

FIVE YEAR REVIEW OF THE BILATERAL AGREEMENT RELATING TO ENVIRONMENTAL ASSESSMENT

The State of New South Wales
(The Department of Planning, Housing and Infrastructure)

and

Commonwealth of Australia
(The Department of Climate Change, Energy, the Environment and Water)

November 2025

EXECUTIVE SUMMARY

The Bilateral Agreement is administered by the Australian Government Department of Climate Change, Energy, the Environment and Water (AG DCCEEW), and by two main New South Wales departments, of Planning, Housing and Infrastructure (DPHI) and Climate Change, Energy, the Environment and Water (NSW DCCEEW).

In November 2024, the parties to the Bilateral Agreement agreed to proceed with a second Five Year Review.

The review process was consistent with previous years

This 2020-2025 Five Year Review considered whether the Agreement had been operating effectively over the period of 26 February 2020 to 26 February 2025 inclusive.

The review involved three stages:

- collating data against key performance indicators (KPIs)
- KPI evaluation
- review report preparation.

The Bilateral Agreement is operating effectively

The review has found that:

- State assessments are addressing relevant matters of national environmental significance in general as required.
- Commonwealth endorsement of NSW offset approaches is an effective approach to promoting long term outcomes for relevant matters of national environmental significance noting that issues identified in the *Biodiversity Conservation Act 2017 Review* in relation to the securement of offsets are being addressed by the NSW Government.
- The operation of the Bilateral Agreement reduces duplication in regulatory processes.

These findings have guided the focus of this review report along three themes of Bilateral Agreement operation; streamlining processes, strong working relationships and continual improvement.

The three high-level findings are explained further within the KPI Evaluation Report (attached to this report), which explains 12 detailed supporting findings.

Bilateral agreements help streamline overlapping processes

The Bilateral Agreement has supported streamlined assessments that have saved significant costs of duplication for government and proponents. Since 2015, 77 State-significant development proposals have been assessed under bilateral or accredited assessments within the NSW assessment system, with a further 87 currently under assessment.

The Bilateral Agreement has continued to provide for significant streamlining, which has been beneficial for 50 major projects in NSW over the period under review.

Review recommendation 1: NSW and AG DCCEEW should continue to take every opportunity to streamline processes for major projects in NSW, by reducing duplication of effort and cost for governments and proponents.

Achievements are supported by very strong working relationships

Both governments have made significant effort to invest in, and maintain, very strong working relationships.

The KPI Evaluation Report (at Appendix 1) confirms that the working relationships are strong, and that they are critical to achieving the benefits of the Bilateral Agreement. KPIs (1,2,3,4,5,6 and 8) highlight the effectiveness of the working relationship. This led to the overall recommendation that the KPIs indicate that the governments should 'continue to maintain the existing collaborative working relationship'.

Review recommendation 2: The investment in collaborative work on Bilateral Agreement implementation should be maintained.

Continual improvement will maintain outcomes

The governments have maintained a commitment to continual improvement that has supported effective implementation of the Bilateral Agreement, through:

- ongoing consultation on changing policy settings
- regular knowledge sharing
- straight-forward responses to scheduled reviews

The commitment to continual improvement has been core to effectively implementing the Bilateral Agreement, and the KPI Evaluation Report recommends that it should continue.

Review recommendation 3: The process improvement opportunities highlighted in the KPI Evaluation Report should be implemented, as these collectively offer an opportunity for continuing improvement.

Review report structure

The following sections of this report provide more detail across the three themes:

- Part 1: Streamlined assessments – this part explains how the Bilateral Agreement has supported streamlined assessments that have saved significant costs of duplication for government and proponents.
- Part 2: Strong working relationships – this part explains how the effort in maintaining strong working relationships has been critical to implementing the Bilateral Agreement.
- Part 3: Knowledge sharing and continual improvement – this part covers further opportunities for continual improvement identified through the review.

The final section, Part 4 provides more detail on the process used for this review.

PART 1: STREAMLINED ASSESSMENTS

The Bilateral Agreement has supported streamlined assessments that have saved significant costs of duplication for government and proponents. Since 2015, 77 State-significant development proposals have been assessed under bilateral or accredited assessments within the NSW assessment system, with a further 87 currently under assessment¹.

Bilateral agreements under the EPBC Act

Under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), approval from the Commonwealth Environment Minister or their delegate is required for any proposed action—including projects, developments, activities, or alteration of these things—likely to have a significant impact on a matter protected by Part 3 of the EPBC Act. Approval can only be granted by the Environment Minister after the impact of the proposed action on the matters protected has been assessed.

Part 5 of the EPBC Act provides for the Commonwealth to enter into bilateral agreements with the states and territories. Under such agreements, the Commonwealth can accredit a state or territories' environment assessment processes where they meet the requirements of the EPBC Act. This allows proponents to prepare a single set of assessment documentation for both the Commonwealth and the state or territory approval purposes, thereby removing duplication in environment regulation.

The NSW/Commonwealth Assessment Bilateral Agreement

The Commonwealth and New South Wales (NSW) governments entered an assessment bilateral agreement (the Bilateral Agreement) on 26 February 2015, which is published on both NSW and Commonwealth websites. The Agreement was amended in 2020 to reflect the commencement of the *Biodiversity Conservation Act 2017*.

Object F of the Bilateral Agreement outlines the aims of the agreement, which reflect the objects of the EPBC Act. These aims (Table 1) are high-level and set the statutory framework within which the Agreement should operate.

¹ As of 24 November 2025.

The Bilateral Agreement requires that a review of its operation must be carried out at least once every five years while the Agreement remains in effect, in accordance with section 65 of the EPBC Act.

Table 1: Aims of the Bilateral Agreement

The aims of the NSW Commonwealth assessment bilateral agreement are:

- ensure Australia complies fully with its international environmental obligations;
- ensure Matters of NES are protected as required under the EPBC Act;
- promote the conservation and ecologically sustainable use of natural resources;
- ensure an efficient, timely and effective process of environmental assessment and approval of actions; and
- minimise duplication in the environmental assessment and approval processes of the Commonwealth and NSW.

NSW assesses EPBC matters for the Commonwealth

Where an environmental assessment is required under regulation for both the NSW and Commonwealth Governments it makes sense for this impact assessment to be carried out only once to inform the two decision-making processes.

For major projects in NSW, this means that proponents are asked to describe the nature, quantum and consequences of impacts on the environment. The information provided needs to meet the requirements of the bilateral agreement, within a single published Environmental Impact Statement. This helps NSW communities to understand how a proposal might change things. The NSW DPHI Assessment Report, which is the regulatory product of the Planning-led whole-of-government assessment, also describes the relevant impacts.

The Bilateral Agreement:

- ensures that matters of national environmental significance (MNES) are protected as required under the EPBC Act by:
 - Committing NSW to prepare an Assessment Report, including a recommendation to the Commonwealth on whether to approve an action. Where approval is recommended, the Assessment Report is to recommend conditions which, to the greatest extent possible, address impacts to MNES so that there are not unacceptable or unsustainable impacts on those matters.

- ensures an efficient, timely and effective process for environmental assessment and approval of actions by:
 - accrediting certain NSW processes for assessment under the *Environmental Planning and Assessment Act 1979* (NSW), including recognising the endorsement of the NSW Biodiversity Offsets Scheme under the EPBC Act Condition-setting Policy;
 - exempting certain actions from assessment under Part 8 of the EPBC Act, where those actions have been assessed through an accredited process, and in the manner specified in Schedule 1 of the Agreement; and
 - committing the Commonwealth to make its best endeavours to ensure that conditions under the EPBC Act are strictly limited to matters not addressed, or likely to not be addressed, by NSW conditions.

Bilateral projects proposing direct investment of \$39.5B in NSW

Major projects that are assessed under the Bilateral Agreement are often referred to as 'bilateral projects'. During the five years from 2020 to 2025, NSW and the Commonwealth have avoided duplication of work on 50 determined bilateral projects, proposing direct investment of \$39.5billion in NSW.

This included 11 projects declared as Critical State Significant Infrastructure (CSSI) because they were considered *essential* for NSW.

KPI evaluation shows streamlined assessments

In response to the three key questions of the review, the KPI Evaluation Report (at Appendix 1) found that:

- State assessments are generally addressing relevant Matters of National Environmental Significance as required
- Commonwealth endorsement of NSW offset approaches is an effective approach to promoting long term outcomes for relevant Matters of National Environmental Significance noting that issues identified in the *Biodiversity Conservation Act 2017* in relation to the securement of offsets are being addressed by the NSW Government. The operation of the Bilateral Agreement reduces duplication in regulatory processes.

The KPI evaluation made 12 detailed findings that support these overarching findings.

Summary

The Bilateral Agreement has continued to provide for significant streamlining, which has been beneficial for 50 major projects in NSW over the period under review.

Review recommendation 1: NSW and AG DCCEEW should continue to take every opportunity to streamline processes for major projects in NSW, by reducing duplication of effort and cost for governments and proponents.

PART 2: STRONG WORKING RELATIONSHIPS

The Bilateral Agreement is administered by the Australian Government Department of Climate Change, Energy, the Environment and Water (AG DCCEEW), by the two main New South Wales departments, of Planning, Housing and Infrastructure (DPHI) and DCCEEW, and Climate Change, Energy, the Environment and Water (NSW DCCEEW). NSW Department of Primary Industries and Regional Development (DPIRD) is involved where MNES involving aquatic species may be impacted.

Both governments have made significant effort to invest in, and maintain, very strong working relationships.

The Bilateral Implementation Framework brings it all together

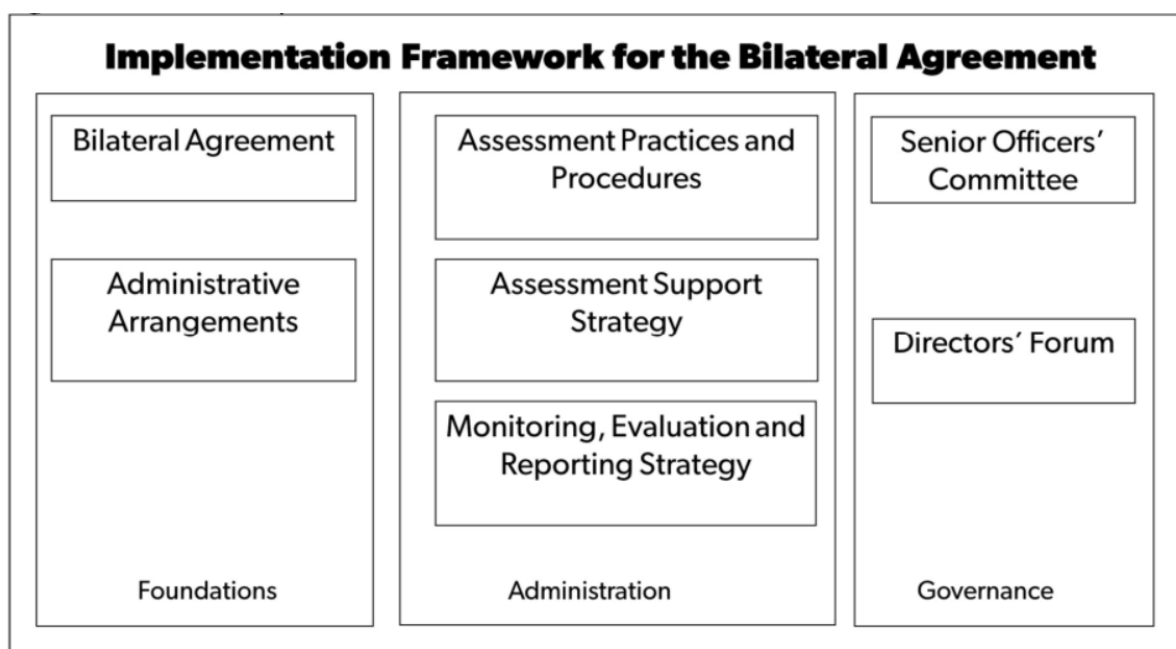
The Bilateral Agreement and a set of related Administrative Arrangements lay out the foundations of how all participants needed to work together, and identify two key forums for governing the working relationships: a Senior Officers Committee and a lower-level Directors Forum.

