



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Correction Notification

Albion Park Rail Bypass, Wollongong, New South Wales (EPBC ref 2017/7909)

The Variation of conditions attached to the approval signed on 5 July 2022 contained two errors.

1. The notice incorrectly stated “Delete conditions 2, 3, 6, 7, 9 and 14 attached to the approval.”

The correct variation notice should read “Delete conditions 2, 6, 7, 9 and 14 attached to the approval.”

2. The notice included an incorrect definition for **Protected matters**.

Incorrect definition: “**Protected matters** means the threatened species protected by the controlling provisions for the action that the Department has considered impacts to, namely the Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Anthochaera phrygia*), and Biconvex Paperbark (*Melaleuca biconvexa*).”

The variation notice should include the original definition for **Protected matters** as:

“**Protected matters** – any matter protected under the provision of the *Environment Protection and Biodiversity Conservation Act 1999* for which this approval has effect. The relevant protected matters for this project are: **ILFW**, **GHFF** and **Large-Eared Pied Bat**.”

This correction reverts the definition of Protected matters to the original definition.

A corrected version of the notice is at Annexure A.

Person making the correction

name and position	Andy Huxham Director Post Approvals (NSW, ACT, Vic, Tas,) Section
signature	
date of correction	26 August 2025

**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
Albion Park Rail Bypass, Wollongong, New South Wales (EPBC 2017/7909)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Transport for NSW ABN: 18 804 239 602
Approved action	To construct a 9.8 kilometre (km) extension of the Princes Motorway between the townships of Yallah and Oak Flats, New South Wales, approximately 23-30 km south of Wollongong City on the southern shores of Lake Illawarra [See EPBC Act referral 2017/7909].

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 2, 6, 7, 9 and 14 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add new conditions 14A, 14B, 14C, 14D and 14E as specified in the table below.</p> <p>Revoke conditions 4 and 5 attached to the approval.</p> <p>Add definitions for Biodiversity Conservation Act, Biodiversity Conservation Fund, new or increased impact, and NSW Department of Planning and Environment as specified in the table below.</p> <p>Delete definitions for biodiversity credits, Environmental Management Plan (EMP), Grey-headed Flying-fox (GHFF), proposed action area, retire / retirement attached to the approval and substitute with the definitions specified in the table below.</p> <p>Revoke definitions of approval holder, BioBanking, BioBanking Agreement, BioBanking Credit Retirement Report, BioBanking site(s), person taking the action and successor mechanism.</p> <p>Add new Annexure C as specified in the table below.</p>
Date of effect	This variation has effect on the date the instrument is signed

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Person authorised to make decision

Name and position Kim Farrant
Assistant Secretary
Environment Assessments (Vic, Tas) and Post Approvals Branch

Signature SIGNED

Date of decision 5 July 2022

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Date of decision	Conditions attached to approval
Original dated 29/5/2018	<p>1. The approval holder must:</p> <ul style="list-style-type: none"> a. Implement condition E11 of Schedule 2 of the NSW Infrastructure Approval as it relates to impacts to protected matters. b. Notify the Department in writing for which Condition 1a applies of any application to modify the NSW Infrastructure Approval made under section 5.25 of the EP&A Act, no later than one week after making the application. c. Notify the Department in writing for which Condition 1a applies of the proposed imposition of or variation to conditions of the NSW Infrastructure Approval by the NSW Minister for Planning under Division 9.4 of the EP&A Act, no later than one week after the approval holder becomes aware of the proposed change; and d. Notify the Department in writing for which Condition 1a applies of any actual modification or variation to the conditions of the NSW Infrastructure Approval, no later than one week after the modification or variation is officially notified to the approval holder.
As varied on the date this instrument was signed	<p>2. The approval holder must not clear more than 4.85 hectares (ha) of ILFW.</p>
Original dated 29/5/2018	<p>3. To minimise the impacts of the action on protected matters, the approval holder must implement the EMP until the expiry of the approval.</p>
As varied on the date this instrument was signed	<p>4. Revoked</p>
As varied on the date this instrument was signed	<p>5. Revoked</p>
As varied on the date this instrument was signed	<p>6. To compensate for the loss of the ILFW, GHFF and Large-Eared Pied Bat habitat at the proposed action area, the approval holder must:</p> <ul style="list-style-type: none"> a. acquire and retire biodiversity credits under the Biodiversity Conservation Act in accordance with the Biodiversity Assessment Methodology 2020 (BAM) ecosystem credits specified in the table at <u>Annexure C</u>, or as determined by an equivalency statement issued by the NSW Department of Planning and Environment. <p>OR</p> <ul style="list-style-type: none"> b. make payments into the Biodiversity Conservation Fund in accordance with the Biodiversity Conservation Act equivalent to retirement of the biodiversity credits as determined by an equivalency statement issued by the NSW Department of Planning and Environment; <p>OR</p> <ul style="list-style-type: none"> c. retire a portion of the biodiversity credits as determined by an equivalency statement issued by the NSW Department of Planning and Environment, and make payments into the Biodiversity Conservation Fund in accordance

