

10 June 2025

IRPL REF# 4-0000-220-EEC-00-LT-0001

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

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

Dear Alex

CSSI-9406 – Compliance with Condition E24 and E33(d)

The Infrastructure Approval for the Inland Rail Illabo to Stockinbingal (I2S) Project (CSSI-9406) was issued on 4 September 2024. The Minister's Conditions of Approval (MCoA) E24 and E33(d) (Attachment 1) requires that Inland Rail Pty Ltd (IRPL) must demonstrate to the satisfaction of the Planning Secretary that impacts to potential serious and irreversible impact (SAIL) entities have been avoided to the greatest extent possible. These SAIL entities include the White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland Threatened Ecological Community (Box Gum Woodland TEC) and certain threatened flora species that were assumed present within previously unsurveyed lands.

This letter has been prepared to demonstrate to the Department of Planning, Housing and Infrastructure (DPHI) how Inland Rail Pty Ltd (IRPL) proposes to satisfy these conditions and seeks endorsement of the proposed approach. It is noted that IRPL must gain approval from the Planning Secretary and consult with BCS (now Conservation Programs, Heritage and Regulation, CPHR) prior to the impact on these biodiversity values within unsurveyed lands.

During the development of the Biodiversity Development Assessment Report (BDAR) for the Project, IRPL were unable to provide access to private land within the proposed Project corridor. This resulted in the late addition of several candidate threatened flora and fauna species being assumed present and cumulatively adding over 60,000 additional species credits to the Project's credit obligation. The report required by MCoA E33 is primarily required to demonstrate that the assumed present species do not occur within the previously unsurveyed areas and the additional species credits can be removed. This report may also allow IRPL to meet MCoA E24.

IRPL engaged WSP to prepare the Unsurveyed Lands Report in September 2024 and a draft report was completed in April 2025. CPHR has completed a detailed review of the report and issued feedback in the letter dated 21 May 2025 (ref: DOC25/282972). The Unsurveyed Lands Report confirmed that the species that were assumed present do not occur within the previously unsurveyed lands and the credit obligations for these species can be removed. However, the review requested how IRPL has demonstrated compliance with MCoA E33(d).

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

The assessment of the unsurveyed lands to reduce impacts to the biodiversity values is based on assumed presence rather than actual presence and is not related to the minimising of impacts to threatened ecological communities (TEC) which have already been identified as present. In essence, IRPL are offsetting for an area of impact 'A' which has established the level of biodiversity credits needed to be retired, however IRPL cannot finalise the report under MCoA E33 as the commitment under E33(d) is to detail a process for minimising the above area of impact 'A' to a greater extent than what we are offsetting against. There are two fundamental issues associated with this:

1. The offset credit reduction requirements are not related to the TEC and the rest of the commitment within E33.
2. Minimisation of the impacts to TEC through detailed design and construction management, can only be demonstrated prior to the completion of works and the design which will occur after approval to commence construction in the unsurveyed area. However, until the completion of the requirements under E33, IRPL cannot achieve our offset requirements in accordance with Commonwealth Conditions of Ministerial Approval (CoMA) 11 and MCoA E26 and E28, which are required to commence the construction works / the action.

To this end, IRPL proposes the following:

- Finalise and submit the Unsurveyed Lands Report to DPHI without addressing MCoA E33(d). This report would be used to demonstrate compliance with E33(a), (b) and (e).
- IRPL will prepare a separate report to demonstrate compliance with E24 and E33(c) and (d). This report will be provided prior to impacting biodiversity values listed in E24(a) to (g) within the previously unsurveyed lands.

IRPL believes that splitting the compliance of these conditions across separate reports allows IRPL to satisfactorily reduce the species credit obligation, while ensuring that impacts to the Box Gum Woodland TEC can be minimised to as low as practicable.

If you have any queries about this letter, please don't hesitate to contact myself of CStrachan@inlandrail.com.au or 07 3541 3514, or Ian Irwin, Environment Manager on Iirwin@inlandrail.com.au or 07 3328 4913.

Yours sincerely



Conrad Strachan
Project Director – I2S

Attachment 1 – Summary of MCoA for E24 and E33

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E24 Prior to the commencement of work that would impact biodiversity values of (a)-(g), the Proponent must demonstrate to the satisfaction of the Planning Secretary that impacts to the following potential serious and irreversible impact entities have been avoided to the greatest extent possible:

- a) White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland comprising Plant Community Types (PCT) PCT 266, PCT 276, PCT 277, PCT 347
- b) *Caladenia arenaria* / Sand-hill Spider Orchid
- c) *Caladenia concolor* / Crimson Spider Orchid
- d) *Euphrasia arguta* / *Euphrasia arguta*
- e) *Grevillea wilkinsonii* / Tumut Grevillea
- f) *Indigofera efoliata* / Leafless Indigo
- g) *Prasophyllum* sp. Wybong / *Prasophyllum* sp. Wybong

Avoidance, reduction in impacts and additional conservation measures must be documented in consultation with BCS and the Planning Secretary.

E33 A report confirming the biodiversity impacts within unsurveyed land identified in SCHEDULE 3 of APPENDIX C must be prepared in consultation with BCS and submitted to the Planning Secretary for approval prior to Work that would impact biodiversity values occurring in the unsurveyed areas identified in SCHEDULE 3 of APPENDIX C. The Confirmation of Biodiversity Impacts of Unsurveyed Land Report must include:

- a) details of the surveys completed in accordance with Condition E31;
- b) the location of biodiversity to be impacted;
- c) confirmation that impacts to the threatened ecological communities and threatened species impacted are the same or less than that permitted by Condition E32;
- d) demonstration of how detailed design and refinement of areas of impact has resulted in minimising impacts to threatened ecological communities and threatened species including maps identifying changes to areas of impact; and
- e) any reduction in the type and/or credit requirements as a result of this report.

Note: This condition does not preclude combining the requirements of Condition E24 and the confirmation of biodiversity impacts of unsurveyed land into one report, where the requirements of both conditions are met.

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Final Audit Report

2025-06-09

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