In 2018, the key agencies (NSW DPHI, NSW DCCEEW and AG DCCEEW) introduced a Bilateral Implementation Framework (the Framework) to explain how implementation would work (see Figure 1)

Overall, there are seven (7) key components of the Framework grouped into three subsets: foundation documents, administration procedures and strategies, and governance structures to support implementation.

The Framework's Administration subset refers to key DPHI Assessment Practice process and guidance documents used by the DPHI assessment teams in meeting the terms of the Agreement. In addition, this subset also sets out an Assessment Support Strategy, which describes how the NSW and Australian Government agencies will support the DPHI teams assessing state significant proposals involving impacts on MNES; and a Monitoring, Evaluation and Reporting Strategy, which describes how NSW and Australian Government agencies will monitor, evaluate, and report on the implementation of the Agreement. Monitoring and reporting processes employ the KPIs to help demonstrate to both governments that the Agreement is working effectively.

The Governance subset of the Framework includes the Terms of Reference (ToR) document for the Senior Officers Committee (SOC), setting out details on SOC membership and responsibilities, the function of Secretariat, and operating protocols for meetings. This subset also includes the Operating Procedure for the NSW-



Commonwealth Directors' Forum, which was established as a Director-level working group to support the SOC.

FIGURE 1: BILATERAL IMPLEMENTATION FRAMEWORK

The Framework guides implementation of the Agreement and clarifies how different components, such as the Agreement, the SOC, Assessment Support Strategy, and Monitoring, Evaluation and Reporting Strategy, relate to each other.

Actively working together for implementation

The very strong working relationship maintained by the parties to the Agreement reduces risk of confusion between regulators and offers opportunities for further bilateral agreements that may be allowed for through current legislative reform programs.

The simple 'activity counts' in the Evaluation Report help explain the effort that the parties have made.

The Director Forum (typically involving 10 – 15 senior executives from key agencies) has met at least every two months (KPI 5) during the review period to support annual Senior Officer Committee meetings (KPI 4).

Shared visits and engagement on projects and process have been regular throughout the review period. An example of this engagement is the regular DPHI Collaboration Conference, the subject of the case study below.

Case Study – The 2025 Collaboration Conference

Strong working relationships are built and maintained through ongoing, active engagement. Much of this is now undertaken in online formats.

NSW DPHI recognises the benefit of bolstering on-line engagement with opportunities to engage face-to-face, so once a year, brings all regular engagement forums onto a single day, as an in-person conference. AG DCCEEW teams have consistently taken part since 2018.

The 2025 Collaboration Conference, delivered as a key initiative within DPHI's Major Projects Advisory Program, brought together over 102 public servants from 22 key agencies/divisions, including AG DCCEEW. Presentations, a panel discussion and interagency meetings focused on the theme 'Identifying and overcoming barriers to collaboration'. It was useful to discuss what approaches we can take to identify and overcome barriers, while collaborating and, how particular teams have adopted approaches in the past.

The 2025 conference was well-received and attendee feedback from parties to the Bilateral Agreement were supportive of the event.



Figure 2: Denise Wright of Changeworks, delivering the 2025 conference keynote presentation

Summary

The KPI Evaluation Report (at Appendix 1) confirms that the working relationships are strong, and that they are critical to achieving the benefits of the Bilateral Agreement.

Seven of the KPIs (1,2,3,4,5,6 and 8) highlight the effectiveness of the working relationship. This led to the overall recommendation that the KPIs indicate that the governments should 'continue to maintain the existing collaborative working relationship'.

Review recommendation 2: The investment in collaborative work on Bilateral Agreement implementation should be maintained or improved.

PART 3: KNOWLEDGE SHARING & CONTINUAL IMPROVEMENT

The parties have maintained a commitment to continual improvement that has supported effective implementation of the Bilateral Agreement, through:

- ongoing consultation on changing policy settings
- regular knowledge sharing
- straight-forward responses to scheduled reviews

Actions from the last review were completed

The first Five-Year Review of the Bilateral Agreement, for the period from 26 February 2015 to 26 February 2020, was finalised in November 2021 and is published on the AG DCCEEW website.

Four priorities were identified to further improve the effectiveness of the Agreement's implementation:

- review the existing KPIs and Monitoring, Evaluation and Reporting (MER) Strategy to ensure they best support and measure the desired environmental and efficiency outcomes.
- clarify roles and educate stakeholders on the Bilateral Assessment process, and review capacity building measures and governance arrangements to ensure the operation of the Agreement is effective, efficient and timely.
- explore ways to improve the existing format and content of standard state assessment reports to suit both governments' decision-making processes.
- explore ways to provide greater transparency of mitigation of impacts on MNES, including habitat-based and non-habitat-based offsets through to their retirement. Compare offsets secured against impacts for key species and communities to ensure that offsets are achieving the desired environmental outcomes.

Finding 8 of the KPI Evaluation Report is that *all recommendations included in the 2020 Review Report have been implemented and significant improvements have been made in streamlining assessment processes and duplication reduction.*

Knowledge sharing and education has been ongoing

DPHI (Major Projects Advisory) has delivered 5 presentations to DPHI, NSW DCCEEW and AG DCCEEW staff over the review period. These sessions are

designed to review standard operating procedures and highlight updates and changes.

Updates that have been covered have included:

- New guidance for expert ecologists on how to cover MNES within Biodiversity Development Assessment Reports
- New guidance for expert heritage consultants on how to cover World and National Heritage items in their expert reports

AG DCCEE staff have also been invited to key presentations explaining new BC Act requirements that may impact on MNES.

DPHI also provides a Bilateral Helpdesk service for AG DCCEE and NSW assessment teams to help with knowledge sharing. Around 1500 queries have been managed through this forum, averaging around 10 per week. These queries have guided the content for subsequent training and guidance.

AG DCCEE have delivered 5 training sessions to NSW co-regulators over the review period. The training included:

- Introduction to the EPBC Act
- Referrals
- Assessments
- Conditions including offsets

A dedicated bilateral team within AG DCCEE also provides a single point of contact to streamline the resolution of issues as they arise.

KPI evaluation made process improvement recommendations

The KPI Evaluation Report for this review has highlighted five recommendations that arise from their detailed findings, four of which relate to process improvements (see Table 1 below).

Reviewing KPIs, reporting mechanisms and standard operating procedures is ongoing, so can be undertaken within existing processes and budgets.

Engagement points between all parties implementing bilateral assessments can also be reviewed, including digital data transfer protocols. The Evaluation Report identifies that improvement in engagement could offer further streamlining.

The KPI Evaluation Report provides additional detail on where these improvements could be focussed.

Table 1: KPI Evaluation Report recommendation

#	KPI Evaluation Report recommendation
1	Continue to maintain the existing collaborative working relationship between the NSW and AG.
2	Improve engagements between NSW and AG beyond the SOC meetings to increase lateral collaboration and further reduce duplication.
3	Review, reduce and refine the KPIs and reporting mechanisms to more clearly evaluate the effectiveness of the operation of the Bilateral Agreement.
4	Review the bilateral assessment standard operating procedures with a view to further streamline processes, enhance engagements, support adherence to agreed timelines and simplify data collection.
5	Integrate process improvements to reduce manual data handling and improve efficiency in KPI evaluation processes.

Summary

The commitment to continual improvement has been core to effectively implementing the Bilateral Agreement, and the KPI Evaluation Report recommends that it should continue.

Review recommendation 3: The process improvement opportunities highlighted in the KPI Evaluation Report should be implemented, as these collectively offer an opportunity for continuing improvement. In particular, increased resources and investment should be targeted to enabling governments to clearly evaluate the effectiveness of the Bilateral Agreement in promoting long-term outcomes for relevant matters of national environmental significance.

PART 4: REVIEW PROCESS

In November 2024, the parties to the Bilateral Agreement agreed to proceed with the second Five Year Review.

The review considers whether the Agreement has been operating effectively over the period of 26 February 2020 to 26 February 2025 inclusive.

The review considered data and stakeholder feedback against three questions, as a measure of whether the Agreement has been consistent with its high-level aims:

- How are matters required by the Bilateral Agreement addressed in New South Wales?
- How effective is the Commonwealth's endorsement of New South Wales offset approaches to ensure long-term environmental outcomes for relevant Matters of National Environmental Significance?
- How effective is the Bilateral Agreement in reducing duplication in regulatory processes?

Review methodology

This 2020-2025 Five Year Review involved three stages, each of which is described below:

- Collating data against key performance indicators (KPIs) – conducted by DPHI, NSW DCCEEW and AG DCCEEW.
- KPI evaluation – conducted by Resource Strategies, and environmental consultancy engaged by the parties.
- Review report preparation – jointly prepared by the parties.

Collating data against the KPIs

KPIs to inform annual evaluations and statutory reviews of the Agreement were agreed by SOC in 2015. These initial KPIs were revised following the outcomes of the 2020 Five Year Review and endorsed by SOC in 2023. The KPIs (at Table 2 below) include:

- activity indicators
- assessment outcome indicators
- qualitative sentiment indicators

Table 2: Key Performance Indicators

#	Key Performance Indicator
1	Senior Officer satisfaction with consultation on policy and planning changes that affect MNES
2	Proportion of projects that were assessed under the Assessment Bilateral Agreement (or accredited process), that were eligible to have been assessed.
3	Proportion of Major Projects where the Australian Government requests additional information following the NSW decision
4	Frequency of SOC meetings
5	Frequency of Working Group meetings
6	Senior Officer satisfaction with removal of duplication
7	Proportion of projects that have additional conditions imposed by the Australian Government
8	Duration of time between NSW determination and Australian Government approval decision
9	Number of projects where draft assessment report shared by NSW to the Australian Government with less than 14 days allowed for input
10	Senior Officer satisfaction with environmental outcomes
11	Proportion of offset obligations retired
12	Proportion of projects where advising agencies did not receive lists of species/matters that need to be assessed
13	Proportion of projects where SEARs and assessment reports did not include lists of species/matters to be assessed

8 of the 13 KPIs relate to how the assessment of individual projects has been managed, so the first step was for the parties to agree on the list of 50 projects to be included in this review. These were bilateral assessments that were determined during the 2020-2025 review period and are listed at Appendix A of the KPI Evaluation Report. DPHI and AG DCCEEW then collected data against each of these KPIs from internal records.

