this area contains the primary Koala feed tree species, Earp's Gum (*Eucalyptus paramattensis* subsp. *decadens*), interspersed with the supplementary feed tree species, such as Blue-leaved Stringybark (*Eucalyptus agglomerata*). The referral states that while these trees indicate the potential for transient use, no evidence of recent use of the area was noted from a comprehensive search for faecal pellets, and no important population of the koala has been identified within the proposed action area. BioNet's closest records to the proposed action area are over 2km away, recorded in 2004.

Potential impacts

The proposed action would result in the clearance of approximately 0.40 ha of potential koala habitat, including impacting 37 Earp's Gum trees that are documented primary food

tree species. Nine of these trees are low regrowth that occur in the existing maintained power easement and are unlikely to be frequented or considered important for the Koala.

Other potential impacts include vehicle strikes, habitat isolation and fragmentation, introduction of pathogens, and increase risk of feral/domestic dog attacks. The referral information considered the proposed action unlikely to introduce or result in the spread of chlamydia or Koala Retrovirus. The potential for weed invasion was considered possible in this action and would be managed under the CEMP. Dog attacks and vehicle strikes are closely associated with urban expansion, and account for high mortality rates within the combined populations of Qld, NSW and the ACT, often linked to loss of habitat and increased fragmentation. According to the referral information, an important population of the vulnerable species has not been identified in the study area, and therefore the action is unlikely to cause reduction or fragmentation of an important population.

As part of the Department's assessment of the matters of national environmental significance, the Koala habitat assessment tool was used to assess the potential risk and impact to the koala (Table 1).

Table 1. Koala habitat assessment tool		
Attribute	Score	Proposed action area is within the inland context for Koala distribution
Koala occurrence	+2 (high)	Evidence of one or more koalas within the last 5 years.
	+1 (medium)	Evidence of one or more koalas within 2 km of the edge of the impact area within the last 10 years.
	0 (low)	None of the above.
Vegetation composition	+2 (high)	Has forest, woodland or shrubland with emerging trees with 2 or more known koala food tree species, OR 1 food tree species that alone accounts for >50% of the vegetation in the relevant strata.
	+1 (medium)	Has forest, woodland or shrubland with emerging trees with only 1 species of known koala food tree present.
	0 (low)	None of the above.
Habitat connectivity	+2 (high)	Area is part of a contiguous landscape \geq 1000 ha.
	+1 (medium)	Area is part of a contiguous landscape < 1000 ha, but \geq 500 ha.
	0 (low)	None of the above.
Key existing threats	+2 (high)	Little or no evidence of koala mortality from vehicle strike or dog attack at present in areas that score 1 or 2 for koala occurrence. Areas which score 0 for koala occurrence and have no dog or vehicle threat present

	+1 (medium)	Evidence of infrequent or irregular koala mortality from vehicle strike or dog attack at present in areas that score 1 or 2 for koala occurrence, OR Areas which score 0 for koala occurrence and are likely to have some degree dog or vehicle threat present.
	0 (low)	Evidence of frequent or regular koala mortality from vehicle strike or dog attack in the study area at present, OR Areas which score 0 for koala occurrence and have a significant dog or vehicle threat present.
Recovery value	+2 (high)	Habitat is likely to be important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the EPBC Act referral guidelines for the vulnerable koala.
	+1 (medium)	Uncertain whether the habitat is important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the EPBC Act referral guidelines for the vulnerable koala.
	0 (low)	Habitat is unlikely to be important for achieving the interim recovery objectives for the relevant context, as outlined in Table 1 of the EPBC Act referral guidelines for the vulnerable koala.
Total Habitat score of 3		

Avoidance and mitigation measures

The proponent has included measures that will avoid or reduce the extent of impacts to Koala habitat, including delineation of clearing limits and no-go areas so as to minimise the extent of clearing to the absolute minimum required. Risk of pathogens or other threats such as Bell Miner (*Manorina melanophrys*) Associated Dieback or Eucalyptus rust will be mitigated through the development and implementation of suitable control measures for vehicle and plant hygiene and the use of current best practice hygiene protocols as part of the CEMP. These plans are required during construction and operation of the road to reduce this threat. The management of invasive species would also be managed under the CEMP. Additionally, the proponent will implement measures that support the identification and where feasible, protection of any habitat features including hollow-bearing trees.

