

Appendix A – Addressing s78A(2)(a) of the EPBC Act

It is clear that the proponent's original referral was incomplete, and did not include all species likely to be significantly impacted by the proposed project.

The proponent's original application to the Department in November 2008 limited the list of threatened fauna species, flora species and ecological communities that were either known from or potentially occurred in the study area to the following:

Endangered Ecological Community

- Brigalow (*Acacia harpophylla* dominant and co-dominant) (E)
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum woodland) (CE)
- Bluegrass (*Dicanthium* spp.) dominant grasslands of the Brigalow Belt Bioregions (North and South) (E)
- Semi-evergreen vine thickets of the Brigalow Belt and Nandewar bioregions (E)

Fauna

- Green and Golden Bell Frog (*Litoria aurea*) (V)
- Squatter Pigeon (*Geophaps scripta scripta*) (V)
- Five Clawed Worm Skink (*Anomalopus mackayi*) (V)
- Large-eared Pied Bat (*Chalinolobus dwyeri*) (V)
- Giant Barred Frog (*Mixophyes balbus*) (E)
- Stuttering Frog (*Mixyophyes iterates*) (V)

Flora

- Small-flower Grevillea (*Grevillea parviflora* subsp. *parviflora*) (V)
- Bluegrass (*Dichanthium setosum*), Pine Donkey Orchid (*Diuris tricolor*), Lobed Bluegrass (*Bothriochloa biloba*), Slender Darling-pea (*Swainsona murrayana*), Belson's Panic (*Homopholis belsonii*) (V)
- Earp's Gum, Earp's Dirty Gum (*Eucalyptus parramatensis* subsp. *decadens*) (V)
- Eastern Underground Orchid (*Rhizanthella slateri*) (E)
- Finger Panic Grass (*Digitaria porrecta*) (E)
- Winged Peppergrass (*Lepidium monoplocoides*) (E)

Additional Species significantly impacted by the project

The following information has come to light since the decision was made that this project was not a controlled action and, in our opinion, necessitates a reconsideration of the decision that the Queensland Hunter Gas Pipeline is not a controlled action.

Fauna species listed, but not previously considered

- Spotted-tailed Quoll (E) – *Dasyurus maculatus maculatus*
- Regent Honeyeater (CE) – *Anthochaera phrygia*
- Booroolong Frog (E) – *Litoria booroolongensis*
- Corben's Long-eared Bat (V) – *Nyctophilus corbeni*
- Grey-headed Flying Fox (V) – *Pteropus poliocephalus*

Flora species listed, but not previously considered

- White-flowered Wax Plant (E) - *Cynanchum elegans*
- Tylophora Linearis (E)

Listed species inadequately considered in original referral

The following two species were considered in the original referral but were discounted because records obtained by the proponent suggested they had not been seen in the area for some time.

- Large-eared Pied Bat (V) - *Chalinolobus dwyeri* (this was assessed under the original decision)
- Winged Peppercross (E) - *Lepidium monoplocoides*

Each of these will be discussed in turn, against requirements in legislation and regulation:

Spotted-tailed Quoll (*Dasyurus maculatus maculatus*)

The Spotted-tailed Quoll was listed as a threatened species (endangered) in the EPBC Act in May 2004, prior to the referral of application to the Department. However, this species was not identified in the referral documentation provided by the proponent.

The presence of the Spotted-tailed Quoll in the study area in several locations between Murrurundi and Brandy Hill, with many sightings recorded near Lidell and Ravensworth, has not previously been considered. This is important habitat for the Spotted-tailed Quoll and further detailed surveying and assessment is required to ascertain the presence of and impact on the Spotted-tailed Quoll as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and these sightings range from 2010 to 2020 as evidenced through the Google Earth dataset, and the attached spreadsheet.

