



## Correction Notification

### Light Horse Interchange Business Hub, Eastern Creek, NSW (EPBC 2019/8395)

The variation notice for the Light Horse Interchange Business Hub, signed on 16 February 2023 contained an error.

The original definition for **Greg-headed Flying-fox (GHFF) habitat** cross references the updated Attachment B and did not include reference to defined NSW plant community types PCT835 and PCT849 as per the title of Attachment B. The inclusion to the definition are the terms 'PCT835' and 'PCT849'

The correct definition for Grey Headed Flying Fox should now read:

**Grey-headed Flying-fox (GHFF) foraging habitat** means all areas designated as 'PCT835 Alluvial Woodland' and all areas designated as 'PCT849 Shale Plains Woodland', on the map at [Attachment B](#) within the **action area**.

A corrected version of the notice is at Annexure 1.

### Person making the correction

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<b>name and position</b>	Mike Smith  Director Post Approvals Strategy Section
<b>date of correction</b>	15 November 2024

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## ANNEXURE 1

<b>CONDITIONS SPECIFIC TO THE ACTION</b>	
<b>date of decision</b>	<b>conditions attached to approval</b>
<i>Original decision dated 21/10/2020</i>	1. The approval holder must not <b>clear</b> outside the <b>action area</b> .
<i>Original decision dated 21/10/2020</i>	2. The approval holder must not <b>clear</b> more than: <ol style="list-style-type: none"> <li>a. 0.97 hectares (ha) of <b>CPW</b>;</li> <li>b. 9.83 ha of <b>Grey-headed Flying-fox (GHFF) foraging habitat</b> within the <b>action area</b>.</li> </ol>
<i>Variation dated 16/02/2023</i>	3. To compensate for the significant residual impact of <b>clearing</b> 0.97 ha of <b>CPW</b> and 9.83 ha of <b>GHFF foraging habitat</b> within the <b>action area</b> , the approval holder must, prior to the <b>commencement of the action</b> , retire 252 <b>like-for-like ecosystem credits</b> comprised of 42 <b>like-for-like ecosystem credits</b> for <b>PCT 849</b> and 210 <b>like-for-like ecosystem credits</b> for <b>PCT 835</b> . <p>All <b>like-for-like ecosystem credits</b> must be <b>retired</b> in accordance with clauses 6.2 and 6.6A of the <i>Biodiversity Conservation Regulation 2017 (NSW)</i>.</p> <p><b>Note:</b> The requirements under Condition 3 are not in addition to offsets required by Condition B30 (a, b) of the <b>NSW Development Consent</b>.</p>
<i>Original decision dated 21/10/2020</i>	4. Within 20 <b>business days</b> of completing the requirements of Condition 3, the approval holder must provide the <b>Department</b> with <b>evidence</b> detailing when and how the <b>like-for-like ecosystem credits</b> were <b>retired</b> .
<i>Original decision dated 21/10/2020</i>	5. The approval holder must comply with Conditions C2-C4 of Schedule 3 the <b>NSW Development Consent</b> , for the preparation and implementation of a Construction Environmental Management Plan, as it relates to the

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	prevention, avoidance and mitigation of impacts to <b>protected matters</b>
<i>Original decision dated 21/10/2020</i>	6. The approval holder must inform the <b>Department</b> in writing within two <b>business days</b> of requesting any change to the <b>NSW Development Consent</b> . The approval holder must inform the <b>Department</b> in writing within five <b>business days</b> of any change having been made to the <b>NSW Development Consent</b> .
<i>Original decision dated 21/10/2020</i>	7. The approval holder must notify the <b>Department</b> in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of <b>commencement of the action</b> .
<i>Original decision dated 21/10/2020</i>	8. If the <b>commencement of the action</b> does not occur within 5 years from the date of this approval, then the approval holder must not <b>commence the action</b> without the prior written agreement of the <b>Minister</b> .
<i>Original decision dated 21/10/2020</i>	9. The approval holder must maintain accurate and complete <b>compliance records</b> . If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.  <b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.
<i>Original decision dated 21/10/2020</i>	10. The approval holder must prepare a <b>compliance report</b> for each 12 month period following the date of <b>commencement of the action</b> , or otherwise in accordance with an annual date that has been agreed to in writing by the <b>Minister</b> . The approval holder must:

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- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
  - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within five **business days** of publication.