Development plans should also explicitly address ways to mitigate risk of vehicle strike when development occurs adjacent to, or within, Koala habitat, as well as control the adverse impacts of predation on Koalas by dogs in urban, peri-urban and rural environments.

Conclusion

The habitat within the study area contains primary feed tree species, and therefore the proposed action would result in a reduction in the area of potential habitat available to the koala. However, no recent evidence was observed to indicate regular use of this habitat by

Koala, and the area proposed to be cleared as part of the action is relatively small considering the availability of suitable habitat in the surrounding area. Given this information, the Department does not consider the proposed action likely to result in a significant impact to the Koala.

Australasian Bittern (*Botaurus poiciloptilus*) – Endangered

Species information

In NSW the Australasian Bittern may be found over most of the state except for the far north- west. Australasian Bittern favour permanent freshwater wetlands and riparian vegetation with tall, dense vegetation, particularly bulrushes.

Proposed action area

There are no historic records of this species within the locality of the referred action, but there is potential for the bittern to utilise rushland habitat within the proposed action area. The Typha rushland community has been identified in the proposed action area, with minor impacts estimated to the Typha rushland community as 0.05 ha. The Tall Spike Rush freshwater wetland community also provides a large area of potential habitat, and this was identified within the deep sections of the north dam outside the of the area of impact. The Australasian Bittern may utilise the habitat within the proposed action area, however, the likelihood that the small area of Typha sedgeland is utilised frequently is considered low.

Potential impacts

The proposed action will result in direct impact to approximately 0.05 ha of the Typha rushland community, which may provide potential foraging habitat for the Australasian Bittern. Potential indirect impacts that could arise from the proposed action would be associated with edge effects, light, and noise.

The Department agrees with the referral documentation that because the proposed action area is largely already cleared for historic industrial purposes and does not contain large areas of habitat for this species, the impacts which would occur as a result of the proposed action would be minor, restricted to the edge of larger potential habitat and would not contribute further to fragmentation.

Avoidance and mitigation measures

The proponent anticipates that measures to avoid or reduce impacts will include:

- delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- invasive species would be managed during construction under a CEMP and under normal site maintenance during operation.

Conclusion

Although there is no known species recorded of the Australasian Bittern within the proposed action area, impacts would result in a decrease in potential wetland habitat including approximately 0.05 ha of the Typha rushland community. However, due to the limited vegetation clearing of potential habitat, as well as the localised effect of light and noise effects in relation to home range and territory, it is considered unlikely that there will be significant impacts to the species.

Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable

Species information

The Grey-headed Flying-fox exists as one interconnected population along the eastern Australian coastal belt from Rockhampton in central Queensland to Melbourne in Victoria. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, and in vegetation with a dense canopy. Individual camps may have tens of thousands of animals and are used for mating, giving birth and rearing young.

Proposed action area

The Department's ERT identified this species as known to occur within the area, with the referral documentation refining the likelihood of occurrence within the proposed action area as high. The referral information states that there is potential foraging habitat present within the proposed action area, but there are no roosting camps identified directly within the proposed action area itself.

The closest Nationally Important Flying Fox camp is approximately 11 km west of the proposed action area, located in East Cessnock (334). There is another Nationally Important Flying Fox camp approximately 30 km north east (Raymond Terrance). There are other camps within the area, including Maitland - Lorn (380) and Maitland – Hannan St (810). Grey-headed Flying-foxes have been recorded to commute daily to foraging areas, usually within 15 km of the day roost site, and perform nightly flights of up to 50 km from their roost to different feeding areas as food resources change. This puts the proposed action area within the foraging range of the flying-foxes within these nearby camps.

Potential impacts

The Recovery Plan lists the main sources of significant impacts to the species as loss and degradation of foraging and roosting habitat. Moderate threats include conflict with people, including disturbance in camps. The level of threat caused by electrocution on power lines and entanglement in netting and barbed-wire fences is unknown. The impact of climate change on Grey-headed Flying-foxes is also unknown but increasing temperatures, storms, bushfires and floods and drought conditions are likely to degrade foraging and roosting habitat, and cause heat stress and increase heat related mortality.

Potential direct impacts of the proposed action include the clearing of 0.4 ha of intact woodland which contain foraging trees suitable for the grey-headed flying-fox. The Department agrees with the proponent that the loss of this habitat is considered minor.