Data for the two activity indicators relating to governance engagement were taken from meeting records.

KPI evaluation was undertaken by consultants

The parties agreed that there was benefit in engaging suitably qualified consultants to evaluate the KPI data, to allow the review to benefit from an external perspective. Resource Strategies, an environmental consultancy with knowledge of the NSW and Commonwealth processes, have prepared the KPI Evaluation Report at Appendix 1.

Resource Strategies were also tasked with compiling the sentiment indicator data, by conducting interviews with senior officers in relevant government teams targeting KPIs 1, 6 and 10. More detail regarding the evaluation methodology is within the KPI Evaluation Report.

Preparing the Review Report

Based on the KPI Evaluation Report and input from stakeholder consultation, the parties have jointly drafted this 2025 Five Year Review Report.

APPENDIX 1 – KPI EVALUATION REPORT

Bilateral Agreement – KPI Evaluation Report

2020 – 2025

1 December 2025

Executive Summary

Resource Strategies Pty Ltd has been engaged by the New South Wales Department of Planning, Housing and Infrastructure to evaluate the effectiveness of the operation of the Bilateral Agreement for the period 2020 to 2025 against the KPIs.

The KPI evaluation informs the five-year statutory Review of the Bilateral Agreement by the Senior Officers' Committee, coordinated by the New South Wales Department of Planning, Housing and Infrastructure, with support from relevant Australian and New South Wales government agencies, in accordance with section 65 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

The KPI evaluation was undertaken with specific focus on the strategic effectiveness, operational effectiveness and environmental outcomes of the Bilateral Agreement through assessing the 'Objects' of the Bilateral Agreement and the 13 Key Performance Indicators that are outlined in the Administrative Arrangements of the Bilateral Agreement. The KPI evaluation also considers the 3 Key Questions that are required to be addressed as part of the 2025 Review of the Bilateral Agreement.

Inputs to the KPI evaluation included data from 50 applicable projects (determined by both the New South Wales and Australian governments between 26 February 2020 and 26 February 2025), survey feedback from representatives of the relevant New South Wales and Australian government agencies, and comparison against the previous review completed in 2020.

The KPI evaluation found that the Bilateral Agreement is operating effectively and the manner of its implementation over the past five years has resulted in significant improvements in reducing duplication.

The reduction in duplication is considered due to the:

- dedicated single point of contact in coordinating the bilateral assessment;
- implementation of the endorsed Biodiversity Assessment Method and Biodiversity Offset Scheme; and
- collaborative working relationship between the New South Wales Department of Planning, Housing and Infrastructure and Australian Government Department of Climate Change, Energy, the Environment and Water.

In response to the 3 Key Questions, the KPI evaluation found that in the period 2020 to 2025:

- State assessments are addressing relevant Matters of National Environmental Significance as required.
- Commonwealth endorsement of the New South Wales biodiversity offset approach is effective in promoting long-term outcomes for relevant Matters of National Environmental Significance.
- The operation of the Bilateral Agreement reduces duplication in regulatory processes.

The KPI evaluation also identified five key recommendations to support the continuous improvement of the effectiveness of the Bilateral Agreement:

1. Continue to maintain the existing collaborative working relationship between the New South Wales and Australian governments.
2. Improve engagements between the New South Wales and Australian governments beyond the Senior Officers' Committee meetings to increase lateral collaboration and further reduce duplication.
3. Review, reduce and refine the key performance indicators and reporting mechanisms to more clearly evaluate the effectiveness of the operation of the Bilateral Agreement.
4. Review the Bilateral Implementation Framework with a view to further streamline processes, enhance engagement between departments, support adherence to target timelines and simplify data collection/analysis.
5. Integrate process improvements to reduce manual data handling and improve efficiency in KPI evaluation processes.

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1 Introduction

The Commonwealth Environment Minister can make a written bilateral agreement with a state or territory government under section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). On 26 February 2015, a bilateral agreement relating to environmental assessment was established under section 45 of the EPBC Act between the Commonwealth of Australia and the State of New South Wales (NSW) (the Bilateral Agreement). The Bilateral Agreement aims to remove duplication of assessment processes while maintaining high environmental standards.

Plate 1 | Key Objects of the Bilateral Agreement

OBJECTS – relevant to the implementation of the Assessment Bilateral Agreement:

1. This Agreement facilitates removing duplication of assessment processes while maintaining high environmental standards by:
 - a. accrediting, under Section 47 of the EPBC Act, certain NSW processes for assessment under the NSW *Environment and Planning Assessment Act 1979* (EP&A Act) and in accordance with Schedule 1; and
 - b. declaring that actions assessed in a manner specified in Schedule 1 do not require assessment under Part 8 of the EPBC Act; and
 - c. committing NSW to preparing an Assessment Report and a recommendation to the Commonwealth on whether to approve an action and if so under what conditions, which to, the greatest extent possible, address impacts of Matters of NES that are not unacceptable or unsustainable impacts on those matters; and
 - d. committing the Commonwealth to making its best endeavours to ensure that conditions under the EPBC Act are strictly limited to matters not addressed, or likely to be addressed by NSW conditions.
2. This Agreement aims to:
 - a. ensure Australia complies fully with its international environmental obligations;
 - b. ensure Matters of NES are protected as required under the EPBC Act;
 - c. promote the conservation and ecologically sustainable use of natural resources;
 - d. ensure an efficient, timely and effective process for environmental assessment and approval of actions; and
 - e. minimise duplication in the environmental assessment and approval processes of the Commonwealth and NSW.
3. The parties will use their best endeavours to implement the commitments in this Agreement acting in spirit of cooperation and consultation to achieve an efficient, timely and effective process for environmental assessment and approval.

In March 2020, the NSW Planning Minister, NSW Environment Minister and Australian Government (AG) Environment Minister signed an amendment to the Bilateral Agreement (the *Amending Agreement No. 1*) in response to changes to NSW legislations. The *Amending Agreement No. 1* took effect on 24 March 2020 thereby updating the 2015 Bilateral Agreement.

Pursuant to section 65 of the EPBC Act, a review of the operation of the Bilateral Agreement must be carried out at least once every five years while it remains in effect. Since the establishment of the Bilateral Agreement in 2015, two reviews have been undertaken; a non-statutory transitional review completed in 2017 covering the first 24 months since the commencement of the Bilateral Agreement (the 'Transitional Review'), and the first five-year statutory Review completed in 2020 covering the period 2015 to 2019 (the '2020 Review'¹).

This KPI evaluation report will inform the second five-year statutory review (the '2025 Review') of the Bilateral Agreement, to be carried out by the Senior Officers' Committee (SOC)², coordinated by NSW Department of Planning, Housing and Infrastructure (NSW DPHI), under section 65 of the EPBC Act and in accordance with clause 13.2 of the Bilateral Agreement.

¹ <https://www.dcceew.gov.au/environment/epbc/approvals/state-assessments/nsw>

² SOC is defined as the committee established under clause 11.2 of the Bilateral Agreement.

2 KPI Evaluation Scope and Methodology

2.1 KPI Evaluation Scope

The KPI evaluation considered the following aspects:

- Assess the operational effectiveness of the Bilateral Agreement for the period 26 February 2020 and 26 February 2025 against the 'Objects' of the Bilateral Agreement; using the key performance indicators (KPIs) (Table 1) as specified in the Administrative Arrangements of the Bilateral Agreement as the framework for the KPI evaluation.
- Measure the success of the implementation of recommendations (Plate 2) provided in the 2020 Review.
- Answer the 3 Key Questions which are to be addressed in the 2025 Review (Table 2).
- Provide recommendations for continuous improvements.

The KPI evaluation included consideration of all projects that were assessed under the Bilateral Agreement and determined by both the NSW and AG within the period 26 February 2020 to 26 February 2025. A list of the 50 applicable projects included in the KPI evaluation is provided in Appendix A.

Table 1 | Key Performance Indicators

Indicator Type	#	Key Performance Indicator
Strategic Effectiveness	1	Senior Officer satisfaction with consultation on policy and planning changes that affect MNES
	2	Proportion of projects that were assessed under the Assessment Bilateral Agreement (or accredited process), that were eligible to have been assessed
	3	Proportion of Major Projects where the Australian Government requests additional information following the NSW decision
	4	Frequency of SOC meetings
	5	Frequency of Working Group meetings
Operational Effectiveness	6	Senior Officer satisfaction with removal of duplication
	7	Proportion of projects that have additional conditions imposed by the Australian Government
	8	Duration of time between NSW determination and Australian Government approval decision
	9	Number of projects where draft assessment report shared by NSW to the Australian Government with less than 14 days allowed for input
Environmental Outcome	10	Senior Officer satisfaction with environmental outcomes
	11	Proportion of offset obligations retired
	12	Proportion of projects where advising agencies did not receive lists of species/matters that need to be assessed
	13	Proportion of projects where SEARs and assessment reports did not include lists of species/matters to be assessed

SEARs = Secretary's Environmental Assessment Report.

Table 2 | Key Questions to be Addressed in the 2025 Review

#	Key Question
1	How matters required by the Bilateral Agreement are addressed in NSW.
2	The effectiveness of the Commonwealth's endorsement of NSW offset approaches to ensure long-term environmental outcomes for relevant matters of MNES.
3	The effectiveness of the Bilateral Agreement in reducing duplication in regulatory processes.

MNES = Matters of National Environmental Significance.

Plate 2 | Recommendations from the 2020 Review

The proposed recommendation priorities from the 2020 Review are as follows:

1. *Review the existing KPIs and Monitoring, Evaluation and Reporting (MER) Strategy to ensure they best support and measure the desired environmental and efficiency outcomes. The experience from the past 5 years of implementation of the Agreement has shown that a review of the KPIs could result in better insight into the effectiveness of the operation of the Agreement, through more effective measurement of available data.*
2. *Clarify roles and educate stakeholders on the Bilateral Agreement process, and review capacity building measures and governance arrangement to ensure the operation of the Agreement is effective, efficient and timely.*
3. *Explore ways to improve the existing format and content of standard state assessment reports to suit both [then] DPIE and DAWE decision-making processes, to better link how the information is presented.*
4. *Explore ways to provide greater transparency of mitigation of impacts on MNES, including habitat-based and non-habitat-based offsets through to their retirement. Compare offsets secured against impacts for key species and communities, to ensure that offsets are achieving the desired environmental outcomes.*

Source: <https://www.dcceew.gov.au/sites/default/files/documents/five-year-review-nsw-bilateral-agreement-report.pdf>

2.2 KPI Evaluation Methodology

2.2.1 KPI Evaluation Approach

A wide variety of raw data was collated and processed to measure performance against the KPIs. Where appropriate, statutory requirements relevant to the KPIs were identified and used in the KPI evaluation. The data inputs for the quantitative KPI analysis and a summary of survey responses from representatives of the relevant NSW and AG agencies for the qualitative KPI analysis are provided in Appendices B and C, respectively. Comparison of relevant KPI outcomes against the 2020 Review was also completed to assist measuring the effectiveness of the implementation of the Bilateral Agreement and to assist measuring the success of the implementation of the recommendations from the 2020 Review. A summary of the KPI analysis results is provided in Section 3 and detailed outcomes with associated observations are provided in Appendix D.