**Note:** Compliance reports may be published on the **Department's** website.

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*Original decision dated 21/10/2020*

11. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
  - a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

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*Original decision dated 21/10/2020*

12. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as
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	<p>practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:</p> <ol style="list-style-type: none"><li>any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li><li>the potential impacts of the <b>incident</b> or non-compliance; and</li><li>the method and timing of any remedial action that will be undertaken by the approval holder.</li></ol>
<p><i>Original decision dated 21/10/2020</i></p>	<p>13. The approval holder must ensure that <b>independent audits</b> of compliance with the conditions are conducted as requested in writing by the <b>Minister</b>.</p>
<p><i>Original decision dated 21/10/2020</i></p>	<p>14. For each <b>independent audit</b>, the approval holder must:</p> <ol style="list-style-type: none"><li>provide the name and qualifications of the independent auditor and the draft audit criteria to the <b>Department</b>;</li><li>only commence the <b>independent audit</b> once the audit criteria have been approved in writing by the <b>Department</b>; and</li><li>submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria.</li></ol> <p>The approval holder must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.</p>
<p><i>Original decision dated 21/10/2020</i></p>	<p>15. The approval holder must, unless otherwise agreed to in writing by the <b>Minister</b>:</p> <ol style="list-style-type: none"><li>publish each <b>plan</b> on the <b>website</b> within 20 <b>business days</b> of the date that the <b>plan</b> was approved by the Planning Secretary in accordance with the requirements of the NSW Development Consent; and</li><li>keep each <b>plan</b> published on the <b>website</b> for the period for which this approval has effect.</li></ol>


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<i>Original dated 21/10/2020</i>	<p>16. Within 20 <b>business days</b> after whichever is the earlier of</p> <ul style="list-style-type: none"> <li>• the <b>completion of the action</b> or</li> <li>• 60 <b>business days</b> before the end date of the period for which this approval has effect,</li> </ul> <p>the approval holder must notify the <b>Department</b> in writing and provide <b>completion data</b>.</p> <p>If the <b>completion of the action</b> is unlikely to occur before the end date of the period for which the approval has effect, the approval holder must submit to the <b>Department</b>, before the end date of the period for which the approval has effect, a request, in accordance with the requirements of section 145C of the <b>EPBC Act</b>, to extend the period of effect of the approval.</p>
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**DEFINITIONS**

<b>date of decision</b>	<b>definitions attached to approval</b>
<i>Original decision dated 21/10/2020</i>	<b>Action area</b> means the area enclosed by a red line designated as 'Subject land' in <u>Attachment A</u> .
<i>Original decision dated 21/10/2020</i>	<b>Business day(s)</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
<i>Original decision dated 21/10/2020</i>	<b>Clear/clearing</b> means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the <i>Australian weeds strategy 2017 to 2027</i> for further guidance).
<i>Original decision dated 21/10/2020</i>	<p><b>Commencement of the action (also commence the action)</b> means the first instance of any specified activity associated with the action including <b>clearing</b> and <b>construction</b>.</p> <p><b>Commencement of the action</b> does not include minor physical disturbance necessary to:</p> <ul style="list-style-type: none"> <li>i. undertake pre-clearance surveys or monitoring programs;</li> <li>ii. install signage and /or temporary fencing to prevent unapproved use of the project area;</li> </ul>

	<ul style="list-style-type: none"> <li>iii. protect environmental and property assets from fire, weeds and pests, and use of existing surface access tracks;</li> <li>iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the <b>protected matters</b>.</li> </ul>
<i>Original decision dated 21/10/2020</i>	<b>Completion data</b> means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The <b>Department's</b> preferred spatial data format is <b>shapefile</b> .
<i>Original decision dated 21/10/2020</i>	<b>Completion of the action</b> means the date on which all specified activities associated with the action have permanently ceased.
<i>Original decision dated 21/10/2020</i>	<b>Compliance records</b> means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
<i>Original decision dated 21/10/2020</i>	<p><b>Compliance reports</b> means written reports:</p> <ul style="list-style-type: none"> <li>i. providing accurate and complete details of compliance, <b>incidents</b>, and non-compliance with the conditions and the <b>plans</b>;</li> <li>ii. consistent with the <b>Department's Annual Compliance Report Guidelines (2014)</b>;</li> <li>iii. include a <b>shapefile</b> of any clearance of any <b>protected matters</b>, or their habitat, <ul style="list-style-type: none"> <li>iv. undertaken within the relevant 12 month period; and</li> <li>v. annexing a schedule of all <b>plans</b> prepared and in existence in relation to the conditions during the relevant 12 month period.</li> </ul> </li> </ul>
<i>Original decision dated 21/10/2020</i>	<b>Construction</b> means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); and/or <b>clearing</b> ; the laying of pipes and other prefabricated materials in the ground, and any associated

