

Transport  
for NSW

M12 Motorway  
EPBC 2018/8286

# Annual Compliance Report

2 November 2023 – 2 November 2024

Prepared January 2025



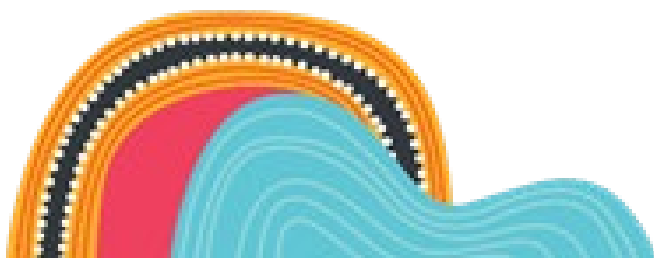
## Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the lands, waters and seas and their rich contribution to society.



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## Document control

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Approval holder name	Transport for NSW
Approval holder ABN	18 804 239 602

## Versions

Version	Date	Description	Prepared by	Reviewed by
1	13/12/2024	Draft 0	Tracey Austin	Sheila Anderson
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3	24/01/2025	Final for Issue	Tracey Austin	Deanne Forrest

## Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed 

Full name Deanne Forrest  
Position M12 Motorway Project Director  
Organisation Transport for NSW (ABN: 18 804 239 602)  
Date 28/01/2025



## Definitions

Term	Definition
CEMP	Construction Environmental Management Plan
CFFMP	Construction Flora and Fauna Management Plan
CoA	Conditions of Approval
Commencement of the action	Means the first instance of any specified activity associated with the action including clearing and construction. Commencement of the action does not include minor physical disturbance necessary to: <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> <li>(iii) protect environmental and property assets from fire, weeds and pests, illegal dumping including installation of temporary fencing, 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 protected matters;</li> <li>(v) targeted surveys for <i>Pimelea spicata</i>; and</li> <li>(vi) undertake low impact work (as defined in Schedule 1 of the State Infrastructure approval) where the work does not impact protected matters.</li> </ul>
Completion of the action	Means the time at which all activities associated with construction have permanently ceased and requirements of conditions 5a and 5b have been fully met.
The Department	Means the Australian Government agency responsible for administering the EPBC Act. Currently the Department of Climate Change, Energy, the Environment and Water
DPE	Former NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure (formerly NSW DPE which has now been split into NSW DCCEEW and NSW DPHI, with all planning functions falling to DPHI)
EES	Environment Energy and Science group of former NSW Department of Planning and Environment
EHG	Environment and Heritage group of former NSW Department of Planning and Environment (formerly EES)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>

Term	Definition
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EWEMP	Early works environmental management plan
Final construction footprint	Means the area shown on the map(s) submitted under condition 2, determined by the approval holder in accordance with a consistency assessment(s) or a modification assessment under the <i>NSW Environmental Planning and Assessment Act 1979</i> where no new significant impacts to protected matters are identified
km	kilometre
NSW	New South Wales
SMART	Specific, Measurable, Achievable, Realistic and Timely
Stage 1	M12 West and M12 Central - approximately thirteen kilometres of motorway from The Northern Road at Luddenham to Duff Road at Cecil Park, including the WSIA access road and Devonshire Road temporary roundabout.
Stage 2	M12 East - the Elizabeth Drive Connections and the M7/M12 Interchange
WSIA	Western Sydney International Airport

# 1. Introduction

## 1.1 Introduction

Transport for NSW is constructing the M12 Motorway (the project) to provide direct access between the Western Sydney International Airport (WSIA) at Badgerys Creek and Sydney's motorway network.

Approval for the project under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) was granted by the Minister for Planning on 23 April 2021. Approval for the project under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted on 3 June 2021 (EPBC reference 2018/8286).

## 1.2 Purpose of this report

The purpose of this report is to document compliance with the conditions for the EPBC Act Approval 2018/8286 in accordance with Condition 10. This report covers the period between 02 November 2023 and 02 November 2024 (the reporting period).

# 2. Description of activities

## 2.1 Overview of the project

Transport for NSW are delivering the M12 Motorway project between the M7 Motorway at Cecil Hills and The Northern Road at Luddenham, over a distance of about 16 km.

The project includes the following:

- A new dual-carriageway motorway between the M7 Motorway and The Northern Road with two lanes in each direction with a central median allowing future expansion to six lanes
- Motorway access via three interchanges/intersections:
  - A motorway-to-motorway interchange at the M7 Motorway and associated works (extending about 4 km within the existing M7 Motorway corridor) with connection between the M12 Motorway and Elizabeth Drive
  - A grade-separated interchange referred to as the WSIA interchange, including a dual-carriageway four-lane airport access road (two lanes in each direction for about 1.5 km) connecting with the Western Sydney International Airport Main Access Road
  - A signalised intersection at The Northern Road with provision for grade separation in the future
- Bridge structures across Ropes Creek, Kemps Creek, South Creek, Badgerys Creek and Cosgroves Creek
- A bridge structure across the M12 Motorway into the Western Sydney Parklands to maintain access to the existing water tower and mobile telephone/other service

towers on the ridgeline in the vicinity of Cecil Hills, to the west of the M7 Motorway