The data analysis results for each KPI, comparison against the 2020 Review outcomes, and feedback from relevant government agency representatives informed the KPI evaluation findings and also supported the responses to the 3 Key Questions. A summary of KPI evaluation findings is provided in Section 4. Select spotlight projects are also included in Section 4 to highlight key findings identified through the KPI evaluation.

Recommendations for continuous improvements of the operation of the Bilateral Agreement were developed based on the findings in Section 4. These recommendations are provided in Section 5.

2.2.2 Data Collection and Analysis

Qualitative Data

KPIs 1, 4, 5, 6, 10 and 12 were assessed using qualitative data obtained through consultation with the relevant government agency representatives, including written surveys and interviews.

Written surveys were distributed to the government agency representatives to provide responses to KPIs 1, 6 and 10 including a satisfaction rating (between one and ten) and a brief justification to support their feedback. Follow up interviews were scheduled with the survey participants to further discuss their responses and obtain feedback on KPIs 4 and 5.

Government agency representatives surveyed for the qualitative KPI analysis included members of the SOC as well as other representatives at the 'Executive Director' and 'Director' level. Two rounds of surveys and interviews with the relevant government agency representatives were completed. A summary of the feedback is provided in Appendix C.

The NSW DPHI assisted in the collection of qualitative data for KPI 12. This involved email requests to the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) to advise the frequency at which lists of EPBC species/matters to be assessed by particular projects were provided to either NSW DPHI or the AG Department of Environment, Climate Change, Energy, the Environment and Water (AG DCCEEW).

Quantitative Data

Quantitative data for KPIs 2, 3, 7, 8, and 9 for the 50 applicable projects was provided by the AG DCCEEW, coordinated by NSW DPHI. Data for KPI 13 was obtained from information available on the NSW Major Projects portal.

Project offset credit data for KPI 11 was gathered by a pilot artificial intelligence (AI) data tool developed by Core Markets (third-party), engaged by NSW DPHI.

The full set of quantitative data used in the KPI evaluation are provided in Appendix B.

Data Validation

The pilot AI tool obtained project offset credit information by data scraping assessment documentation including Development Consents publicly available from the NSW Major Projects website, the Biodiversity Offsets Scheme Credit Transactions Register and the Biodiversity Conservation Trust charge fund reports. To confirm the accuracy of the AI tool's data, validation works were completed by manual comparison against the Development Consents for each of the 50 projects.

2.3 Limitations

The KPI results and findings drawn in this KPI evaluation report could be influenced by the following limitations:

- Some KPI data associated with the applicable projects may be incomplete or incorrect, suggesting certain KPI results may not be accurate or definitive.
- Potential for human error in the manual data collection or validation processes.
- Subjectiveness of qualitative data which could be influenced by individual participant perspectives.

3 Overview of the Key Performance Indicator Results

Figure 1 provides an overview of the 13 KPI results with the detailed KPI results and associated observations for each KPI provided in Appendix D.

Figure 1 | Overview of the Key Performance Indicator Results



[^] This analysis is based on a broad capture of yes/no responses.

* Out of the 20 projects with additional conditions, 80% of these conditions related to matters that are listed at the Commonwealth level only.

4 Summary of Findings

This section provides a summary of the findings of the KPI evaluation. The data used to inform these findings are provided in Appendices B, C and D.

Sections 4.1 to 4.3 summarise the findings against the 13 KPIs, Section 4.4 describes the implementation of recommendations provided in the 2020 Review, and Section 4.6 provides responses to the 3 Key Questions.

4.1 Strategic Effectiveness

The following findings are based on the KPIs that aim to assess the strategic effectiveness of the Bilateral Agreement (KPIs 1 to 5). Where appropriate, data gathered for other KPIs, comparisons against the 2020 Review and feedback from government agency representatives were also used to support the findings in this section.

Finding 1: EPBC statutory requirements have been fulfilled by the NSW Government’s assessments under the Bilateral Agreement with necessary inputs from the AG.

- SOC members have high satisfaction (7 out of 10 rating) with the quality of assessments conducted by the NSW Government, the level of engagement from both AG DCCEEW and NSW DPHI on bilateral assessments associated matters and on key policy updates (KPI 1).

Finding 2: Significant reduction in duplicated regulatory and assessment processes has been observed in the last 5 years through the implementation and execution of more matured assessment procedures under the Bilateral Agreement.

- All projects (100%) that were eligible for a bilateral assessment were assessed under the Bilateral Agreement (KPI 2). This is a significant increase compared to the 2020 Review (72%).
- The presence of a dedicated Major Projects Advisory team within NSW DPHI as single point of contact has driven the effective communication and efficient coordination of bilateral assessments under the Bilateral Agreement (KPI 1).
- The AG’s continued endorsement of the Biodiversity Assessment Method (BAM) and the Biodiversity Offset Scheme (BOS) is instrumental in streamlining biodiversity assessments and offsets under the Bilateral Agreement.

Finding 3: Earlier consultation on upcoming policy changes and projects, and sufficient engagement at the right level are essential to an effective and efficient assessment process.

- Earlier consultation on proposed policy and planning changes that affect EPBC matters from both NSW and AG is essential to help ensure that the updated policies are consistent with the EPBC Act. There is a risk that a lack of input from NSW advising agencies on policy changes could have implications to the execution of the Bilateral Agreement (KPIs 1, 4 and 5). The continued presence of a dedicated Major Projects Advisory team within NSW DPHI would ensure that this benefit is maintained.
- Consultation regarding biodiversity MNES matters could be improved to include feedback from Assessment Directors who oversee the assessments directly (KPIs 1 and 5).
- The SOC and Working Group meetings are the right forums to communicate policy updates and solve problems that arise in bilateral assessments; however the functioning of these meetings could be improved (KPIs 4 and 5).
 - Currently, SOC meetings occur at the frequency specified in the Terms of Reference (published in September 2023). On average SOC meetings of one meeting per year. These meetings have a procedural focus (KPIs 4 and 5).
 - Relevant Directors involved in the bilateral assessments should be attending the bi-monthly Director Forum meetings for discussion topics related to the functioning of the Bilateral Agreement and should satisfy themselves that adequate and appropriate discussion of bilateral assessment matters is undertaken at each meeting.
 - Relevant Assessment Directors should consult their team regarding any matters required for discussion during SOC Meetings and/or Director Forums’ and ensure the outcomes and/or meeting minutes are distributed to their teams.

4.2 Operational Effectiveness

The following findings are based on the KPIs that aim to assess the operational effectiveness of the Bilateral Agreement (KPIs 6 to 9). Where appropriate, data gathered for other KPIs, comparisons against the 2020 Review and feedback from government agency representatives were also used to support the findings in this section.

Finding 4: AG endorsement of the BAM and BOS has been paramount to the significant reduction in duplication, with future improvement opportunities to be realised.

- Senior Officers have high satisfaction (8 out of 10 rating) with the removal of duplication, attributing its effectiveness to the AG endorsement of the BAM and the BOS (KPI 6).
- Recent legislative amendments to the BOS have further removed inconsistencies to help remove duplication.
- The BAM is continuously evolving and has undergone revisions to include non-NSW species and communities to align with the AG DCCEEW descriptions of MNES, which are expected to further reduce duplication.
- The AG has endorsed the BOS. Regular training and updates across both relevant NSW and AG government agencies on consideration of Commonwealth policies and guidance needs to be continued in addition to the BAM to ensure adequate assessment of MNES.

Finding 5: Further improvements are required regarding workflow, record keeping, data governance and KPI reporting.

- Referral processes between NSW and AG and the collection of quantitative KPI data was highly manual, and reliant on inputs from key project personnel. A centralised platform for initiating and tracking workflow, data collection and record keeping could be beneficial, for example, by way of a digital platform, with assistance of AI, or a dedicated administrative function.
- Apart from the five-yearly reviews, KPI data has also been reported on an annual basis to allow government agency representatives to monitor the effectiveness of the Bilateral Agreement.
- Qualitative KPIs (KPI 1, 6 and 10) could benefit from feedback from a larger and more diverse sample size of interviewees to derive statistically reliable KPI results.

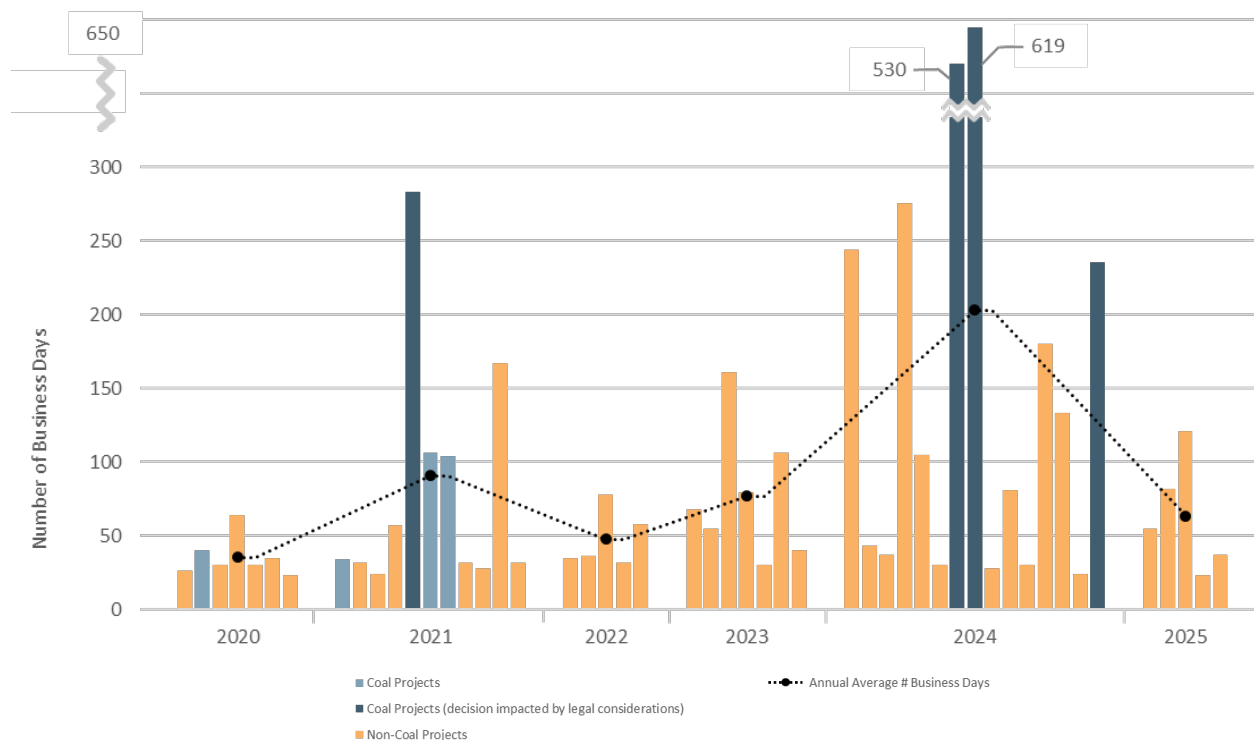
Finding 6: Despite the reduction of duplication in assessment processes, the available data shows the AG DCCEEW requires more information and more time to make approval decisions compared to the previous 5 year period.