A new National Recovery Plan was introduced in 2016. As stated in our original letter dated 22 February 2022, these sightings are likely to form part of the population in the Barrington area,

recognised as an important population in the 2016 National Recovery Plan.¹⁰ We further reiterate the Department's own recovery plan information, namely that major threats to this species include "*habitat loss, modification and fragmentation... competition and predation from introduced carnivores... deliberate killing, road mortality... and climate change*".

Given that:

- The Spotted-tailed Quoll was not considered in the original referral and that individuals in the investigation area are likely to form part of an important Barrington population
- Major threats to quoll habitat are vegetation clearing, modification and fragmentation, and
- Den sites have not been considered, addressed or accounted for as part of the assessment,

there is a high degree of certainty that this project is likely to impact on the Spotted-tailed Quoll, and a reconsideration of your decision that this is not a controlled action is required.¹¹

Regent Honeyeater (*Anthochaera phrygia*)

The Regent Honeyeater was listed as a threatened species (endangered) at the time of the referral in 2009. The Regent Honeyeater's listing was upgraded to critically endangered in 2015.

The presence of the Regent Honeyeater in the study area has not previously been considered. This is important habitat for this critically endangered species. Evidence provided confirms a record between Greta and Maitland, and multiple sightings between Heatherbrae and Tomago. Further detailed surveying and assessment is required to ascertain the presence of and impact on the Regent Honeyeater as a result of the construction and maintenance of the pipeline.

This information is sourced from the Atlas of Living Australia/BioNet Atlas of NSW Wildlife and these sightings range from 2011 to 2019 as evidenced through the Google Earth dataset, and the attached spreadsheet. There are a number of records in the vicinity of the pipeline corridor, including multiple sightings that are new information not considered when the original decision was made.

Habitat critical to the survival of the species as 'any breeding or foraging areas where the species is likely to occur'.¹² Figure 1 in the Recovery Plan maps areas where the species is likely to occur as extending across the vast majority of the southern half of the pipeline route. The Lower Hunter Valley and the Upper Hunter Valley are listed in Table 2 of the Recovery

¹⁰ Department of Environment, Land, Water and Planning, *National Recovery Plan for the Spotted-tailed Quoll *Dasyurus maculatus** (2016), p7.

¹¹ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

¹² Australian Government, Department of the Environment, *National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*)*, p 11.

Plan as 'regular and subsidiary areas used by Regent Honeyeaters for foraging and breeding'.¹³ Primary threats to the Regent Honeyeater include "clearing and fragmentation of woodland and forest containing the bird's preferred eucalypt species".¹⁴

Given that:

- The Regent Honeyeater was not assessed or even considered in the original referral and that the southern half of the pipeline route contains suitable habitat
- This species is critically endangered with only 250-300 individuals surviving in the wild
- Major threats to this species includes clearing and fragmentation of woodland and forest that may be critical to the survival of the species

there is a high degree of certainty that this project is likely to significantly impact the Regent Honeyeater, and reconsideration of the decision that this is not a controlled action is required.¹⁵

Booroolong Frog (*Litoria booroolongensis*)

The Booroolong Frog was listed as a threatened species (endangered) in 2007, prior to the referral of the application to the Department. However, this species was not identified in the referral documentation provided by the proponent, and was subsequently not considered when a decision was made.

The presence of the Booroolong Frog in the study area, with one record between Braefield and Willow Tree, has not previously been considered. Further detailed survey and assessment is required to ascertain the presence of and impact on this species as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and this sighting was in 2012, as evidenced through the Google Earth dataset, and the attached spreadsheet.

In addition to the information set out in our previous correspondence of 15 February, 2022, the 2012 National Recovery Plan for the Booroolong Frog, states that it has declined from greater than 50% of its former distribution in the last 25 years, and that this decline has been most noticeable in the northern sections of its range on the New England Tablelands.¹⁶ Major causes for its decline include disease and habitat modification and disturbance.¹⁷ Sedimentation and changes to hydrology are recognised as risks to the species in the recently approved Conservation Advice (2021) for the species.