	excavation work; but excluding the installation of temporary fences and signage.
<i>Original decision dated 21/10/2020</i>	<b>CPW</b> means the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community listed under the <b>EPBC Act</b> on 9 December 2009, defined in the <i>Approved Conservation Advice for Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community</i> (Department of the Environment, Water, Heritage and the Arts, 2009).
<i>Original decision dated 21/10/2020</i>	<b>Department</b> means the Australian Government agency responsible for administering the <b>EPBC Act</b> .
<i>Original decision dated 21/10/2020</i>	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<i>Original decision dated 21/10/2020</i>	<b>Evidence</b> means documentation from the relevant authority showing that the <b>like-for-like ecosystem credits</b> have been <b>retired</b> .
 <i>Original decision dated 21/10/2020</i>	<b>Grey-headed Flying-fox (GHFF) foraging habitat</b> means all areas designated as 'PCT835 Alluvial Woodland' and all areas designated as 'PCT849 Shale Plains Woodland', on the map at <u>Attachment B</u> within the <b>action area</b> .
<i>Original decision dated 21/10/2020</i>	<b>Incident(s)</b> means any event which has the potential to, or does, impact on one or more <b>protected matter(s)</b> other than as authorised by this approval.
<i>Original decision dated 21/10/2020</i>	<b>Independent</b> means a person that does not have an individual or, by employment or family affiliation, any conflicting or competing interest with the approval holder, the approval holder's staff, representatives or associated persons; or the project, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an <b>independent</b> person.
<i>Original decision dated 21/10/2020</i>	<b>Independent audit(s)</b> means an audit conducted by an <b>independent</b> and <b>suitably qualified person</b> as detailed in the <i>Environment Protection and</i>

	<i>Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019).</i>
<i>Original decision dated 21/10/2020</i>	<b>NSW Development Consent</b> means the document recording the final approval for the Light Horse Interchange Business Hub by the delegate of the NSW Minister for Planning and Public Spaces, dated 31 August 2020 and titled 'Development Consent, Section 4.38 of the <i>Environmental Planning and Assessment Act 1979</i> ', File: EF19/12991, Application Number: SSD-9667, or a subsequent version of that consent approved by the NSW Minister for Planning and Public Spaces (or his/her delegate).
<i>Original decision dated 21/10/2020</i>	<b>PCT 835</b> means the NSW Government recognised Plant Community Type (PCT) Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion.
<i>Original decision dated 21/10/2020</i>	<b>PCT 849</b> means the NSW Government recognised Plant Community Type (PCT) Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion.
<i>Original decision dated 21/10/2020</i>	<b>Plan(s)</b> means any of the documents required to be implemented by the approval holder in accordance with these conditions.
<i>Original decision dated 21/10/2020</i>	<b>Protected matter(s)</b> means a matter protected under a controlling provision in Part 3 of the <b>EPBC Act</b> for which this approval has effect.
<i>Original decision dated 21/10/2020</i>	<b>Retire/retired</b> means to change the status of a <b>like-for-like ecosystem credit</b> such that the <b>like-for-like ecosystem credit</b> can no longer be bought or sold.
<i>Original decision dated 21/10/2020</i>	<b>Sensitive ecological data</b> means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
<i>Original decision dated 21/10/2020</i>	<b>Shapefile</b> means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the

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projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

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*Original decision dated 21/10/2020*

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

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*Original decision dated 21/10/2020*

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

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**ATTACHMENTS**

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**date of decision**

**attachments**

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*Variation dated 16/02/2023*

Attachment A: Subject land boundary

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*Variation dated 16/02/2023*

Attachment B – Vegetation communities within the subject land (PCT 835 Alluvial Woodland and PCT 849 Shale Plains Woodland)

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Attachment A – Subject land boundary



Attachment B - Vegetation communities within the subject land (PCT 835 Alluvial Woodland and PCT 849 Shale Plains Woodland)