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Date of decision	Conditions attached to approval
	with the Biodiversity Conservation Act equivalent to retirement of the residual biodiversity credits not retired .
As varied on the date this instrument was signed	7. As evidence of compliance with Condition 6, within 12 months of the approval of the Biodiversity Offset Package or within another timeframe agreed by the Department , the approval holder must provide the Department with a copy of the credit retirement report or a receipt of a Section 6.33 statement confirming payment into the Biodiversity Conservation Fund for an offset obligation issued by the NSW Department of Planning and Environment and any equivalency statement issued by the NSW Department of Planning and Environment in relation to this action.
Original dated 29/5/2018	8. Within 14 days after the commencement of the action , the approval holder must advise the Department in writing of the actual date of commencement .
As varied on the date this instrument was signed	9. The approval holder must maintain accurate records of all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans required under this approval, and make the records available to the Department upon the Department's written request. Note: 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.
Original dated 29/5/2018	10. 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 including implementation of the management plans. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. The report must remain published on the website for the duration of the approval. Reports must continue to be published until such time as advised by the Minister in writing.
Original dated 29/5/2018	11. Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention. All contraventions must also be included in the annual compliance reports.
Original dated 29/5/2018	12. 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 . The independent auditor must be approved by the Minister prior to commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .

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Date of decision	Conditions attached to approval
Original dated 29/5/2018	13. If, at any time after five years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister .
As varied on the date this instrument was signed	<p>Revision of action management plans</p> <p>14. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>
As varied on the date this instrument was signed	14A. The approval holder may choose to revise an action management plan approved by the Minister under condition 3, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .
As varied on the date this instrument was signed	<p>14B. If the approval holder makes the choice under condition 14A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ol style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> i. an electronic copy of the RAMP ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP iii. an explanation of the differences between the approved action management plan and the RAMP iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. <p>subject to condition 14D, implement the RAMP from the RAMP implementation date.</p>
As varied on the date this instrument was signed	14C. The approval holder may revoke their choice to implement a RAMP under condition 14A at any time by giving written notice to the Department . If the approval holder revokes the choice under condition 14A, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 14A.

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Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	<p>14D. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <p style="padding-left: 40px;">a. condition 14A does not apply, or ceases to apply, in relation to the RAMP the approval holder must implement the action management plan specified by the Minister in the notice.</p>
As varied on the date this instrument was signed	<p>14E. At the time of giving the notice under condition 14D, the Minister may also notify that for a specified period of time, condition 14A does not apply for one or more specified action management plans.</p> <p>Note: conditions 14A, 14B, 14C and 14D are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>
Original dated 29/5/2018	<p>15. Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management and research plans referred to in these conditions of approval on its website. Each management plan must be published on the website within one month of being approved and remain published on the website for the duration of the approval.</p>


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Date of decision	Definitions attached to approval
As varied on the date this instrument was signed	Approval holder – Revoked
As varied on the date this instrument was signed	BioBanking – Revoked
As varied on the date this instrument was signed	BioBanking Agreement – Revoked
As varied on the date this instrument was signed	BioBanking Credit Retirement Report – Revoked
As varied on the date this instrument was signed	BioBanking site(s) – Revoked
As varied on the date this instrument was signed	Biodiversity Conservation Act means the <i>Biodiversity Conservation Act 2016 (NSW)</i> as in force and amended from time to time.
As varied on the date this instrument was signed	Biodiversity Conservation Fund has the meaning used in the Biodiversity Conservation Act .
As varied on the date this instrument was signed	Biodiversity credits has the meaning used in the Biodiversity Conservation Act .
Original dated 29/5/2018	Commence / Commenced / Commencement / Commencement of the action - the first instance of physical activity to implement the action onsite including any preparatory works (excluding fences and signage), earthworks, clearing of vegetation, / building erection of any onsite temporary structures compound facilities.
Original dated 29/5/2018	Department - the Australian Government Department administering the EPBC Act .
As varied on the date this instrument was signed	EMP - the document titled 'Matters of Environmental Significance - Environmental Management Plan' at Appendix E, Preliminary documentation), as made on date 30 October 2017 or a subsequent revised version approved by the Minister in writing or in accordance with conditions 14–14E.
Original dated 29/5/2018	EP&A Act – the NSW <i>Environment Planning and Assessment Act 1979</i> .
Original dated 29/5/2018	EPBC Act – the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
As varied on the date this instrument was signed	GHFF - the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) listed as a threatened species under the EPBC Act .
As varied on the date this instrument was signed	ILFW - the EPBC Act listed threatened ecological community Illawarra and South Coast Lowland Forest and Woodland.