¹³ Australian Government, Department of the Environment, *National Recovery Plan for the Regent Honeyeater (Anthochaera phrygia)*, p 11.

¹⁴ Australian Government, Department of the Environment, *National Recovery Plan for the Regent Honeyeater (Anthochaera phrygia)*, p 13.

¹⁵ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

¹⁶ Commonwealth Government, National Recovery Plan - Booroolong Frog, p 7.

¹⁷ Commonwealth Government, National Recovery Plan - Booroolong Frog, p 8.

Given that:

- The Booroolong Frog was not considered in the original referral, despite the fact that it has previously been recorded along the pipeline route,
- This species occurs mainly outside reserves,¹⁸
- The proposed pipeline would cross numerous waterways, including creek crossings in the vicinity of the recent record,

there is a high degree of certainty that this project is likely to significantly impact on the Booroolong Frog, and reconsideration of your decision that this is not a controlled action is required.¹⁹

Corben's Long-eared Bat (*Nyctophilus corbeni*)

The Corben's Long-eared Bat (or south-eastern long-eared bat) was listed as a threatened species (vulnerable) in April 2001, prior to the referral of this application to the Department. However, this species was not identified in the referral documentation provided by the proponent, and was subsequently not considered when a decision was made.

The presence of the Corben's long-eared bat in the study area, with many sightings between Harparary, Boggabri, Maules Creek, and Wean, has not previously been considered. The importance of dead trees to Corben's Long-eared Bat was also not considered in the referral. Further detailed surveying and assessment is required to ascertain the presence of and impact on the Corben's Long-eared Bat as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and sightings took place between 2009 and 2020, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The NSW Office of Environment and Heritage have previously noted that the Pilliga scrub region is a distinct stronghold species, as noted in our previous correspondence.²⁰ Generally though, the 2015 Conservation advice notes that "the species is uncommon within this distribution and is rarely recorded (Department of the Environment 2013), except in some areas including the Nandewar and Brigalow Belt South bioregions in New South Wales and Queensland".²¹ In particular, "the species is more abundant in extensive stands of vegetation

¹⁸ Commonwealth Government, Conservation Advice (2021), p 6.

¹⁹ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

²⁰ Commonwealth Government, Threatened Species Scientific Committee, *Nyctophilus corbeni* (south-eastern long-eared bat) conservation advice (2015), p 2.

²¹ Commonwealth Government, Threatened Species Scientific Committee, *Nyctophilus corbeni* (south-eastern long-eared bat) conservation advice (2015), p 3.

in comparison to smaller woodland patches and... is more abundant in habitats that have a distinct tree canopy and a dense, cluttered understorey layer".²² A 2015 study found that 82% of trees hosting maternal colonies of the species were dead.²³

Given that:

- Corben's Long-eared Bat was not considered in the original referral even though it has been recorded from the investigation area,
- The Pilliga scrub region is a stronghold for this species,
- Major threats to this species include the loss and fragmentation of extensive areas of woodland habitat that includes dead trees and dense understorey,

there is a high degree of certainty that this project is likely to significantly impact on the Corben's Long-eared Bat, and reconsideration of your decision that this is not a controlled action is required.²⁴

Grey-headed Flying Fox (*Pteropus poliocephalus*)

The Grey-headed Flying Fox was listed as a threatened species (vulnerable) in December 2001, prior to the referral of this application to the Department. However, this species was not identified in the referral documentation provided by the proponent, and was subsequently not considered when a decision was made.

The Grey-headed Flying Fox is found in the study area, with over 650 sightings being recorded between Ashley and Newcastle since 2009. Further detailed survey and assessment is required to ascertain the presence of and impact on the Grey-headed Flying Fox as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and sightings took place between 2009 and 2020, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The 2021 National Recovery Plan for the Grey-headed Flying Fox notes the primary known threat to the survival of the Grey-headed Flying Fox is "loss and degradation of foraging and roosting habitat".²⁵ There are nationally important camps for Grey-headed Flying Foxes in and around Newcastle and the Hunter region.²⁶ Grey-headed flying foxes have complex habitat requirements and requires multiple populations of food trees over a large area,

²² Commonwealth Government, Threatened Species Scientific Committee, *Nyctophilus corbeni* (south-eastern long-eared bat) conservation advice (2015), p 2.