- Bridge structures at interchanges and at Clifton Avenue, Elizabeth Drive, Luddenham Road and other local roads to maintain local access and connectivity
- Inclusion of active transport (pedestrian and cyclist) facilities through provision of pedestrian bridges and an off-road shared user path, including connections to existing and future shared user path networks
- Modifications to the local road network, as required, to facilitate connections across and around the M12 Motorway, including:
  - Realignment of Elizabeth Drive at the WSIA, with Elizabeth Drive bridging over the airport access road and the future passenger rail line to the airport
  - Two new signalised intersections from Elizabeth Drive into the WSIA, with provisions for future connection to potential developments to the north
  - Widening of Elizabeth Drive under the M7 Motorway and approaches
  - Realignment of Clifton Avenue over the M12 Motorway, with associated adjustments to nearby property access
- Relocation of the Salisbury Avenue cul-de-sac, on the southern side of the M12 Motorway
- Realignment of Wallgrove Road north of its intersection with Elizabeth Drive to accommodate the M7 Motorway northbound entry ramp
- Realignment of Wallgrove Road to connect to Cecil Road, including a connection between Elizabeth Drive and Wallgrove Road via Cecil Road with a signalised intersection with Elizabeth Drive
- Adjustment, protection or relocation of existing utilities
- Ancillary facilities to support motorway operations, smart motorways operation in the future and the existing M7 Motorway operation, including gantries, electronic signage and ramp metering
- Other roadside furniture including safety barriers, signage and street lighting
- Adjustments of waterways, where required, including Kemps Creek, South Creek and Badgerys Creek
- Permanent water quality management measures including swales and basins
- Establishment and use of temporary ancillary facilities, temporary construction sedimentation basins, access tracks and haul roads during construction
- Permanent and temporary property adjustments and property access refinements as required.

2.2 Activities undertaken during the reporting period

2.2.1 Early works

Early works packages are complete as outlined in the previous reporting period – refer to EPBC Report January 2024.

2.2.2 Construction works

The project is being delivered by four separate contractors as described in [Table 2-2](#). During the reporting period construction continued on the M12 West, M12 Central and M12 East packages and work was completed on the M12 Central roundabout package.

Table 2-1: M12 construction packages

Package name	Description	Contractor
M12 West (Stage 1)	About six kilometres of motorway from The Northern Road at Luddenham to east of Badgerys Creek. Includes the Airport Access Road connecting the M12 to the Western Sydney International Airport.	CPB Contractors and Georgiou Group Joint Venture (CPBGGJV). Commenced construction 18 August 2022.
M12 Central (Stage 1)	About seven kilometres of motorway from east of Badgerys Creek to Duff Road at Cecil Park.	Seymour Whyte. Commenced construction 10 August 2022.
M12 Central Roundabout (Stage 1)	Temporary roundabout at the intersection of Devonshire Road and Elizabeth Drive	Ventia/Ward Civil commenced construction 16 October 2023 and works were completed 13 February 2024.
M12 East (Stage 2)	Consists of two sections of work including the Elizabeth Drive Connections and the M7/M12 Interchange being delivered as part of the M7-M12 Integration Project.	John Holland. Commenced construction 3 August 2023

2.2.2.1 M12 West

Key activities during the reporting period for the M12 West package include:

- Concrete batch plant commissioning and operation
- Bulk earthworks in airport access road & main alignment completed
- Bridgeworks, including installation of bridge girders (completed), bridge deck construction and finishing works
- Spray seal and all machine paving on the main alignment completed
- Finishing works for kerb & gutter, verge placement and concrete barrier slip forming works commenced
- Intelligent Transport Systems & Street Light installation in progress



- Sitewide drainage, permanent fencing, pedestrian fencing, VMS structures, signage, shared path lighting, wire rope & guard rail ongoing
- Mulch importation commenced, following a stringent process to ensure no contamination
- Creek rehabilitation and permanent batter protection work
- Construction sediment basins decommissioned, planting and permanent works in progress
- Landscaping works continuing

### 2.2.2.2 M12 Central

Key activities during the reporting period for M12 Central include:

- Installation of nest boxes and bored hollow habitat replacement
- Complete installation of bridge girders and bridge deck construction, finishing works on-going
- Elizabeth Drive bridge over the M12 near WSIA opened to traffic
- Drainage works continuing
- Batch plant operation and decommissioning
- Spray seal and all machine paving on the main alignment completed
- Finishing works for kerb & gutter, verge placement and concrete barrier slip forming works in progress
- Intelligent Transport Systems & Street Light installation in progress
- Sitewide drainage, permanent fencing, pedestrian fencing, VMS structures, signage, shared path lighting, wire rope & guard rail ongoing
- Mulch importation commenced, following a stringent process to ensure no contamination
- Kemps Creek and South Creek crossings removed, creek rehabilitation and permanent batter protection work in progress
- Construction sediment basins decommissioned, planting and permanent works in progress
- Landscaping and fencing works continuing
- Demobilisation of Ancillary Facilities commenced

### 2.2.2.3 M12 East

Key activities during the reporting period for M12 East include:

- Site investigations

- Site establishment including set up of ancillary facilities
- Clearing, grubbing and topsoil stripping
- Fencing
- Construction of sediment basins
- Bulk earthworks
- Piling and incrementally launched bridge works
- Fauna crossing construction
- Retaining wall construction
- Traffic switches
- Utilities installation, relocation and protection