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Date of decision	Definitions attached to approval
Original dated 29/5/2018	Large-Eared Pied Bat - the Large Eared Pied Bat (<i>Chalinolobus dwyeri</i>) is listed as a vulnerable species under the EPBC Act .
Original dated 29/5/2018	Minister means the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and includes a delegate of the Minister.
As varied on the date this instrument was signed	New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan or strategy that has been approved by the Minister.
Original dated 29/5/2018	NSW Infrastructure approval - means the approval granted under Section 115ZB of the <i>Environmental Planning & Assessment Act 1979</i> (NSW), application number SSI 6878, dated 30 January 2018.
Original dated 29/5/2018	Offset attributes - mean an '.xls' file capturing relevant attributes of the offset site, including the EPBC Act reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC Act protected matters that the offset compensates for, any additional EPBC Act protected matters that are benefiting from the offset, and the size of the offset in hectares.
As varied on the date this instrument was signed	Person taking the action - revoked.
Original dated 29/5/2018	Preliminary Documentation - the document titled Preliminary documentation, Revision 7 dated 11 January 2018, as submitted by Roads and Maritime Services.
As varied on the date this instrument was signed	Proposed action area - refers to the area shown outlined with a solid red line and designated "Revised Referral Footprint" on the map at <u>Annexure A</u> .
Original dated 29/5/2018	Protected matters – any matter protected under the provision of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> for which this approval has effect. The relevant protected matters for this project are: ILFW, GHFF and Large-Eared Pied Bat .
As varied on the date this instrument was signed	Retire / retirement have the meanings used in Part 6 of the Biodiversity Conservation Act .
Original dated 29/5/2018	Shapefiles - means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the offset site, including the shape, EPBC Act reference ID number and protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
As varied on the date this instrument was signed	Successor mechanism – revoked



Date of decision	Annexures
Original dated 29/5/2018	<p data-bbox="317 433 735 474">Annexure A: Proposed action area</p>  <p data-bbox="1583 528 1944 774">Revised Referral Footprint Design schematic New motorway New motorway ramp New or adjusted local road New bridge</p>

Date of decision

Annexures

Original dated 29/5/2018

Annexure B: The extent of ILFW (diagonal hatch) within the proposed action area (red line) and surrounding areas



Date of decision	Annexures				
As varied on the date this instrument was signed	Annexure C: Reasonable equivalency comparison for ecosystem credits (reproduced Table 2.4 from the <i>Albion Park Rail Bypass - Biodiversity Offset Package</i> - dated 22 July 2021)				
	Ecosystem credit	Area (ha)	BBAM credits	BAM credits if paying into fund ¹	BAM credits if using BSA sites ²
	<i>PCT 781 Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion</i>	5.65	230	163	37
	<i>PCT 838 Forest Red Gum – Thin-leaved Stringybark grassy woodland southern Sydney Basin Bioregion</i>	1.12	35	35	33
	<i>PCT 1232 Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion</i>	0.07	18	9	15
	<i>PCT 1245 (SR652) Sydney Blue Gum x Bangalay - Lilly Pilly moist forest in gullies and on sheltered slopes, southern Sydney Basin Bioregion</i>	0.96	19	19	10
	<i>PCT 1326 Woollybutt – White Stringybark – Forest Red Gum grassy woodland on coastal lowlands, southern Sydney Basin Bioregion and South East Corner Bioregion</i>	4.07	204	149	128
Total ecosystem credits			375	223	

¹ Should the credit obligation not be entirely discharged by retirement of credits from Biodiversity Stewardship sites established by the applicant, then the number of remaining ecosystem credits required if the applicant pays into the Biodiversity Conservation Fund shall be a proportion of the credit obligation. For example, if 90% of the credit obligation is discharged by retirement of credits from Biodiversity Stewardship sites owned by the applicant, then the number of ecosystem credits required if the applicant pays into the Biodiversity Conservation Fund for the remainder of the credit obligation is 10% of the credit obligation.

² BAM credit obligation if using retiring of credits from Biodiversity Stewardship sites established by the applicant.