



Approval

Parkes to Narromine Section of Inland Rail, NSW (EPBC 2016/7731)

This decision is made under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation Act 1999.

Proposed action

person to whom the approval is granted Australian Rail Track Corporation Limited

proponent's ACN (if applicable) ACN: 081 455 754

proposed action To upgrade a section of rail track between Parkes and Narromine section for the Inland Rail Project. This action includes all ancillary construction that is involved in the process. [See EPBC Act referral 2016/7731].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 August 2038.

Decision-maker

name and position Kim Farrant
Assistant Secretary
Assessments and Waste Branch

signature

date of decision

31.8.18

Conditions attached to the approval

1. The person taking the action must:
 - a. Implement conditions A1 – A4 of Part A, Schedule 2 of the **State Infrastructure approval**, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to **protected matters**.
 - b. Implement environmental management conditions C1 – C8 of Part C, Schedule 2 of the **State Infrastructure approval**, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to **protected matters**.
 - c. Implement Biodiversity conditions E14 – E20 of Part E, Schedule 2 of the **State Infrastructure approval**, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to **protected matters**.
 - d. Notify the **Department** in writing of any application to modify the **State Infrastructure approval** no later than 2 weeks after lodgement, where the modification relates to a matter identified in Conditions 1a, 1b or 1c.
 - e. Notify the **Department** in writing of any approved modification to the **State Infrastructure approval** no later than 2 weeks after being notified by the NSW Government, where the modification relates to a matter identified in Conditions 1a, 1b or 1c.
2. The person taking the action must not exceed the maximum disturbance limits, provided in Table 1, within the proposal location as per Map 1, to protect the EPBC listed threatened species habitat and ecological communities.

Table 1. Maximum Disturbance Limits

EPBC Act listed threatened species and ecological communities	Area of Maximum Disturbance (hectares)
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered	33.22
Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia – Endangered	61.74
Potential habitat for the Regent Honeyeater (<i>Anthochaera phrygia</i>) – Critically Endangered	21.22
Potential habitat for Superb Parrot (<i>Polytelis swainsonii</i>) – Vulnerable	160.47
Potential habitat for the Swift Parrot (<i>Lathamus discolor</i>) – Critically Endangered	21.22

Note: Disturbance limits are based on the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* (Unwelt, dated 12 April 2018)

3. The approval holder cannot retire biodiversity credits that relate to EPBC Act **protected matters** by making payments into an offset fund that has been developed by the NSW Government, as referred to in Condition E20(b) of Part E, Schedule 2 of the conditions of **State Infrastructure approval SSI-7475** dated June 2018, unless approved in writing by the Minister.
4. Within 20 **business days** after the **commencement of the action**, the approval holder must advise the **Department** in writing of the actual date of **commencement of the action**.
5. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish all management plans, reports, strategies and agreements referred to in these conditions of approval on their website. Each management plan, report, strategy and agreement must be published on the website within 1 month of being approved by the **Secretary** and remain there until at least 12 months following the completion of the action.
6. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, reports, strategies and agreements required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
7. Within three months of every 12 month anniversary of the **commencement of the action**, the approval holder must publish a report on its website addressing compliance with each of the conditions of this approval, as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The approval holder must continue to make the report available on its website until such time as agreed in writing by the **Minister**.
8. Any contravention of the conditions of this approval (including contravention of a commitment made in a management plan, strategy, or agreement required by this approval) must be reported to the **Department** within 5 **business days** of the approval holder becoming aware of the contravention.
9. Upon the direction of the **Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. An independent auditor nominated by the approval holder must be approved by the **Minister** prior to a direction being given. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**. The direction will allow at least 8 weeks for the audit to be conducted and submission of the report.
10. If, at any time after 5 years from the date of this approval, the approval holder has not substantially **commenced the action**, then the approval holder must not substantially **commence the action** without the written agreement of the **Minister**.

Definitions

Commencement of the action means the commencement of **construction**.

Construction has the same meaning as “Construction” stated in the terms and definitions, in Table 1, of the **State Infrastructure approval**.

Business days means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Department means The Australian Government **Department** or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Minister means the **Minister** administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the **Minister**.

Potential habitat for the Regent Honeyeater means vegetation zones 7, 12, and 14 of table 3 – BAR and Addendum Ecosystem Credit Requirements in the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* (Unwelt, dated 12 April 2018)

Potential habitat for Superb Parrot means vegetation zones 1 to 15 of table 3 – BAR and Addendum Ecosystem Credit Requirements in the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* (Unwelt, dated 12 April 2018)

Potential habitat for the Swift Parrot means vegetation zones 7, 12, and 14 of table 3 – BAR and Addendum Ecosystem Credit Requirements in the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* (Unwelt, dated 12 April 2018)

Protected matters means matters protected under the controlling provisions (under Part 3 of the EPBC Act) for which this approval applies being: *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland*, *Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia*, *Regent Honeyeater (Anthochaera phrygia)*, *Swift Parrot (Lathamus discolor)*, and *Superb Parrot (Polytelis swainsonii)*.

Secretary means the **Secretary** of the NSW Department of Planning & Environment, and includes a nominee of the **Secretary**.

State Infrastructure approval means the NSW Government *Critical State Significant Infrastructure: Inland Rail – Parkes to Narromine Conditions of Approval, June 2018*, made under Section 5.19 of the *Environmental Planning & Assessment Act 1979*, for application number SSI-7475, dated 7 June 2018.

Map 1 - Route and Location of the Parks to Narromine Section of Inland Rail
 (Sourced from Inland Rail- Parkes to Narromine Submissions Report (February 2018))