#### 2.2.2.4 M12 Central Temporary Roundabout

Key activities during the reporting period for M12 Central temporary roundabout were:

- Finishing activities
- Site demobilisation

### 3. EPBC conditions of approval and compliance

**Table 3-1: EPBC Act conditions of approval and compliance**

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
1	The approval holder must not clear in the locations identified in condition E8 of the State Infrastructure approval, until it has completed the additional surveys and provided the results to the Department as required by condition E8 of the State Infrastructure approval.	Compliant	Additional <i>Pimelea spicata</i> surveys were completed in March, April and June 2021 and results provided to the Department via email on 01 July 2021 in accordance with NSW CoA E8 (Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix A). No clearing was undertaken prior to the results being provided to the Department.
2	The approval holder must submit to the Department a map(s) of the final construction footprint within six months of the final construction footprint being determined, and where the action is staged, a map of the final construction footprint for each stage, within six months of the final construction footprint for that stage being determined.	Compliant	The final construction footprint for the M12 West and M12 Central Packages (Stage 1) was determined following the last consistency assessment approved on 24 January 2024. This was submitted to the Department on 21 June 2024 (Appendix D) which was within six months of it being determined.  The final construction footprint as defined in Part C of the EPBC 2018/8286 approval for the M12 East (Stage 2) package of the Project is not yet determined. Detailed design and consistency assessments were ongoing during the reporting period.
3	The approval holder must not clear protected matters outside the final construction footprint.	Non-Compliant	The non-compliance reported to the Department (refer to CoA 11 and CoA 12 below and Appendix B) identified that in Stage 2 of the Project minor clearing (0.1Ha) of protected matters for the action occurred

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<p>outside of the current approved project footprint, limited to groundcover and shrub species.</p> <p>The final construction footprint for M12 East has not yet been determined. Detailed design and consistency assessments were ongoing during the reporting period.</p> <p>All other clearing of protected matters for the action has been within the approved project footprint as updated through consistency assessments where no new significant impacts to protected matters have been identified as per Part C of EPBC Approval 2018/8286.</p>
4	To minimise the impacts of the action on protected matters the approval holder must not clear more than the following specified amounts, or another specified amount determined in consultation with the Department in accordance with condition E4 of the State Infrastructure approval within the final construction footprint:	Compliant	<p>Following consultation with the Department, Transport requested DPHI to consider a review and update of specified amounts in accordance with NSW Approval CoA E4, E5 and E6 in February 2024.</p> <p>The changes and consultation with the Department undertaken for the review and update are detailed in the report “M12 Motorway Update to Ecosystem and Species Credit Requirements for M12 West and M12 Central” (Appendix C), which was provided to the Department on 27 Feb 2024 (Appendix D). DPHI approved the update to specified amounts in June 2024.</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			The Final Construction Footprint for Stage 2 is not yet determined. Detailed design and consistency assessments were ongoing during the reporting period.
4 (a)	(a) 42.89 hectares of known Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest threatened ecological community;	Compliant	<p>The Final Construction Footprint for Stage 2 is not yet determined. Detailed design and consistency assessments were ongoing during the reporting period.</p> <p>Clearing of protected matters for the action has been within the approved project footprint as updated through consistency assessments where no new significant impacts to protected matters have been identified as per Part C of EPBC Approval 2018/8286.</p>
4 (b)	(b) 0.44 hectares of known Western Sydney Dry Rainforest and Moist Woodland on Shale threatened ecological community;	Non-compliant	<p>The non-compliance reported to the Department (refer to CoA 11 and CoA 12 below) identified that impact the approved impact extent for <i>Western Sydney Dry Rainforest and Moist Woodland on Shale</i> has been exceeded by 0.04Ha. As a result, 1 additional ecosystem credit was required to be retired.</p> <p>The Final Construction Footprint for Stage 2 is not yet determined. Detailed design and consistency assessments were ongoing during the reporting period.</p> <p>Other clearing of protected matters for the action has been within the approved project footprint as updated</p>



Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			through consistency assessments where no new significant impacts to protected matters have been identified as per Part C of EPBC Approval 2018/8286.
4 (c)	(c) 100 known <i>Pultenaea parviflora</i> individuals;	Compliant	<p>Final Construction Footprint not yet determined. Consistency assessments were ongoing during the reporting period.</p> <p>Clearing of protected matters for the action has been within the approved project footprint as updated through consistency assessments where no new significant impacts to protected matters have been identified as per Part C of EPBC Approval 2018/8286.</p>
4 (d)	(d) The number of <i>Pimelea spicata</i> individuals identified in the additional surveys required by condition E8 of the State Infrastructure approval;	Not triggered	No <i>Pimelea spicata</i> were identified in the additional surveys.
4 (e)	(e) 62.71 hectares of known foraging habitat for Grey-headed Flying Fox ( <i>Pteropus poliocephalus</i> );	Compliant	<p>The non-compliance reported to the Department (refer to CoA 11 and CoA 12 below) identified that the current approved footprint extent had been breached. An ecologist inspection undertaken as part of the investigation reporting confirmed the reported non-compliance did not exceed the approved impact to Grey-headed Flying Fox foraging habitat.</p> <p>All other clearing of protected matters for the action has been within the approved project footprint as updated through consistency assessments where no new significant impacts to protected matters have</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			been identified as per Part C of EPBC Approval 2018/8286.
4 (f)	(f) 80.21 hectares of known foraging habitat for Swift Parrot ( <i>Lathamus discolor</i> ).	Compliant	<p>The non-compliance reported to the Department (refer to CoA 11 and CoA 12 below) identified that the current approved footprint extent had been breached. An ecologist inspection undertaken as part of the investigation reporting confirmed the reported non-compliance did not exceed the approved impact to Swift Parrot foraging habitat.</p> <p>All other clearing of protected matters for the action has been within the approved project footprint as updated through consistency assessments where no new significant impacts to protected matters have been identified as per Part C of EPBC Approval 2018/8286.</p>
5 (a)	<p>For the protection of protected matters the approval holder must:</p> <p>(a) Implement conditions A24 of Part A, Schedule 2 and C4, C5, C8, C9 and C10 of Part C, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, avoiding, mitigating, recording, or reporting on, impacts to protected matters.</p>	Non-Compliant	<p>See <a href="#">Table 3-2</a> below.</p> <p>Condition A24 relates to Early Works and is no longer relevant.</p> <p>Conditions C4, C5, C8 and C9 are compliant.</p> <p>The Department has confirmed a contravention of Condition 5 occurred as notified in the non-compliance notification (Refer to Conditions 11 and 12) in which NSW Condition C10 was contravened as clearing in Stage 2 of the Project exceeded the approved clearing limit.</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
5 (b)	(b) Implement biodiversity conditions E2 to E10 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.	Compliant	See <b>Table 3-2</b>
5 (c)	(c) Notify the Department in writing within 2 business days of formally proposing any change to the conditions of the State Infrastructure approval for which conditions 5a or 5b apply, and within 5 business days of becoming aware of the NSW Government proposing a change.	Not triggered	No changes to the conditions of the State Infrastructure approval to which conditions 5a or 5b apply have been proposed during the reporting period.
5 (d)	(d) Notify the Department in writing of any change to the State Infrastructure approval for which conditions 5a and 5b apply, within 5 business days of a change to the State Infrastructure approval being finalised.	Not triggered	No changes to the conditions of the State Infrastructure approval to which conditions 5a or 5b apply have been proposed during the reporting period.
6	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	The commencement of the action was 02 November 2021. A notification was sent to the Department on 04 November 2021 (Refer to <i>M12 Motorway EPBC Compliance Report January 2023 Appendix B</i> ).
7	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Compliant	EPBC 2018/8286 approval was received on 03 June 2021. The commencement of the action was 02 November 2021 which was within five months of the date of approval.

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
8	The approval holder must maintain accurate and complete compliance records.	Compliant	Accurate and complete records are maintained and stored securely on TfNSW and relevant contractor's servers. Compliance records include but are not limited to: <ul style="list-style-type: none"> <li>• Compliance tracking register (Objective reference: A37514628)</li> <li>• Pre-clearing survey records</li> <li>• Hold point releases related to clearing activities</li> </ul>
9	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.  <i>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</i>	Compliant	On 22 January 2024 the Department requested an update on the Additional Surveys of <i>Pimelea spicata</i> within the refined construction footprint. No timeframe was specified in the request, however Transport responded on the same day with a copy of the report and evidence it had been supplied to the Department on 1 July 2021 (Appendix D).  No other requests were made by the Department during the reporting period.
10	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:	Compliant	This report forms the third compliance report prepared after the anniversary date of commencement of the action.

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
10 (a)	(a) publish each compliance report on the website within 60 business days following the relevant 12 month period;	Compliant	<p>The first compliance report for the action <i>M12 Motorway EPBC Compliance Report January 2023</i>, was published on the Transport for NSW website on 25 January 2023 which was prior to 31<sup>st</sup> January 2023 as required by the Department (Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix A).</p> <p>The second compliance report for the action <i>M12 Motorway EPBC Compliance Report January 2024</i> was published on the Transport for NSW website on 29 January 2024 which was prior to 31<sup>st</sup> January 2024 as required by the Department (Appendix A).</p>
10 (b)	(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 5 business days of the date of publication;	Compliant	<p>Transport for NSW notified the Department by email on 25 January 2023 that the first compliance report was published and provided the weblink and unredacted copy on the date of publication (Refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix A).</p> <p>Transport for NSW notified the Department by email on 30 January 2024 that the second compliance report was published and provided the weblink and unredacted copy the day after the date of publication (Appendix A).</p>
10 (c)	(c) keep all compliance reports publicly available on the website until this approval expires or as otherwise agreed by the Department in writing;	Compliant	The annual EPBC compliance reports are publicly available on the Transport for NSW M12 Motorway website at:



Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a>  Transport for NSW will ensure all compliance reports are available on the website until this approval expires or as otherwise agreed with the Department in writing.
10 (d)	(d) Exclude or redact sensitive ecological data from compliance reports published on the website	Compliant	Transport for NSW has not included any sensitive ecological data in the published compliance reports.
10 (e)	(e) Where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.  <i>Note: Compliance reports may be published on the Department's website.</i>	Compliant	Transport for NSW has not included any sensitive ecological data in the published compliance reports.  A full version of the first compliance report including un-redacted personal information was provided to the Department with the notification of publication on 25 January 2023 (Refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix A). A full version of the second compliance report including un-redacted personal information was provided to the Department with the notification of publication on 30 January 2024 (Appendix A)
11	The approval holder must notify the Department in writing of any: incident affecting protected matters; non-compliance with the conditions; or non-compliance with the commitments made in plans required in accordance with conditions 5a or 5b. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident	Compliant	One administrative non-compliance with the conditions occurred during the second reporting period (refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> ) and was closed.  During the current period one non-compliance with conditions 4b, 5a and 5b and potential non-

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	affecting protected matters or non-compliance. The notification must specify:		<p>compliance with condition 3 was identified on 13 August for Stage 2 of the Project. The Department was notified the following day on 14<sup>th</sup> August 2024 (Appendix B).</p> <p>A warning letter was issued by the Department to the Stage 2 construction contractor on 27 September 2024 confirming a non-compliance in relation to Condition 5.</p>
11 (a)	(a) any condition which is or may be in breach;	Compliant	The notification specified the CoA 4b, 5a and 5b in breach and CoA 3 potentially in breach. (Note: in outcome Department determined only CoA 5 was in breach).
11 (b)	(b) a short description of the incident affecting protected matters and/or non-compliance;	Compliant	The notification identified that minor areas of disturbance to vegetation outside of the current approved construction boundary had occurred that impacted on EPBC Act listed Threatened Ecological Communities.
11 (c)	(c) the location (including co-ordinates), date, and time of the incident affecting protected matters and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	Compliant	The notification included date, time and GPS co-ordinates for the affected areas.
12	The approval holder must provide to the Department the details of any incident affecting protected matters or non-compliance with the conditions or commitments	Compliant	Additional details were provided to the Department on 27 <sup>th</sup> August 2024 which was within 10 business days

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	made in plans required in accordance with conditions 5a or 5b as soon as practicable and no later than 10 business days after becoming aware of the incident affecting protected matters or non-compliance, specifying:		of identifying the non-compliance on 13 <sup>th</sup> August 2024 (Appendix B).
12 (a)	(a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	Compliant	Corrective actions are detailed in the Non-compliance Investigation Report provided to the Department on 27 <sup>th</sup> August 2024 (Appendix B). These included actions that had been or would be implemented to address the described events and ensure no future events occur.
12 (b)	(b) the potential impacts of the incident affecting protected matters or non-compliance; and	Compliant	The investigation identified six locations of disturbance that had occurred outside of the approved construction footprint impacting a total of approximately 0.1 hectares of EPBC Act listed threatened ecological communities.
12 (c)	(c) the method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	The method and timing of remedial actions were detailed in the Non-compliance Investigation Report provided to the Department on 27 <sup>th</sup> August 2024. These included actions that had been or would be implemented to address the described events. The additional impacts to Western Sydney Dry Rainforest and Moist Woodland on Shale also requires one additional ecosystem credit to be retired.

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
13	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not triggered	There has been no such request from the Minister.
14	For each independent audit requested by the Minister under condition 13, the approval holder must:	Not triggered	There has been no audit requested from the Minister.
14 (a)	(a) provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;	Not triggered	There has been no audit requested from the Minister.
14 (b)	(b) only commence the independent audit once the audit criteria have been approved in writing by the Department;	Not triggered	There has been no audit requested from the Minister.
14 (c)	(c) submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not triggered	There has been no audit requested from the Minister.
15	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval, or as otherwise agreed by the Department in writing.	Not triggered	There has been no audit requested from the Minister.
16 (a)	The approval holder must: (a) submit plans electronically to the Department for information;	Compliant	<i>Pimelea Spicata</i> survey report refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix A.  Early Works Environmental Management Plans (EWEMPs), evidence of approval under the State

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<p>Infrastructure Approval, Biodiversity offset credit retirement reports, and Construction Environmental Management Plans (CEMPs) refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix D.</p> <p>M12 East Construction Environmental Management Plan (CEMP) and M12 Central roundabout Construction Environmental Management Plan refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix C.</p> <p><u>During the current reporting period:</u></p> <p>M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central report was submitted to the Department on 20 February 2024 (Appendix D).</p> <p>The final construction footprint data for the M12 West and M12 Central Packages (Stage 1) was submitted to the Department on 21 June 2024 (Appendix D), also refer to CoA 2 above.</p> <p>Minor amendments to the Overarching CEMP and sub-plans were approved by the ER and submitted to the Planning Secretary 18 July 2024. The updated plans were published on the website and copies were provided to the Department on 2 August 2024 (Appendix D).</p>



Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
16 (b)	(b) unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date:	Compliant	All plans including EWEMPs, CEMPs, the <i>Pimelea spicata</i> Survey Report and biodiversity offset credit retirement reports were published within 20 business days of either being approved under the State Infrastructure approval or being submitted to the NSW Planning Secretary for information. Documents are available on the Transport for NSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a>
16 (b(i))			
16 (b(ii))			
16 (c)	(c) exclude or redact sensitive ecological data from plans that are to be published on the website or provided to a member of the public; and	Not triggered	Plans related to the action do not contain any sensitive ecological data as the data is already publicly available. In accordance with the Australian Government Department of the Environment Policy (2016) <i>Sensitive Ecological Data – Access and Management Policy v1.0</i> data that is already publicly available cannot be considered sensitive.
16 (d)	(d) keep plans published on the website for the period for which this approval has effect, or as otherwise agreed by the Department in writing.	Compliant	Plans remain published on the Transport for NSW website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a>
17	Within 20 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not triggered	The completion of the action as defined in Part C of the EPBC approval 2018/8286 is expected in 2026.

