

14 June 2024

IRPL REF# 6-0000-260-EEC-00-LT-0306

Alexander Scott
Director, Freight Team
Department of Planning Housing and Infrastructure
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Paramatta, NSW, 2150

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

Dear Alex,

**CSSI 7474 Narrabri to North Star, Phase 1 (N2NS) Project
Request to Extend the Permitted Time to Meet Biodiversity Offset Obligations
Ministers Condition of Approval E18 and A6**

I refer to the Ministers Conditions of Approval (**MCoA**) issued for the Critical State Significant Infrastructure (**CSSI**) Project No 7474 Narrabri to North Star, Phase 1 on 13 August 2020 (**N2NS Planning Approval**), and specifically MCoA E18 requiring ARTC (now Inland Rail (**IRPL**)) to meet the biodiversity offset obligations within two (2) years of the CSSI approval.

I also refer to **IRPL's** letter (Ref. 6-0000-260-EEC-00-LT-0185) of 28 July 2022 seeking the Department of Planning and Environment's (the **Department**) agreement to extend the timeframe to meet the N2NS Phase 1 (the **Project**) offset obligations and the **Department's** correspondence (Ref. SSI-PA-7474-PA-180) dated 3 August 2022 approving an extension of two (2) years to the original date of 13 August 2022.

I further refer to **IRPL's** letter (Ref. 6-0000-260-EEC-00-LT-0302) of 15 May 2024 (the **May 2024 Update**) providing an update on **IRPL's** progress in securing the required biodiversity credits for the **Project**. Attachment 1 in the **May 2024 Update** provided the details of the credits secured to date, and the status of those remaining credits required to meet the obligations, reflective of the amended Statement of Reasonable Equivalence.

As foreshadowed in the **May 2024 Update**, notwithstanding the significant progress with sourcing and securing biodiversity credits for the Project made to date, the remaining timeline to meeting the credits retirement obligation by 13 August 2024 is under pressure. Of the four key BSA applications noted at the time as outstanding, three of those are progressing well and on track for credit release, however the fourth, Keewong BSA, has experienced a delay in finalising the application.

This delay has been caused as a result of a technical disagreement between **IRPL's** accredited assessors and the assessors at the Credit Supply Taskforce (CST), specifically over the TEC thresholder for PCT27 and the interpretation of the TEC determination. Whilst a pathway forward to resolve the issue has since

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been agreed, substantial updates to the BSA Application, Management Plan and Total Fund Deposit documents are now required.

Keewong is contributing approximately 1,000 credits towards the **Projects** obligation, including ensuring the PCT27 obligation is met. Adding further pressure to the obligation, it should also be noted that the PCT27 obligation was increased under the amended Statement of Equivalence. A timeline of the process undertaken to secure, prepare and generate credits from the Keewong BSA is outlined in Attachment 1 to this letter.

Noting the delays now experienced in finalisation of the Keewong BSA, and to allow adequate time for the **CST** to assess and approve the application, in accordance with the provisions of MCoA A6, **IRPL** formally seeks the agreement of the Planning Secretary to extend the timeframe to meet **IRPL's** offset obligations by a short, further 2-month extension to the current approved retirement date under MCoA E18 through to 15 October 2024.

IRPL continues to prioritise finalisation of the remaining BSA applications and is working closely with its accredited assessors and the **CST** to generate and release credits as soon as possible for the retirement of the **Project**.

If you wish to discuss any of the above further, please contact Daniel Millar, Environment Manager - Offsets on dmillar@inlandrail.com.au or 0488 145 622 or myself on PBorrelli@inlandrail.com.au or 0407 254 363.

Yours sincerely



Peter Borrelli
IRPL Project Director – N2NS

Attachment 1: Summary of Keewong BSA Timeline

Attachment 1 Summary of Keewong BSA Timeline

- In early 2022, ARTC identified the Keewong property as suitable for a BSA that would generate a range of biodiversity offset credits that are required for the Inland Rail Program, including contributing to outstanding obligations on the **Project**.
- Negotiations to purchase the property commenced in April 2022.
- After protracted negotiations, a contract was executed between the former landowner and ARTC on 23 January 2023.
- ARTC promptly engaged and commenced accredited assessors to complete ecological surveys and prepare the BSSAR and BSA documentation.
- The **CST** undertook their site visit of the property on 14 November 2023.
- The BSA was subsequently submitted to the **CST**, including BOAMS upload in December 2023.
- Some preliminary comments were provided by the **CST** in February 2024.
- Amended Statement of Equivalence issued 11 April 2024, increasing the obligation for PCT27 and PCT56.
- The official full suite of feedback and comments from the **CST** were only received in April 2024.
- In a discussion at the end of May 2024, the **CST** outlined their position on the PCT27. Subsequent meetings followed, including escalating within the **CST** and a pathway forward has since been developed, but will require re-work of all documents.

It's been IRPL's and its Accredited Assessor's (Niche Environment and Heritage) experience that the **CST** assessor on the Keewong BSA Application has had very limited availability to respond to queries and provide guidance on the pathway forward. This has further compounded the delays experienced.