- The proportion of projects that received additional information requests from the AG DCCEEW (34%) (KPI 3) increased compared to the 2020 Review (11%). This analysis is based on a broad capture of yes/no responses.
- Out of the projects that received additional conditions, over 80% were related to matters that are listed at the Commonwealth Level only such as, the water trigger and species that are listed at the Commonwealth level only.
- The number of projects considered in the KPI evaluation has significantly increased compared to the previous review period (i.e. 50 projects compared to 18 projects). This increase in the number of projects may be directly correlated to timeframes between NSW and AG decisions not materially changing between the review periods. It may be that increased resourcing within AG since the previous Review Period has enabled AG assessment timeframes to remain constant into this review period despite the number of projects increasing. Additional resources is one option to consider reducing AG assessment timeframes during the next Review Period.
- The AG DCCEEW requiring more information to make approval decisions may be attributed to the application of the BAM or the BOS to EPBC Act listed species and/or matters for example, matters that are related to the specific Commonwealth policies and guidance that are covered in Section 6 of the *Amending Agreement No. 1* and Section 5 and Attachment 1 of the administrative arrangements of the Bilateral Agreement.
- Most projects with available KPI data (18 out of 23 projects) showed the AG DCCEEW were requested to provide input on draft NSW Assessment Reports and conditions in less than 14 days. Not allowing a sufficient time period to provide feedback on draft NSW Assessment reports could contribute to longer timeframes considered by other KPIs, such as the number of timeframe extensions, additional information requests and/or the number of additional conditions that are imposed by the AG DCCEEW (KPIs 3, 7 and 9).
- The proportion of projects delivered on time (average 90% across 44 projects) did not significantly change compared to the first review (average of 99% across 21 projects). The time between NSW and AG decision dates is illustrated in Graph 1 including annual averages for each year within the 5 year review period.

Graph 1 presents the number of business days between NSW determination and AG approval across each of the years within the review period. The graph highlights the difference in number of days between coal mining projects and all other projects combined.

Also highlighted in Graph 1, the number of projects assessed in each calendar year seems to have a relationship with the time taken for decisions to be made in that same year. This may indicate a relationship between the time taken for a decision(s) and the level of AG assessment team resources. While not part of this KPI evaluation, the level of interest by stakeholders (internal and external) on the projects being assessed is also likely to be a contributing factor to how long decisions take, particularly as a higher level of engagement by stakeholders is likely to require a higher level of input by AG assessment team members.

Graph 1 | Number of Business Days between New South Wales and Australian Government Decision Dates



Notes:

1. Each bar represents a single project.
2. Bars are grouped by the year in which the AG decision was made.
3. Within each year grouping, bars are ordered by the date on which the AG decision was made.
4. Projects involved in legal considerations had an impact to decision timeframes outside of the NSW and AG's control.

4.3 Environmental Outcomes

The following findings are based on the KPIs that aim to assess the environmental outcomes of the Bilateral Agreement (KPIs 10 to 13). Where appropriate, data gathered for other KPIs, comparisons against the 2020 Review and feedback from government agency representatives were also used to support the findings in this section.

Finding 7: Though Senior Officers have good satisfaction rates on overall environmental outcomes (7/10) (KPI 10), which is the same as satisfaction rates on strategic effectiveness (7/10) (KPI 1), this rating is lower than the Senior Officers' satisfaction rates on strategic and operational effectiveness (8/10) (KPI 6).

- Differences between government agency representatives' responses could be influenced by:
 - a misalignment between the NSW and AG's definition and application of key terms (e.g. partial loss) which could be unresolved at the time of consideration by ongoing policy changes at both NSW and AG levels (KPI 10); and/or
 - the long-term environmental outcomes from the projects being as yet unknown, especially for renewable projects (KPI 10).

4.4 Comparison Against the 2020 Review KPI Results

Finding 8: All recommendations included in the 2020 Review Report have been implemented and significant improvements have been made in streamlining assessment processes and duplication reduction (refer to Finding 2 and Finding 4).

4.5 Other Findings

As part of the KPI evaluation of the effectiveness of the operation of the Bilateral Agreement, the following additional findings were made:

Finding 9: The survey feedback from government agency representatives were varied (KPIs 1, 6 and 10).

- Differences in perspectives could be influenced by the position of the government agency representative, for example:
 - Director level representatives that are not part of the SOC are directly involved in assessment matters and deal with day-to-day operations of the Bilateral Agreement; and
 - members of the SOC are more focused on policies and strategic goals of the Bilateral Agreement.

Finding 10: Coal mining projects took longer to determine, received a higher proportion of additional information requests and had a higher proportion of additional conditions from the AG DCCEEW compared to other development types (KPI 3 and 7).

Comparatively, renewable energy projects generally had a shorter decision period and fewer additional information requests and fewer additional conditions from the AG DCCEEW.

- All coal mining projects (8/8) received both additional information requests and additional conditions from the AG DCCEEW post NSW assessment processes, whereas 21% of non-coal mining projects received additional information requests and 29% of non-coal mining projects received additional conditions (Appendix D).
 - This could be influenced by additional requirements related to the 'water trigger'.
 - Refer to Finding 6 and Graph 1 for details on timing.
- Out of the 15 renewable energy projects, two projects (Bowmans Creek Wind Farm and Ungula Wind Farm) received additional information requests from the AG DCCEEW, and only one project (Hills of Gold Wind Farm) received both additional information requests and additional conditions by the AG DCCEEW.

Finding 11: The AI data tool used in the KPI evaluation can collect offset data from Development Consents but is not yet able to generate reliable data. The AI data tool could facilitate more efficient reporting against KPI11 however further refinement and validation would be required.

- Validation of the pilot AI tool identified that the offset credit obligations were accurately reported for 28% (14/50) of projects in the first trial. This is likely to be improved with further refinement and validation of the AI tool outputs.
- Varied Development Consent formatting, condition wording and staging of offset were key reasons that were attributed to the low accuracy of the AI tool (KPI 11).

Finding 12: The description and reporting of current KPIs could be refined to improve measurement of the effectiveness of the Bilateral Agreement.

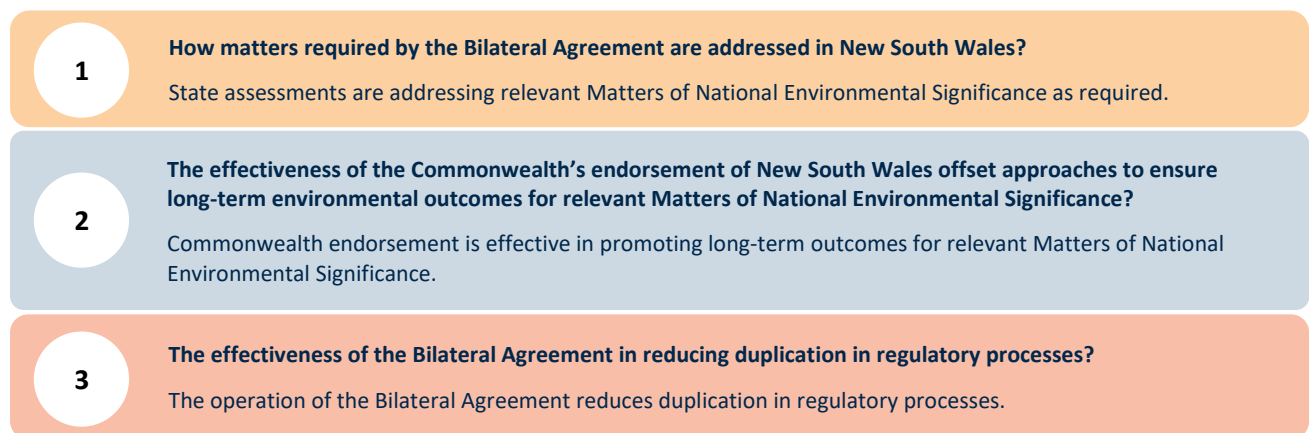
- Strategic Effectiveness KPIs may yield more targeted outcomes if they cover the aims and strategic goals of the Bilateral Agreement. For example, meeting statutory requirements, reducing duplication and fostering collaborative working relationships between NSW and the AG.
- Operational Effectiveness KPIs may benefit from focusing on the effectiveness and efficiency of the operations of the Bilateral Agreement, for example, that processes and procedures are streamlined and optimised to reduce duplication.
- The current Environmental Outcomes KPIs are more focused on the assessment processes and procedural matters for monitoring compliance, with less emphasis on measuring the environmental outcomes of projects. In addition, the definition of Environment Outcome is not clearly defined in the Bilateral Agreement, resulting in inconsistent interpretations from various government agencies in both the NSW and the AG.
- Qualitative KPIs are subjective and, while these produce useful and valuable insights, the results are highly dependent on which department the government agency representatives represent, and what positions they hold.

4.6 Key Questions

Based on the findings in Sections 4.1 to 4.5, the KPI evaluation found that the Bilateral Agreement is operating effectively and the manner of its implementation over the past five years has resulted in significant improvements in reducing duplication. The KPI evaluation has also identified suggested measures to facilitate continuous improvement of the current approach to implementing the Bilateral Agreement.

In response to the 3 key questions, the findings of the KPI evaluation in the period 2020 to 2025 are summarised in Figure 2.

Figure 2 | Findings to the Key Questions



5 Recommendations

This section provides suggested recommendations, based on the findings of the KPI evaluation (Section 4), that may be considered in the 2025 Review to further improve the effectiveness of the operation of the Bilateral Agreement. Table 3 summarises the relationship between each recommendation and the relevant finding (Section 4).

Recommendation 1: Continue to maintain the existing collaborative working relationship between the NSW and AG.

- Continue to resource the NSW DPHI Major Projects Advisory team that oversees implementation of the bilateral agreement (i.e. the single point of contact) for managing Bilateral Agreement matters between NSW and AG.
- Continue to facilitate early engagement opportunities on policy updates from both the NSW and AG to allow meaningful input and ensure alignment of the *Environmental Planning and Assessment Act 1979 (NSW)* and the EPBC Act is maintained.

Recommendation 2: Improve engagements between NSW and AG beyond the SOC meetings to increase lateral collaboration and further reduce duplication.

- Continue to facilitate regular SOC meetings in accordance with the Terms of Reference (published in September 2023).
- Review how outcomes from the SOC and Director Forum meetings are more widely disseminated.
- Promote consultation to minimise the risks of time between NSW and AG decisions.
- Consider joint (NSW and AG) project site inspections at both the start and end of the NSW assessment process (i.e. prior to the AG reviewing the draft NSW Assessment report).
- Where possible, include Director level senior officers that were involved in this KPI evaluation in future evaluation processes to provide continuity across KPI evaluations.
- Where practicable, consider joint meetings between NSW and AG assessment officers and the proponent to reduce potential risks for miscommunication and/or misunderstandings, and to reduce duplication in administrative work (e.g. relaying information between departments and the proponent and vice versa).