**Table 3-2: Relevant NSW State Infrastructure Conditions of Approval**

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
A24	Before undertaking early works specified in Appendix B, the Proponent must prepare an Early Works Environmental Management Plan. The Plan must include:	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .  Latest versions of all EWEMPs and associated endorsements and approvals remain available at <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a>
A24 (a)	(a) a description of the activities to be undertaken and the scheduling and duration for each activity;	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (b)	(b) a site establishment management plan for any proposed construction ancillary facilities (excluding minor construction ancillary facilities established under Condition A20) consistent with the requirements of Condition A16;	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (c)	(c) figures illustrating the proposed location(s) of the early works and the closest sensitive receiver(s);	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (d)	(d) a flora and fauna management sub-plan (prepared in consultation with the EES) which includes -	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
A24 (d(i))	i. details of the measures to avoid and minimise disturbance to native vegetation, and other habitat of native flora and fauna species,	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (d(ii))	ii. details of the proposed management and mitigation measures for the affected species listed in Table 3,	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (d(iii))	iii. procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the early works, and procedures and measures to manage their relocation, and	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (d(iv))	iv. unexpected finds protocol for flora and fauna;	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (e)	(e) details of measures to avoid and minimise noise and vibration, soil, water and air quality impacts; and	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .
A24 (f)	(f) unexpected finds procedures for heritage and contamination.	Not triggered	All early works were completed prior to this reporting period. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> and <i>M12 Motorway EPBC Compliance Report January 2024</i> .

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
C4	The following CEMP Sub-plans must be prepared in consultation with the relevant government and other agencies identified for each CEMP Sub-plan. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant CEMP Sub-plan, including copies of all correspondence from those agencies as required by Condition A5.	Compliant	<p>CEMP and the required sub-plans were prepared and submitted to DPE (now DPHI) in November 2021. NSW Planning Secretary approval for the CEMP and required sub-plans was received 21 December 2021. Evidence of consultation with relevant government agencies is included in Appendix A of each sub-plan.</p> <p>The latest versions of the Overarching CEMP, sub-plans and the relevant endorsements and approvals are available on the Transport for NSW website at:  <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a></p>
	(a) Traffic and Transport – Relevant Councils		
	(b) Noise and vibration - WaterNSW, Sydney Water and pipeline operators (where vibration generating activities will impact on their assets) and relevant council(s)		
	(c) Flora and Fauna - DPI Fisheries, EES, DAWE and relevant council(s)		
	(d) Soils and contamination - DPIE Water, WaterNSW and relevant council(s)		

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	(e) Surface water and groundwater - DPIE Water, WaterNSW and Sydney Water (if there are discharges to its assets) and relevant council(s) (f) Heritage (including Aboriginal and non-Aboriginal Heritage) - Heritage Council of NSW, Heritage NSW, WaterNSW and relevant council(s) (g) Air Quality - Relevant Council(s)		
C5(a)	The CEMP Sub-plans must state how: (a) the environmental performance outcomes identified in the documents listed in Condition A1 will be achieved;	Compliant	Overarching Construction Flora and Fauna Management Plan (CFFMP) <ul style="list-style-type: none"> <li>• Section 2.2</li> <li>• Section 2.3</li> <li>• Section 3.2</li> <li>• Section 3.3</li> <li>• Section 6</li> </ul> Other sub-plans do not relate directly to protected matters and are not reported on in relation to this condition.  The Overarching CCFMP is available online: <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway</a>
C5(b)	(b) the mitigation measures identified in the documents listed in Condition A1 will be implemented;	Compliant	Overarching CFFMP: <ul style="list-style-type: none"> <li>• Section 3.2</li> <li>• Section 3.3</li> </ul>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<ul style="list-style-type: none"> <li>Section 3.4</li> <li>Section 3.3</li> <li>Section 6</li> <li>Table 6-2</li> </ul> <p>Other sub-plans do not relate directly to protected matters and are not reported on in relation to this condition.</p>
C5(c)	(c) the relevant terms of this approval will be complied with; and	Compliant	<p>Overarching CFFMP:</p> <ul style="list-style-type: none"> <li>Section 3.2</li> <li>Section 3.3</li> <li>Section 6</li> <li>Table 6-2</li> </ul> <p>Other sub-plans do not relate directly to protected matters and are not reported on in relation to this condition.</p>
C5(d)	(d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART (Specific, Measurable, Achievable, Realistic and Timely) principles.	Compliant	<p>Overarching CFFMP:</p> <ul style="list-style-type: none"> <li>Section 8</li> <li>Section 5.3</li> </ul> <p>Overarching CEMP</p> <ul style="list-style-type: none"> <li>Section 4.1</li> </ul> <p>Other sub-plans do not relate directly to protected matters and are not reported on in relation to this condition.</p>
C8	The Flora and Fauna CEMP Sub-plan must be endorsed by a suitably qualified and experienced ecologist and include, but not be limited to:	Compliant	The Overarching CFFMP was endorsed by Dr Elvira Lanham an ecologist with over 25 years of experience (document control page).
C8(a)	(a) details of the measures to avoid and minimise disturbance to native	Compliant	Overarching CFFMP: Table 6-2.