²³ Law, B., Gonsalves, L., Chidel, M., and Brassil, T., "Subtle use of a disturbance mosaic by the south-eastern long-eared bat (*Nyctophilus corbeni*): an extinction-prone, narrow-space bat" in *Wildlife Research* (2016) 43(2) 153-168.

²⁴ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

²⁵ Commonwealth Government, National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus* (2021), p 1.

²⁶ Commonwealth Government, National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus* (2021), p 9.

habitat is susceptible to land-uses that involve the clearing of native vegetation or degradation of habitat.²⁷

Given that:

- The Grey-headed Flying Fox was not considered in the original referral although it occurs along the proposed pipeline route,
- Nationally important camps occur in and around the Newcastle and the Hunter region, and
- Major threats to this species include loss and fragmentation of habitat including trees and roosting trees

there is a high degree of certainty that this project is likely to significantly impact on the Grey-headed Flying Fox, and reconsideration of your decision that this is not a controlled action is required.²⁸

White-flowered Wax Plant (*Cynanchum elegans*)

The White-flowered Wax Plant was listed as a threatened species (endangered) in July 2000, prior to the referral of this application to the Department. However, this species was not identified in the referral documentation provided by the proponent, and was subsequently not considered when a decision was made.

The presence of the White-flowered Wax Plant has been detected in the study area, with two sightings near Hexham. Further detailed survey and assessment is required to ascertain the presence of and impact on the White-flowered Wax Plant as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and sightings took place between 2013 and 2019, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The 2008 Conservation Advice for the White-flowered Wax Plant notes its occurrence primarily at the transition zone between dry subtropical rainforest and sclerophyll forest/woodland communities in eastern NSW.²⁹ The main identified threats to the White-flowered Wax Plant include loss and degradation of habitat.³⁰

²⁷ Commonwealth Government, National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus* (2021), p 18.

²⁸ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

²⁹ Commonwealth Government, *Cynanchum elegans* Conservation Advice (2008), p 1.

³⁰ Commonwealth Government, *Cynanchum elegans* Conservation Advice (2008), p 1.

Given that:

- The White-flowered Wax Plant was not considered in the original referral even though it has been previously recorded in the investigation area
- Major threats to include loss and degradation of habitat

there is a high degree of certainty that this project is likely to significantly impact the white-flowered wax plant, and reconsideration of the decision that this is not a controlled action is required.³¹

Tylophora linearis

Tylophora linearis was listed as a threatened species (endangered) in July 2000, prior to the referral of this application to the Department. However, this species was not identified in the referral documentation provided by the proponent, and was subsequently not considered when a decision was made.

The presence of *Tylophora linearis* has been detected in the study area, with at least 150 sightings in various parts of the pipeline corridor. A significant cluster has been recorded between Harparary, Boggabri and Maules Creek, another close to Wean, and a few sightings close to Ardglen. Further detailed survey and assessment is required to ascertain the presence of and impact on this plant species as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and sightings took place between 2014 and 2021, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The 2008 Conservation Advice for *Tylophora linearis* notes its occurrence primarily in dry scrub, open forest and woodlands associated with a variety of species.³² The main identified threats to *Tylophora linearis* include forestry activities, disturbances such as grazing and fire, and invasion of habitat by introduced weeds.³³

Given that:

- *Tylophora linearis* was not considered in the original referral even though it has been recorded in the investigation area
- Major threats to this species include forestry activities including clearing and disturbance that promote weed invasion³⁴

³¹ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

³² Commonwealth Government, *Tylophora linearis* Conservation Advice (2008), p 1.

³³ Commonwealth Government, *Tylophora linearis* Conservation Advice (2008), p 1.