The proposed action could cause indirect impacts related to noise, light and edge effects on nearby flying-fox camps and foraging behaviour. The potential for weed invasion was considered possible with a proposed action of this nature and appropriate controls are required during construction and operation of the gas fired power station to reduce this threat. The management of invasive species would be managed under the construction environmental management plan and during operation of the facility using best practice methods.

Avoidance and mitigation measures

The proponent anticipates that measures to avoid or reduce impacts will include:

- delineation of clearing limits and no-go areas so as to minimise the extent of clearing, to the absolute minimum required
- identification and where feasible, protection of any habitat features including hollow-bearing trees.

Other impacts of the proposed action, such as noise and air emissions, would be avoided or reduced through noise attenuation measures, best-practice air emission controls, minimising the overall site area and plant layout to help reduce runoff, and stormwater treatment processes.

Conclusion

As a result of the proposed action, removal of 0.4 ha of suitable foraging habitat will occur. There is potential for indirect impacts to occur to the Nationally Important Flying Fox Camp within 11 km of the proposed action area. However, due to the limited vegetation clearing of potential foraging habitat, as well as the localised effect of light and noise effects in relation to home range and territory, it is considered unlikely that there will be significant impacts to an important population of the Grey-headed Flying-fox.

Other listed species

The Department's ERT identifies the potential presence of additional threatened species or communities within 5 km of the proposed action area. Based on information available to the Department, such as the Species Profile and Threats database and information from the referral documentation, the Department considers that significant impacts to these species or communities are unlikely.

- Green and Golden Bell Frog (*Litoria aurea*) – Vulnerable

Low potential to occur in the proposed action area, where some potential Typha rushland habitat exists in surrounding area outside of the proposed action footprint. Potential impacts related to contamination of water resources and soil. Therefore, due to unlikelihood of the species being present in the area, the limited clearing of vegetation, and the mitigation measures against indirect impacts, the proposed action is unlikely to have a significant impact on the Green and Golden Bell Frog.

- New Holland Mouse (*Pseudomys novaehollandiae*) – Vulnerable

While known to occur in the area according to mapping data (ERT/Wylie), there is low likelihood of occurrence in proposed action area based on the lack of records of this species in the area, and the absence of quality habitat suitable for the species. BioNet shows no records within the locality of the proposed action area. Therefore, due to unlikelihood of the species being present in the area, the limited clearing of vegetation not suitable for the species, and the mitigation measures against indirect impacts, the proposed action is unlikely to have a significant impact on the New Holland Mouse.

s. 22(1)(a)(ii)

From: **s. 22(1)(a)(ii)** @awe.gov.au>
Sent: Tuesday, 30 March 2021 12:30 PM
To: **s. 22(1)(a)(ii)**
Subject: FW: EPBC Referral 2021/8888 Kurri Kurri Gas fired power station [SEC=OFFICIAL]

For inclusion in brief Attachment I

From: **s. 47F(1)** @snowyhydro.com.au>
Sent: Thursday, 25 March 2021 4:43 PM
To: **s. 22(1)(a)(ii)** @awe.gov.au>
Cc: **s. 22(1)(a)(ii)** @environment.gov.au>; **s. 47F(1)** @jacobs.com>
Subject: Re: EPBC Referral 2021/8888 Kurri Kurri Gas fired power station [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)},

The construction will depend on approvals and engagement of contractors, and is expected to start in January 2022, with operation commencing by 2024, so construction is anticipated to be completed some months prior. The minimum expected design life for components is as you set out.

Regards,
^{s. 47F(1)}

On Thu, 25 Mar 2021 at 16:31, **s. 22(1)(a)(ii)** @awe.gov.au> wrote:

Hi ^{s. 47F(1)}

I have been asked by the Delegate to confirm some dates with you re the construction and operation of the gas fired power station. The construction of the power station is anticipated to start on 1 October 2021 and the construction part of the proposed action is anticipated to conclude in 2024. The Power Station minimum expected design life for the mechanical and electrical components will be 30 years, while for civil and structural components it will be 50 years.

Can you confirm that these figures are correct.

Thanks

^{s. 22(1)(a)(ii)}

s. 22(1)(a)(ii)

Assistant Director

Environment Approvals (NSW, ACT) Branch

Environment Standards Division

Department of Agriculture, Water and the Environment

PO Box 787, Canberra 2601

T: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@awe.gov.au

(part time Monday – Thursday)

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Address: PO Box 332 Cooma NSW 2630 | Mobile: s. 47F(1) | Email: s. 47F(1)@snowyhydro.com.au

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