

30 January 2025

6-0000-210-EEC-00-LT-0025

Alexander Scott
 Director - Freight Assessments
 Department of Planning, Housing and Infrastructure
 4 Parramatta Square
 12 Darcy Street Paramatta, NSW 2150

Email: alexander.scott@planning.nsw.gov.au

Dear Alex,

CSSI-10055 Albury to Illabo Project Submission of Evidence of Credit Retirement Minister's Condition of Approval E21, E23 & E24

I refer to the Minister's Conditions of Approval (**MCoA**) issued for the Critical State Significant Infrastructure (**CSSI**) Project No. 10055 Albury to Illabo, on the 8 of October 2024, and specifically MCoA E21, E23 and E24 which requires the Proponent to provide evidence of the retirement of credits to the Planning Secretary prior to impacts to the biodiversity values.

This letter provides evidence of compliance with the MCoA related to Biodiversity and specifically Conditions E21, E23 and E24 with regards to biodiversity offsets. The evidence of compliance is provided in Table 1, below.

Table 1 Compliance with the MCoA for biodiversity offsets

CSSI APPROVAL	COMPLIANCE
Condition E21: Prior to impacts on the biodiversity values of the CSSI, the number and classes of ecosystem credits and species credits (like-for-like) as set out in the BAM Biodiversity Credit Report which forms part of the BDAR Revision M, must be retired. The number of biodiversity offset species credits obligations that must be retired (prior to impacting the biodiversity values) in each of the CSSI as detailed in Table 6 and Table 7.	The CSSI requires the retirement of 139 ecosystem credits and 99 species credits. 183 credits were retired by ARTC on 8 January 2025, comprising 137 ecosystem credits and 44 species credits. The credits that were retired were in accordance with the like-for-like rules under the NSW <i>Biodiversity Conservation Act 2016</i> (BC Act). The Credit Retire Reports for each credit holding are provided in Attachment 1.

Inland Rail

Inland Rail Pty Ltd

ACN 094 819 520

ABN 73 094 819 520

Inland Rail is a subsidiary of
 Australian Rail Track
 Corporation

Level 16, 180 Ann Street, Brisbane,
 QLD 4000

GPO Box 2462, Queen Street,
 Brisbane, QLD 4000

1800 732 761

inlandrailenquiries@inlandrail.com.au

inlandrail.com.au

	A payment was made into the Biodiversity Conservation Fund (BCF) on 24 January 2025 to acquit the residual obligation of 55 credits. The Clearance Certificate for the payment is provided in Attachment 2.
Condition E22: The retirement of the credits must be carried out in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW) (BC Act), and can be achieved by: (a) acquiring and retiring “biodiversity credits” within the meaning of the BC Act; and / or (b) making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the BCF Charge System; and/or (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the Biodiversity Offset Scheme; (d) Where evidence of compliance with the Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules has been provided to, and approved by the Planning Secretary, the variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the BAM Biodiversity Credit Report (Variation). The variation rule does not apply to biodiversity credits for threatened species or threatened ecological communities that are listed as critically endangered under the BC Act or listed in any capacity under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth). Note: “Impacted site” in the application of the like-for-like offset rules is taken to be the subject land described in the Biodiversity Development Assessment Report referred to in Condition A1. The subject land is the disturbance footprint subject to assessment under the Biodiversity Assessment Method.	The retirement of credits was completed in accordance with the BC Act using a combination of acquiring and retiring biodiversity credits and by making a payment into the BCF.
Condition E24: Evidence of the retirement of credits in satisfaction of Condition E23 must be provided to the Planning	Evidence of the retirement of credits is provided in Attachment 1 and Attachment 2.

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Secretary prior to impacts to the biodiversity values.	
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If you wish to discuss any of the above further, please contact Luke Ryalls, Senior Environmental Advisor – Compliance at LRyalls@ARTC.com.au on 0408 404 368 or myself at MClark@ARTC.com.au on 0414 757 817

Yours sincerely



[Malcolm Clark \(Jan 30, 2025 14:22 GMT+11\)](#)

Malcolm Clark
Project Director – Albury to Illabo

Attachment 1 Credit Retire Reports

Attachment 2 Clearance Certificate from the Biodiversity Conservation Trust

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Biodiversity credit retirement

Final Audit Report

2025-01-30

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