³⁴ Commonwealth Government, *Tylophora linearis* Conservation Advice (2008), p 1.

there is a high degree of certainty that this project is likely to significantly impact on *Tylophora linearis*, and reconsideration of your decision that this is not a controlled action is required.³⁵

Large-eared Pied Bat (*Chalinolobus dwyeri*)

The Large-eared Pied Bat was listed as a threatened species (vulnerable) in April 2001, prior to the referral of this application to the Department. This species was identified as a species likely to be impacted by the project. The Large-eared Pied Bat was identified at one location in the referral (near the town of Wingen) and this was not considered to be an important population.

The presence of the Large-eared Pied Bat has in fact been detected at numerous points along the study area, with at least 30 sightings in various parts of the pipeline corridor, particularly near Scone, Boggabri and near Boomi in far north NSW. The northern record near Boomi in particular is likely to represent an important record on the edge of the species known range (based on maps provided in the National Recovery Plan 2011), and this was not considered in the original referral decision. Further detailed survey and assessment is required to ascertain the presence of and impact on this species as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and sightings took place between 2010 and 2020, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The 2021 *Chalinolobus dwyeri* (Large-Eared Pied Bat) Conservation Advice notes “a close association with sandstone escarpment (for roosts) and fertile valleys (for foraging), particularly where the valleys support box gum woodland. This is a relatively restricted combination of habitat factors, and the extent of woodlands on fertile soils within its range has been greatly diminished by clearing (Pennay 2008).”³⁶ This is new information on critical habitat that was not considered in the referral, which discounted the significance of ‘foraging habitat intersected by the pipeline’ as not being significant. The location of the pipeline through the Boggabri area east of the Pilliga sandstone, where recent surveys have recorded the species in the vicinity, would meet the criteria for critical habitat under this definition. The main identified threats to the Large-eared Pied Bat include habitat loss and fragmentation, including destruction of and interference with maternity and other roosts, vegetation in proximity of roosts, mining and mine-induced subsidence of cliff lines, and invasive species.³⁷ The Conservation Advice notes that all populations of this species should

³⁵ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

³⁶ Commonwealth Government, *Chalinolobus dwyeri* (Large-eared Pied Bat) Conservation Advice (2021), p 3.

³⁷ Commonwealth Government, *Chalinolobus dwyeri* (Large-eared Pied Bat) Conservation Advice (2021), p 6-7.

be considered important due to their likely role in maintaining population connectivity and genetic diversity.³⁸

Given that:

- Surveys did not adequately identify the occurrence of the Large-eared Pied Bat in the study area in the original referral
- The 2021 Conservation Advice recognises all populations as important populations
- Major threats to this species include habitat loss and fragmentation, destruction and interference with roosts, mining and invasive species³⁹

there is a high degree of certainty that this project is likely to significantly impact on Large-eared Pied Bat, and reconsideration of your decision that this is not a controlled action is required.⁴⁰

Winged Peppercross (*Lepidium monoplocoides*)

The Winged Peppercross was listed as a threatened species (endangered) in July 2000, prior to the referral of this application to the Department. This species was identified as a species with the potential to occur along the pipeline route, however the proponent reported that the most recent record of this species was from 1950 and that targeted surveys were undertaken and no individuals were located.

However, the presence of Winged Peppercross has been detected in the study area, with at least 2 records between Boggabri and Wean, in close proximity of the pipeline. Furthermore, recent surveys have identified populations of the species just west of the pipeline in the Pilliga Forest (see for example Santos Narrabri Gas Project referral). Therefore, the premise on which the referral concluded that the pipeline was not likely to have a significant impact on the species is no longer valid. Further detailed survey and assessment is required to ascertain the presence of and impact on this plant species as a result of the construction and maintenance of the pipeline.

This information is sourced from Atlas of Living Australia/BioNet Atlas of NSW Wildlife, and recordings took place in 2011 and 2020, as evidenced through the Google Earth dataset, and the attached spreadsheet.