Recommendation 3: Review, reduce and refine the KPIs and reporting mechanisms to more clearly evaluate the effectiveness of the operation of the Bilateral Agreement.

- Consider using data from the NSW and AG compliance teams/divisions to inform an KPI evaluation of Environmental Outcomes of the Bilateral Agreement, as a relevant measure of the effectiveness of the operation of the Bilateral Agreement.
- Consider refining KPI 9 to clearly articulate the 14 day period shall be calculated as business days.
- Consider omitting KPI 11 from future reviews. The purpose of the Bilateral Agreement is not to monitor offsets therefore this indicator does not evaluate the effectiveness of the operation of the Bilateral Agreement.
- Consider omitting KPI 12 from future reviews. The purpose of the Bilateral Agreement is not to monitor whether advising agencies are receiving lists of species and/or matters to be assessed therefore, this indicator does not evaluate the effectiveness of the operation of the Bilateral Agreement.
- Maintain internal annual KPI reporting and explore more frequent reporting frequency (e.g. quarterly) to better monitor the effectiveness of the operation of the Bilateral Agreement.

Recommendation 4: Review the bilateral assessment standard operating procedures with a view to further streamline processes, enhance engagements between departments, support adherence to agreed timelines and to simplify data collection.

- Review the allocation and availability of dedicated resources that are able to assist with internal administrative processes that relate to streamlining communication, preparing referrals, and issuing notifications.
- Implement a formalised and/or standardised method for documenting when and what information is provided to advising agencies (e.g. EPBC species/matters lists) to reduce potential risks that may arise from untraceable information.
- Consider a consistent template for both the communication of potentially impacted EPBC species/matters in documents as well as for the communication of these lists to advising agencies.
- Support stronger adherence to timeframes to enable the AG DCCEE sufficient time to provide meaningful and considered feedback on draft NSW Assessment reports.

- Consider training and/or information sessions to help advising agency teams better understand the bilateral assessment process and how to access lists of species and matters.
- Continue to further refine the templates for use in both NSW and AG assessments.
- Consider a data management system to track and manage KPI data to inform long-term analysis.

Recommendation 5: Consider tools to reduce manual data handling and improve efficiency in review processes.

Explore further development of data tools for collecting and tracking offset credits and other data, and options for scaling up data tools for improvement in track and reporting data.

Table 3 | Findings and Recommendations Reference Table

Recommendation Number	Recommendation	Findings
1	Continue to maintain the existing collaborative working relationship between the NSW and AG.	1, 2, 3, 4, 5, 6, 8
2	Improve engagements between NSW and AG beyond the SOC meetings to increase lateral collaboration and further reduce duplication.	3, 5, 6, 7, 9, 10
3	Review, reduce and refine the KPIs and reporting mechanisms to more clearly evaluate the effectiveness of the operation of the Bilateral Agreement.	7, 12
4	Review the bilateral assessment standard operating procedures with a view to further streamline processes, enhance engagements, support adherence to agreed timelines and simplify data collection.	2, 4, 5, 6, 10
5	Integrate process improvements to reduce manual data handling and improve efficiency in KPI evaluation processes.	5, 11

Appendices

APPENDIX A | LIST OF PROJECTS INCLUDED IN THE KPI EVALUATION

#	Project Name	Development Type	NSW Assessment Type
1	Liddell Future Land Use and Enabling Works Project	Electricity Generation - Other	SSD
2	Stone Ridge Quarry Project	Extractive Industries	SSD
3	Cowal Gold Operations Open Pit Continuation	Minerals Mining	SSD
4	HumeLink	Electricity Supply	SSI
5	Spicers Creek Wind Farm	Electricity Generation - Wind	SSD
6	Hills of Gold Wind Farm	Electricity Generation - Wind	SSD
7	Inland Rail - Illabo to Stockinbingal	Rail Transport Facilities	CSSI
8	Goulburn River Solar Farm	Electricity Generation - Solar	SSD
9	Modification 13 Dunmore Quarry Pit Extension	Extractive Industries	SSD Mod
10	Central-West Orana REZ Transmission	Electricity Supply	CSSI
11	Thunderbolt Wind Farm	Electricity Generation - Wind	SSD
12	Parramatta Light Rail Stage 2	Rail Transport Facilities	CSSI
13	Bowmans Creek Wind Farm	Electricity Generation - Wind	SSD
14	Deep Creek Quarry	Extractive Industries	SSD
15	MOD 8 - Increase in depth of mining (Boggabri Coal Mine)	Coal Mining	SSD Mod
16	Yanco Delta Wind Farm	Electricity Generation - Wind	SSD
17	Albion Park Quarry - Stage 7	Extractive Industries	SSD
18	Eastern Creek retail outlet centre	Residential & Commercial	SSD
19	McPhillamys Gold Project	Minerals Mining	SSD
20	Inland Rail - Narramine to Narrabri	Rail Transport Facilities	CSSI
21	Inland Rail - North Star to NSW/Queensland Border	Rail Transport Facilities	CSSI
22	Kurri Kurri Lateral Pipeline Project	Gas Supply	CSSI
23	Upper South Creek Advanced Water Recycling Centre	Sewerage Collection, Treatment and Disposal	SSI
24	M1 Pacific Motorway extension to Raymond Terrace	Road Transport Facilities	CSSI
25	Mount Pleasant Optimisation Project	Coal Mining	SSD
26	Project EnergyConnect (NSW - Eastern Section)	Electricity Supply	CSSI
27	Snowy 2.0 - Transmission Connection	Electricity Supply	CSSI
28	Kamay Ferry Wharves	Water Transport Facilities (Incl. Ports)	SSI
29	Narrabri Underground Mine Stage 3 Extension Project	Coal Mining	SSD
30	Tilbuster Solar Farm	Electricity Generation - Solar	SSD
31	Bayswater Power Station Upgrade	Electricity Generation - Other	SSD
32	Kurri Kurri Gas Fired Power Station	Electricity Generation - Other	CSSI
33	Moorebank Avenue Realignment	Road Transport Facilities	SSI
34	Project EnergyConnect (NSW - Western Section)	Electricity Supply	CSSI
35	Marulan South Limestone Mine Continued Operations Project	Extractive Industries	SSD
36	Ungula Wind Farm	Electricity Generation - Wind	SSD
37	Mangoola Coal Continued Operations Project	Coal Mining	SSD
38	Tahmoor South Coal Project	Coal Mining	SSD
39	M12 Motorway	Road Transport Facilities	CSSI
40	Newcastle Power Station	Electricity Generation - Other	SSI
41	Springdale Solar Farm	Electricity Generation - Solar	SSD
42	Maxwell Underground Coal Mine Project	Coal Mining	SSD
43	Coffs Harbour Bypass	Road Transport Facilities	CSSI
44	Narrabri Gas	Petroleum Extraction	SSD
45	Light Horse Interchange Business Hub Eastern Creek	Warehouse or Distribution Centres	SSD
46	Inland Rail - Narrabri to North Star Phase 1	Rail Transport Facilities	CSSI
47	Vickery Mine Extension	Coal Mining	SSD
48	Bulga Coal Optimisation Project Modification	Coal Mining	SSD Mod
49	Brandy Hill Expansion Project	Extractive Industries	SSD
50	Snowy 2.0 - Main Works	Electricity Generation - Other	CSSI

CSSI = Critical State Significant Infrastructure, SSD = State Significant Development, SSD Mod = State Significant Development Modification, and SSI = State Significant Infrastructure.

APPENDIX B | KEY PERFORMANCE INDICATORS BY PROJECT (QUANTITATIVE DATA)