The 2010 National Recovery Plan for the Winged Peppercross notes its occurrence in open, sparsely vegetated sites in a range of habitats on heavy clay or clay-loam soils, on sites that are seasonally flooded or prone to waterlogging.⁴¹ The main identified threats to Winged

³⁸ Commonwealth Government, *Chalinolobus dwyeri* (Large-eared Pied Bat) Conservation Advice (2021), p 5.

³⁹ Commonwealth Government, *Chalinolobus dwyeri* (Large-eared Pied Bat) Conservation Advice (2021), p 6-7.

⁴⁰ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

⁴¹ Commonwealth Government, National Recovery Plan for the Winged Peppercross *Lepidium monoplocoides*, p 4.

Peppergrass are mostly from human interference and include altered hydrology, weed invasion, grazing and physical damage.⁴²

Given that:

- The paucity of surveys initially undertaken did not detect Winged Peppergrass in the investigation area
- the 2010 National Recovery plan for the species recognises all populations as important populations
- Major threats to this species include human interference including altered hydrology, physical damage and disturbance that promote weed invasion⁴³

there is a high degree of certainty that this project is likely to significantly impact on Winged Peppergrass, and reconsideration of your decision that this is not a controlled action is required.⁴⁴

White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grasslands (Box gum Woodland)

We have provided sufficient information to you arguing that whilst Box Gum Woodland had been discussed in the original referral, recordings of this ecological community did not represent the full extent along the project corridor. In this regard we refer to previous submissions.

Addressing s78A(2)(aa) of the EPBC Act

As previously set out in my original correspondence, the extensive Black Summer wildfires of 2019/2020 represent a substantial change in circumstances that was not foreseen at the time, which warrant revocation and substitution of the decision in relation to threatened species. Research previously sent to you revealed the Black Summer fires '*were unprecedented in terms of impact on all areas. A number of mega-fires occurred in NSW*

⁴² Commonwealth Government, National Recovery Plan for the Winged Peppergrass *Lepidium monoplacoides*, p 7.

⁴³ Commonwealth Government, *Tylophora linearis* Conservation Advice (2008), p 1.

⁴⁴ Regulation 4AA.01(3)(a) and Regulation 4AA.01(3)(b).

resulting in more burned area than in any fire season during the last 20 years. One of them was the largest recorded forest fire in Australian history'. The scale and intensity of the fires, therefore, was not something that was foreseen in terms of assessed environmental risk in the initial referral. The referral does not contain any reference to the impact that extensive, severe bushfires may have on surrounding habitats.

The Fire Extent and Severity Mapping conducted by the NSW Government demonstrated that the pipeline route passes through very important relic habitats that were not burnt in the fires, despite severe fires to the north and south. This markedly increases the cumulative impacts of disturbance on the species at risk from the pipeline. Therefore, the destruction of an enormous area of critical habitat by the Black Summer wildfires means that a change in the potential impacts of the Hunter Gas Pipeline on threatened species is likely to happen with a high degree of certainty.

In addition, in March 2020 your own department released a list of 119 species whose habitat had been so severely affected by the fires that they were identified as the highest priorities for urgent management intervention. Most of those species had at least 30% of their range burnt, and many substantially more. DAWE noted the unusually large area burnt, the high intensity and that the fires are likely to have increased the risk of extinction of some species. Of the 119 species identified to be in urgent need of help, three of the threatened species recorded recently in the vicinity of the pipeline were included on the list – the Spotted-tailed Quoll, Regent Honeyeater and Grey-headed Flying Fox. We have previously documented the particularly significant impacts on these three species.

The Black Summer bushfires represent a substantial change in circumstances which demonstrably increases the significance of unburnt habitat in the Hunter region for these three species in particular. The clearing of that habitat for the Hunter Gas Pipeline will or is likely to have a significant impact on the species. This change in circumstances warrants the revocation and substitution of the controlled action decision.