#	Project Name	Development Type	KPI 2 Projects that were Assessed Under the Bilateral Agreement and were Eligible to have been Assessed		KPI 3 AG Requested Additional Information Following NSW Decision	KPI 7 AG Imposed Additional Conditions	KPI 8 Duration of Time between NSW Determination and AG Approval Decision Dates			KPI 9 # Days Allowed for AG Input on Draft NSW Assessment Report	KPI 11* Proportion of Credits Retired	KPI 13 SEARs/Assessment Report did not include lists of Species/Matters to be Addressed	
			Eligible for Bilateral	Assessed Bilaterally			NSW	AG	# Business Days (ACT)			SEARs	Eligible for Bilateral
1	Liddell Future Land Use and Enabling Works Project	Electricity Generation - Other	Yes	Yes	No	No	31/01/2025	7/03/2025	23	N/A	0%	Yes	Yes
2	Stone Ridge Quarry Project	Extractive Industries	Yes	Yes	No	No	16/12/2024	9/04/2025	37	N/A	0%	No	Yes
3	Cowal Gold Operations Open Pit Continuation	Minerals Mining	Yes	Yes	No	No	10/12/2024	28/02/2025	55	≤ 14 days	65%	Yes	Yes
4	HumeLink	Electricity Supply	Yes	Yes	No	Yes	14/11/2024	18/12/2024	24	> 14 days	2%	Yes	Yes
5	Spicers Creek Wind Farm	Electricity Generation - Wind	Yes	Yes	No	No	31/10/2024	4/03/2025	82	N/A	0%	Yes	Yes
6	Hills of Gold Wind Farm	Electricity Generation - Wind	Yes	Yes	Yes	Yes	9/09/2024	4/03/2025	121	≤ 14 days	N/A	Yes	Yes
7	Inland Rail - Illabo to Stockinbingal	Rail Transport Facilities	Yes	Yes	No	No	6/09/2024	28/10/2024	30	N/A	8%	Yes	Yes
8	Goulburn River Solar Farm	Electricity Generation - Solar	Yes	Yes	No	No	23/08/2024	7/10/2024	28	≤ 14 days	102% ^b	Yes	Yes
9	Modification 13 Dunmore Quarry Pit Extension	Extractive Industries	Yes	Yes	No	No	26/06/2024	22/10/2024	81	≤ 14 days	0%	N/A ^c	Yes
10	Central-West Orana REZ Transmission	Electricity Supply	Yes	Yes	No	Yes	26/06/2024	8/08/2024	30	N/A	0%	Yes	Yes
11	Thunderbolt Wind Farm	Electricity Generation - Wind	Yes	Yes	No	No	8/05/2024	14/11/2024	133	≤ 14 days	40%	Yes	Yes
12	Parramatta Light Rail Stage 2	Rail Transport Facilities	Yes	Yes	No	No	22/02/2024	19/04/2024	37	N/A	41%	Yes	Yes
13	Bowmans Creek Wind Farm	Electricity Generation - Wind	Yes	Yes	Yes	No	6/02/2024	5/07/2024	105	≤ 14 days	0%	Yes	Yes
14	Deep Creek Quarry	Extractive Industries	Yes	Yes	Yes	Yes	24/01/2024	7/11/2024	180	≤ 14 days	0%	Yes	Yes
15	MOD 8 - Increase in depth of mining (Boggabri Coal Mine)	Coal Mining	Yes	Yes	No	Yes	22/01/2024	19/12/2024	236 ^a	N/A	N/A	N/A ^c	Yes
16	Yanco Delta Wind Farm	Electricity Generation - Wind	Yes	Yes	No	No	21/12/2023	21/02/2024	43	≤ 14 days	0%	Yes	Yes
17	Albion Park Quarry - Stage 7	Extractive Industries	Yes	Yes	No	No	29/09/2023	28/11/2023	40	N/A	3%	Yes	Yes
18	Eastern Creek retail outlet centre	Residential & Commercial	Yes	Yes	Yes	No	24/04/2023	22/05/2024	276	> 14 days	14%	No	No
19	McPhillamys Gold Project	Minerals Mining	Yes	Yes	No	No	30/03/2023	23/05/2023	30	> 14 days	10%	Yes	Yes
20	Inland Rail - Narramine to Narrabri	Rail Transport Facilities	Yes	Yes	Yes	Yes	21/02/2023	31/01/2024	244	≤ 14 days	0%	Yes	Yes
21	Inland Rail - North Star to NSW/Queensland Border	Rail Transport Facilities	Yes	Yes	Yes	Yes	20/02/2023	21/07/2023	106	≤ 14 days	0%	Yes	Yes
22	Kurri Kurri Lateral Pipeline Project	Gas Supply	Yes	Yes	Yes	No	23/12/2022	28/04/2023	79	N/A	59%	Yes	Yes
23	Upper South Creek Advanced Water Recycling Centre	Sewerage Collection, Treatment and Disposal	Yes	Yes	No	No	28/11/2022	17/02/2023	55	> 14 days	106% ^b	Yes	Yes
24	M1 Pacific Motorway extension to Raymond Terrace	Road Transport Facilities	Yes	Yes	No	No	8/11/2022	13/02/2023	68	≤ 14 days	0%	Yes	Yes
25	Mount Pleasant Optimisation Project	Coal Mining	Yes	Yes	No	Yes	6/09/2022	24/09/2024	530 ^a	> 14 days	0%	Yes	Yes
26	Project EnergyConnect (NSW - Eastern Section)	Electricity Supply	Yes	Yes	No	Yes	2/09/2022	5/12/2022	58	≤ 14 days	52%	Yes	Yes
27	Snowy 2.0 - Transmission Connection	Electricity Supply	Yes	Yes	No	Yes	2/09/2022	21/10/2022	32	N/A	40%	No	Yes
28	Kamay Ferry Wharves	Water Transport Facilities (Incl. Ports)	Yes	Yes	Yes	Yes	21/07/2022	16/03/2023	161	N/A	82%	Yes	Yes
29	Narrabri Underground Mine Stage 3 Extension Project	Coal Mining	Yes	Yes	Yes	Yes	1/04/2022	24/09/2024	619 ^a	N/A	0%	Yes	Yes
30	Tilbuster Solar Farm	Electricity Generation - Solar	Yes	Yes	No	No	3/03/2022	27/06/2022	78	N/A	0%	Yes	Yes
31	Bayswater Power Station Upgrade	Electricity Generation - Other	Yes	Yes	Yes	No	18/02/2022	14/04/2022	36	≤ 14 days	0%	Yes	Yes
32	Kurri Kurri Gas Fired Power Station	Electricity Generation - Other	Yes	Yes	Yes	No	17/12/2021	6/02/2022	35	N/A	N/A	No	No
33	Moorebank Avenue Realignment	Road Transport Facilities	Yes	Yes	No	No	15/10/2021	7/12/2021	32	N/A	68%	Yes	Yes
34	Project EnergyConnect (NSW - Western Section)	Electricity Supply	Yes	Yes	No	No	28/09/2021	10/11/2021	28	≤ 14 days	87%	Yes	Yes
35	Marulan South Limestone Mine Continued Operations Project	Extractive Industries	Yes	Yes	No	No	19/08/2021	7/10/2021	32	≤ 14 days	96%	Yes	Yes

APPENDIX B | KEY PERFORMANCE INDICATORS BY PROJECT (QUANTITATIVE DATA) (continued)

#	Project Name	Development Type	KPI 2 Projects that were Assessed Under the Bilateral Agreement and were Eligible to have been Assessed		KPI 3 AG Requested Additional Information Following NSW Decision	KPI 7 AG Imposed Additional Conditions	KPI 8 Duration of Time between NSW Determination and AG Approval Decision Dates			KPI 9 # Days Allowed for AG Input on Draft NSW Assessment Report	KPI 11* Proportion of Credits Retired	KPI 13 SEARs/Assessment Report did not include lists of Species/Matters to be Addressed	
			Eligible for Bilateral	Assessed Bilaterally			NSW	AG	# Business Days (ACT)			SEARs	Assessment Report
36	Uungula Wind Farm	Electricity Generation - Wind	Yes	Yes	Yes	No	7/05/2021	3/08/2021	57	N/A	19%	Yes	Yes
37	Mangoola Coal Continued Operations Project	Coal Mining	Yes	Yes	Yes	Yes	26/04/2021	1/10/2021	106	N/A	31%	Yes	Yes
38	Tahmoor South Coal Project	Coal Mining	Yes	Yes	Yes	Yes	23/04/2021	1/10/2021	104	N/A	0%	No	No
39	M12 Motorway	Road Transport Facilities	Yes	Yes	No	No	23/04/2021	3/06/2021	24	≤ 14 days	4%	Yes	Yes
40	Newcastle Power Station	Electricity Generation - Other	Yes	Yes	No	No	15/03/2021	26/11/2021	167	N/A	0%	Yes	Yes
41	Springdale Solar Farm	Electricity Generation - Solar	Yes	Yes	No	No	19/02/2021	13/04/2021	32	N/A	0%	Yes	Yes
42	Maxwell Underground Coal Mine Project	Coal Mining	Yes	Yes	Yes	Yes	22/12/2020	10/03/2021	34	N/A	74%	Yes	Yes
43	Coffs Harbour Bypass	Road Transport Facilities	Yes	Yes	No	No	2/11/2020	8/12/2020	23	N/A	52%	No	Yes
44	Narrabri Gas	Petroleum Extraction	Yes	Yes	Yes	Yes	30/09/2020	24/11/2020	35	N/A	2%	Yes	No
45	Light Horse Interchange Business Hub Eastern Creek	Warehouse or Distribution Centres	Yes	Yes	No	No	31/08/2020	29/10/2020	30	N/A	100%	Yes	Yes
46	Inland Rail - Narrabri to North Star Phase 1	Rail Transport Facilities	Yes	Yes	No	No	13/08/2020	1/10/2020	30	N/A	36%	Yes	Yes
47	Vickery Mine Extension	Coal Mining	Yes	Yes	Yes	Yes	12/08/2020	15/09/2021	283 ^a	N/A	42%	Yes	Yes
48	Bulga Coal Optimisation Project Modification	Coal Mining	Yes	Yes	No	Yes	17/07/2020	22/09/2020	40	N/A	N/A	Yes	Yes
49	Brandy Hill Expansion Project	Extractive Industries	Yes	Yes	No	Yes	16/07/2020	27/10/2020	64	N/A	38%	No	Yes
50	Snowy 2.0 - Main Works	Electricity Generation - Other	Yes	Yes	No	Yes	20/05/2020	29/06/2020	26	≤ 14 days	0%	No	No

Notes:

* The proportion of credits retired (KPI 11) are based on data available from the AI tool report (version generated 7 May 2025).

^a Number of days impacted by legal considerations (refer to Graph 1 in Section 4.2 of this KPI Evaluation Report).^b The number of offset credits retired is greater than the number of offset credits required (data obtained from pilot AI tool).^c SEARs not applicable to Modifications.

APPENDIX C | SENIOR OFFICERS' SURVEY RESPONSES (QUALITATIVE DATA)

Number of Participants in Survey Interviews	Government	Department	KPI 1 Senior Officer Satisfaction with Consultation on Policy and Planning Changes that Affect MNES		KPI 6 Senior Officer Satisfaction with Removal of Duplication		KPI 10 Senior Officer Satisfaction with Environmental Outcomes	
			Rating	Paraphrased Response	Rating	Paraphrased Response	Rating	Paraphrased Response
1	Australian Government	DCCEEW	8	- The commitment from NSW Government to properly resource the implementation of the Bilateral Agreement has been integral to the success of its operation. This success is supported by the open and collaborative approach by NSW Government. - Potential opportunity for earlier consultation on policy changes to ensure State level policies are consistent with the Bilateral Agreement and the EPBC Act.	9	- The assessment process under the Bilateral Agreement is highly streamlined which benefits the proponents form timing and efficiency perspectives. - Having a single point of contact within the NSW DPHI significantly improved the communication between the NSW and the Australian governments on bilateral assessment matters. The removal of duplication has been observed firsthand across all projects assessed under the Bilateral Agreement in the last five years. The benefits of the Bilateral Agreement are less realised when the BAM is not fully adhered to during the state assessment.	6	- Good environmental outcomes are continuously being achieved, especially when the assessment was conducted using the NSW Biodiversity Assessment Method (BAM). It is evident when the BAM is not followed as environmental outcomes become less clear. - Issues arise where agencies outside of the NSW DPHI and AG DCCEEW implement policy changes which affects the operation of the Bilateral Agreement. - Potential opportunity to maximise environmental outcomes and reduce regulatory burden by continuously developing a stronger relationship between the NSW and Australian government agencies (other relevant departments apart from NSW DPHI and AG DCCEEW).
1	Australian Government	DCCEEW	7	- The commitment from the NSW Government to consult on policy and planning changes that affect MNES is positive and solid. - Potential opportunity for earlier consultation on policy changes to facilitate meaningful discussions between NSW and Australian governments to ensure alignment with the EPBC Act and minimises the impact to the operation of the Bilateral Agreement.	8	- The AG's endorsement of the NSW BOS has further reduced the duplication of the bilateral assessment. - Duplication is most evident in instances where the NSW BAM is not followed. - Potential opportunity to notify the AG earlier regarding upcoming projects to allow AG to provide earlier feedback and more time to review the NSW draft Assessment Reports.	6	- The <i>DCCEEW State of the Environment Report 2021</i> suggests there is a national decline in environmental outcomes. It is difficult to complete a comparative analysis of the NSW and AG legislation and reversing the downward trend will be a long-term challenge. - Potential opportunity for a combined stronger regulatory posture to improve environmental outcomes.
2	NSW	DCCEEW	8	- High satisfaction towards the collaborative working relationship between NSW and AG. - Potential opportunity for the NSW BOS to be accredited through the Bilateral Agreement to reduce likelihood of inconsistencies between NSW and AG assessments.	8	- The NSW BOS has facilitated significant progress in the removal of duplication relating to the assessments of threatened species and ecological communities. - Although both the NSW and AG strive to ensure consistency with state and federal level policies, there is more to do to reduce inconsistencies, and it is an ongoing task. - Potential opportunity to remove the inconsistencies in descriptions of threatened ecological communities (TECs) through using the BAM.	5	- NSW Government is highly satisfied with the environmental outcomes achieved through the assessments conducted under the Bilateral Agreement. - There is particularly high satisfaction when the endorsed BAM and BOS are applied in full.

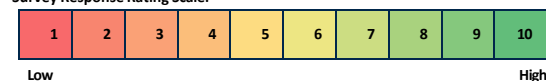
APPENDIX C | SENIOR OFFICERS' SURVEY RESPONSES (QUALITATIVE DATA) (continued)

Number of Participants in Survey Interviews	Government	Department	KPI 1 Senior Officer Satisfaction with Consultation on Policy and Planning Changes that Affect MNES		KPI 6 Senior Officer Satisfaction with Removal of Duplication		KPI 10 Senior Officer Satisfaction with Environmental Outcomes	
			Rating	Paraphrased Response	Rating	Paraphrased Response	Rating	Paraphrased Response
1	NSW	DPHI	8	- NSW consultation with the AG is open and transparent. - Potential opportunity to improve the ways in which updates on the latest policy and planning changes that affect MNES are communicated between the NSW and AG to ensure both parties are kept abreast.	8	The AG is satisfied with the NSW assessments and rarely needs to re-look at work completed.	9	- The assessments completed under the bilateral process are very thorough due to legislative requirements of the Bilateral Agreement. - Potential opportunity to adapt legislation in the future with shifts towards Nature Positive outcomes.
3	Australian Government	DCCEEW	7	- There is a good working relationship between the NSW and AG. - There are effective mechanisms in place to facilitate the continuation of this positive relationship. - The NSW DPHI provides good communication and notice of proposed policy and planning changes affecting MNES.	8	- The Bilateral Agreement provides a strong foundation to remove regulatory duplication. This is further enhanced by the endorsement of, and the effective application of the NSW BAM and the BOS. - There is an opportunity to improve engagement between NSW and AG assessment officers which may help to reduce the number of additional conditions included in the Commonwealth conditions.	7	- The NSW planning and environmental legislation provides strong incentives for proponents to reduce their environmental impacts. - There is a strong focus on projects avoiding, minimising, mitigating and offsetting in order to achieve good environmental outcomes. This is evident in the projects that are further refined during the exhibition process. - Further data and reporting of environmental outcomes is needed to provide greater insight.
3	NSW	DPHI	5	- Although consultation is good, it is often ad-hoc. This can be improved through early engagement on all biodiversity matters that may impact MNES. - Improvement can also be made to how and who is consulted to ensure a fair distribution of feedback. For example, the consultation on policy changes is currently more focused at the Senior Officer level (e.g. Deputy Secretary level), assessment officers may not always be afforded a chance to provide feedback.	4	- The prescriptive matters that the Bilateral Agreement requires for State assessment reports can be time-consuming and can result in duplication of content and adds little benefit to environmental outcomes. - Often AG comments on NSW Assessment Reports relate to differences in species/matters' classification between the State legislation and the EPBC Act. Consistent terminologies between AG and NSW government would help reduce duplication.	7	- The benefit the Bilateral Agreement provides for NSW DPHI to undertake the streamlined assessment on behalf of the AG DCCEEW works well. - Informal discussions with the AG DCCEEW help to facilitate good environmental outcomes in projects.
Average Rating KPI 1:			7	Average Rating KPI 6:	8	Average Rating KPI 10:	7	

Notes:

Survey responses to KPI questions were ranked on a scale of 1 to 10 where 1 indicates 'low satisfaction' and 10 indicates 'high satisfaction'.

Survey Response Rating Scale:



APPENDIX D | KEY PERFORMANCE INDICATOR RESULTS AND OBSERVATIONS

Indicator Type	KPI #	KPI Description	Data Type	Data Source	KPI Target	2020 KPI Evaluation Score ¹	2025 KPI Evaluation Score ²	Observations	NSW and AG Feedback
Strategic Effectiveness	1	Senior Officer satisfaction with consultation on policy and planning.	Qualitative	Consultation	N/A	N/A	7/10 ³	- SOC members are highly satisfied with the level of collaboration and positive relationship between the NSW and Australian governments and how this has promoted effective assessments. - SOC members emphasised the importance of early consultation in relation to policy and planning changes that affect EPBC matters from both NSW and Australian governments is essential to help ensure that the changes implemented are consistent with the EPBC Act.	High satisfaction rating is attributed to having a single point of contact within the NSW DPPI to help streamline communication, coordinate assessments under the Bilateral Agreement, and promote the good relationship between the key teams within the NSW and Australian governments.
	2	Proportion of projects that were assessed under the Assessment Bilateral Agreement (or accredited process), that were eligible to have been assessed under the Agreement.	Quantitative	Project Data	N/A	72%	100%	- All projects were eligible to be assessed under the Bilateral Agreement have been assessed under the Bilateral Agreement. - This is a significant improvement from the 2020 Review, with no duplication of assessment processes to be undertaken by the Australian government.	Increased resourcing level per recommendation in the 2020 Review has contributed to this significant improvement.
	3	Proportion of Major Projects where the Australian Government requests additional information following the NSW decision.	Quantitative	Project Data	N/A	11%	34%	- The proportion of projects receiving additional information requests from the AG DCCEEW (34%) increased compared to the 2020 Review (11%). This is based on a broad capture of yes/no responses. - Out of the 17 projects which received additional information requests from AG DCCEEW: 100% of coal mining projects received additional information requests (8/8) - this suggests that the coal mining projects received the most scrutiny and were subject to the 'water trigger'. 29% of non-coal mining projects received additional information requests (12/42).	- The increase in additional conditions by the AG DCCEEW may be partially attributed to reduced timeframes (less than 14 days) for AG DCCEEW to review the draft NSW Assessment Reports, however this is not substantiated, further investigation may be required. - Renewable energy projects are largely supported by the latest policies to be assessed "quickly".
	4	Frequency of SOC meetings.	Qualitative	Consultation	As per the Terms of Reference	N/A	Average once per year	SOC meetings occur at the frequency specified in the Terms of Reference (published in September 2023) and have a procedural focus.	- SOC meetings could be occurring more frequently to improve communication of upcoming planning and policy changes. - The SOC meetings could benefit from reducing procedural agendas to favour more project or assessment specific discussions.

APPENDIX D | KEY PERFORMANCE INDICATOR RESULTS AND OBSERVATIONS (continued)

Indicator Type	KPI #	KPI Description	Data Type	Data Source	KPI Target	2020 KPI Evaluation Score ¹	2025 KPI Evaluation Score ²	Observations	NSW and AG Feedback
Operational Effectiveness	5	Frequency of Working Group meetings.	Qualitative	Consultation	N/A	N/A	Every 2 months	- The frequency of Working Group meetings allows interactions between the NSW and Australian governments, at the Director level. - The current Working Group meetings are general meetings at the Director level, and the meeting agenda is procedural. It is not a specific working group meeting about bilateral assessment.	There is an opportunity for Working Group meetings to occur for bilateral assessment only to facilitate communication, knowledge share and policy update at the assessment team level.
	6	Senior Officer satisfaction with removal of duplication.	Qualitative	Consultation	N/A	N/A	8/10 ³	- SOC members are satisfied with the removal of duplication under the bilateral assessment process. - SOC members attribute the removal of duplication to the successful execution of the Bilateral Agreement, dedicated resourcing to coordinate and communicate the process (e.g. internal NSW bilateral assessment team), and the endorsement of the BAM and the BOS to reduce inconsistencies.	N/A
	7	Proportion of projects that have additional conditions imposed by the Australian Government.	Quantitative	Project Data	N/A	39%	40%	- There is no significant change in the proportion of projects receiving additional conditions since the 2020 Review. 100% of coal mining projects received additional conditions imposed from AG DCCEEW. 29% of non-coal mining projects received additional conditions imposed (12/42).	N/A
	8	Duration of time between NSW determination and Australian Government approval decision.	Quantitative	Project Data	30 business days	66 business days on average	37 business days (median)	- The median number of business days between the NSW determination decision date and the AG approval decision date. This is based on 41/50 projects and excludes projects that had unusual decision times (i.e. greater than 150 business days). - Excluding the projects impacted by legal considerations, the number of days between decisions was not significantly different compared to the 2020 Review. 42% of projects (21/50) decisions were delayed due to administrative processing.	N/A
	9	Number of projects where draft assessment report shared by NSW to the Australian Government with less than 14 days allowed for input.	Quantitative	Project Data	14 days	N/A	78%	54% of projects (27/50) had no data available for this KPI (i.e. 23/50 projects had data). - Out of the 23 projects with available data, 78% of projects (18/23) had less than 14 days allowed for the AG DCCEEW to provide input on draft assessment reports.	N/A

APPENDIX D | KEY PERFORMANCE INDICATOR RESULTS AND OBSERVATIONS (continued)

Indicator Type	KPI #	KPI Description	Data Type	Data Source	KPI Target	2020 KPI Evaluation Score ¹	2025 KPI Evaluation Score ²	Observations	NSW and AG Feedback
Environmental Outcome	10	Senior Officer satisfaction with environmental outcomes	Qualitative	Consultation	N/A	N/A	7/10 ³	- SOC members satisfaction is slightly lower compared to KPIs 1 and 6. - This may be influenced by a misalignment in the understanding of the NSW and Australian governments definitions of terms (e.g. partial loss).	- Inconsistencies between the NSW and Australian government assessment methods remain despite endorsement of the BOS and the BAM calculator. - Although the BAM is endorsed by the AG DCCEEW, the specific methods by which it is applied can have impacts on assessment timeframes and requests for additional information or conditions. In addition, there may be potential impacts on species that are only considered MNES under the BOS.
	11	Proportion of offset obligations retired.	Quantitative	Project Data	N/A	N/A	59%	92% of projects (46/50) have offset credit obligations, and 59% of these projects (27/46) have commenced retiring credits. - Validation checks of the data collected by the AI tool identified that the accuracy of the AI requires further development. This validation process found 28% of projects (14/50) displayed accurate reporting of offset credits. During the validation process it was further identified that Development Consents, conditions and offset credits layouts were inconsistent between projects.	N/A
	12	Proportion of projects where advising agencies did not receive lists of species/matters that need to be addressed.	Qualitative	Consultation	N/A	N/A	“Yes”	- Species/matters lists are being provided. - Emails were the sole method for providing and receiving these lists.	N/A
	13	Proportion of projects where SEARs and assessment reports did not include lists of species/matters to be assessed.	Quantitative	Project Data	N/A	N/A	8%	A summary of the proportion of projects with species/matters lists included are as follows: 78% of projects (39/50) had lists included in both SEARs and assessment reports. 4% of projects (2/50) did not include lists in SEARs as they were modifications. 10% of projects (5/50) had lists included in either SEARs or assessment reports. 8% of projects (4/50) did not include lists in SEARs or assessment reports.	N/A

Notes:

¹ KPI result in the 2020 KPI evaluation for compatible KPIs (based on 18 projects, unless otherwise specified).

² KPI result in the 2025 KPI evaluation (based on 50 projects, unless otherwise specified).

³ Data collected is not statistically significant due to a small sample size therefore KPI results may not be conclusive.



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