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	vegetation, and other habitat of native flora and fauna species;		
C8(b)	(b) procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the CSSI, and procedures and measures to manage their relocation;	Compliant	Overarching CFFMP: Appendix C (Section 2.2)
C8(c)	(c) pre-clearing measures for Cumberland Plain Land Snail known and potential habitat and measures to protect the White bellied Sea Eagle nest;	Compliant	Overarching CFFMP: Appendix C (Section 2.2.3 and Section 2.2.5)
C8(d)	(d) a Habitat Compensation Plan and Snag Management Plan as committed to in the document listed in Condition A1(d);	Compliant	Overarching CFFMP: <ul style="list-style-type: none"> <li>Appendix F</li> <li>Appendix G</li> </ul>
C8(e)	(e) details of proposed management and mitigation measures for each threatened species listed in Table 3 and <i>Pimelea spicata</i> (Spiked Rice flower) if recorded in the surveys carried out under Condition E8;	Compliant	Overarching CFFMP: <ul style="list-style-type: none"> <li>Section 6.3</li> <li>Section 4.1.2</li> </ul>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
C8(f)	(f) a weed, pest and pathogen management plan, including measures to minimise the spread of <i>Phytophthora cinnamomic</i> ;	Compliant	Overarching CFFMP: Appendix E
C8(g)	(g) procedures for the dewatering of farm dams, including the relocation of aquatic fauna; and	Compliant	Overarching CFFMP: Appendix H
C8(h)	(h) protocols for incidental finds of threatened species and ecological communities within the construction boundary.	Compliant	Overarching CFFMP: Appendix D
C9	Any of the CEMP Sub-plans may be submitted to the Planning Secretary for approval along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before the commencement of construction.	Compliant	CEMP sub plans were sent to DPE in November 2021 and approval was received on 21 December 2021. Construction for M12 West commenced 18 August 2022. Construction for M12 Central commenced 10 August 2022. Construction for M12 East commenced 3 August 2023  Minor amendments to the Overarching CEMP and sub-plans were approved by the ER and submitted to the Planning Secretary 18 July 2024. The updated plans were published on the website and copies were provided to the Department on 2 August 2024 (Appendix D).
C10	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved, unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by	Non-compliant	The CEMP and sub plans were approved by the Planning Secretary on 21 December 2021, prior to commencement of construction in August 2022.  Implementation of the CEMP Flora and Fauna sub-plan was determined to be non-compliant in Stage 2 as per the non-



Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	the ER must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been endorsed by the ER and approved by the Planning Secretary.		compliance reported to the Department (Refer to CoA 12 Table 3-1 above and Appendix B). Condition C10 was contravened as clearing exceeded the 0.44ha clearing limit for PCT 830 (Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion).
E2	The clearing of native vegetation must be minimised with the objective of reducing impacts to threatened ecological communities and threatened species habitat.	Compliant	Proposed areas of vegetation to be retained were identified during detailed design. In addition, clearing of native vegetation has been minimised during construction, vegetation saved includes: <ul style="list-style-type: none"> <li>identified habitat trees along the southern boundary of the project at South Creek</li> <li>identified habitat trees along the southern boundary of the project near Devonshire Road (note – this vegetation has been subsequently removed by others unrelated to this project)</li> <li>an area on Luddenham Road south of the Motorway</li> <li>the south-western corner of the M7/M12 interchange adjacent to Western Sydney Parklands</li> <li>an area south of Elizabeth Drive within the M12 East and Central interface around AF6</li> </ul>
E3	The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in Table 1, Table 2 and Table 3 in accordance with the M12 Motorway Amendment Report - Submissions Report (December 2020)	Compliant	The following documents confirm retirement of credits for protected matters. During the first reporting period (refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> ): <ul style="list-style-type: none"> <li>BioBanking Credit Retirement Report 202204-RT-733 dated 11 April 2022 for the retirement of:</li> </ul>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	<p>and M12 Motorway Amendment Report - Submissions Report - Amendment (dated 8 March 2021) within 12 months of the commencement of construction. The offset obligations must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects and can be achieved by:</p> <ul style="list-style-type: none"> <li>(a) acquiring and retiring “biodiversity credits” within the meaning of the Biodiversity Conservation Act 2016; and/or</li> <li>(b) properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and/or</li> <li>(c) making a payment into the Biodiversity Conservation Fund; or</li> <li>(d) a Biodiversity Offset Strategy prepared in consultation with EES and DAWE that provides</li> </ul>		<ul style="list-style-type: none"> <li>○ <i>Pultenaea parviflora</i> –1,350 credits</li> <li>○ PCT 849 (HN528) –173 credits,</li> <li>○ PCT 850 (HN529) –610 credits.</li> </ul> <p>During the second reporting period (refer to <i>M12 Motorway EPBC Compliance Report January 2024</i>):</p> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Fund Section 6.33 Certificate dated 21 January 2023 for the retirement of : <ul style="list-style-type: none"> <li>○ <i>Pultenaea parviflora</i> –125 credits</li> <li>○ PCT 724 (HN513) –147 (32 + 115) credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202308-RT-872 dated 24 August 2023 for the retirement of: <ul style="list-style-type: none"> <li>○ <i>Dillwynia tenuifolia</i> –8,186 credits</li> <li>○ <i>Pultenaea parviflora</i> –387 credits</li> <li>○ <i>Meridolum corneovirens</i> - 29 credits</li> <li>○ PCT 724 (HN513) –67 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202308-RT-873 dated 24 August 2023 for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 835 (HN526) –96 (11 + 16 + 69) credits</li> <li>○ PCT 849 (HN528) –38 credits</li> <li>○ PCT 850 (HN529) –582 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202308-RT-872 dated 24 August 2023 for the retirement of: <ul style="list-style-type: none"> <li>○ <i>Myotis macrocarpa</i> –5 credits</li> </ul> </li> </ul> <p><u>During the current reporting period</u> (refer to Appendix F):</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	(e) supplementary measures or where the Proponent intends to utilise the biodiversity credit variation rules.		<ul style="list-style-type: none"> <li>• BioBanking Credit Retirement Report 202402-RT-909 dated 8 February 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 835 (HN526) - 1 credit</li> <li>○ PCT 850 (HN529) - 5 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202402-RT-910 dated 8 February 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ <i>Myotis macrocarpa</i> – 6 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202402-RT-911 dated 8 February 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 724 (HN513) – 1 credit</li> </ul> </li> <li>• Biodiversity Conservation Fund Section 6.33 Certificate BCF662 dated 14 February 2024 for the retirement of: <ul style="list-style-type: none"> <li>○ <i>Pultenaea parviflora</i> – 38 credits</li> </ul> </li> <li>• Credit Retirement Report CT-2901 dated 14 February 2024 for the retirement of: <ul style="list-style-type: none"> <li>○ <i>Myotis macrocarpa</i> – 34 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202407-RT-969 dated 3 July 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 849 (HN528) – 2 credits</li> <li>○ PCT 850 (HN529) – 469 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202407-RT-970 dated 3 July 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 830 (HN524) – 21 credits</li> </ul> </li> <li>• BioBanking Credit Retirement Report 202407-RT971 dated 3 July 2024, for the retirement of:</li> </ul>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<ul style="list-style-type: none"> <li>○ PCT 850 (ME019) 6 credits</li> <li>• BioBanking Credit Retirement Report 202407-RT972 dated 3 July 2024, for the retirement of: <ul style="list-style-type: none"> <li>○ PCT 849 (HN528) – 14 credits</li> <li>○ PCT 850 (HN529) – 408 (139+11+8+2+106+142) credits</li> <li>○ <i>Meridolum corneovirens</i> – 32 credits</li> <li>○ <i>Pultenaea parviflora</i> – 345 credits</li> </ul> </li> </ul> <p>The number of credits required for the project has changed during detailed design, as allowable in M12 NSW CoA E4 and Commonwealth CoA 4. As reported previously, in August 2023 the Department of Planning and Environment approved extension of time to 18 February 2024 to review the amendments for ecosystem and species credits for the M12 West and M12 Central Packages (Stage 1) and retire the credits (Refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix D).</p> <p>The M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central Packages was submitted to DPHI 14 February 2024. An RFI was issued and responded to and DPHI accepted the updates 5 June 2024 (Appendix D). All Stage 1 credits were retired by 14<sup>th</sup> February 2024.</p> <p>In July 2024 DPHI approved extension of time to 3 December 2024 to retire 7 PCT849 and 6 PCT850 credits to complete acquisition of Stage 2 credits, as the proposed vendor had sold the credits</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			elsewhere. Of the total credit obligation for the M12 Motorway this represents 0.07% of the total credit obligation remaining to be retired (Appendix E).
E4	The Proponent may review and update the ecosystem and species credit requirements in Table 1, Table 2 and Table 3 to reflect the final construction footprint and resulting extent and type of plant community types to be cleared and the extent of threatened species habitat impacted by the construction of the CSSI (excluding certified areas). Where the construction of the CSSI is staged, the Proponent may review and update the ecosystem and species credit requirements in Table 1, Table 2 and Table 3 for each stage of the CSSI. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EES and DAWE and submitted to the Planning Secretary for approval within six (6) months of determining the final construction footprint and, where the CSSI is staged, within six (6) months of determining the final construction footprint of each stage.	Compliant	<p>The ecosystem and species credit requirements were reviewed and updated for the M12 West and M12 Central packages in consultation with EHG (formerly EES) and DCCEE in July 2023. In August 2023 DPE approved an extension of time to 18 February 2024 to review the amendments for ecosystem and species credits for the M12 West and M12 Central Package (Stage 1) and to retire the credits (Refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix D).</p> <p>Amendments to ecosystem and species credit requirements in The M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central (Appendix C) were undertaken in consultation with the required agencies and submitted to the Planning Secretary in accordance with this Condition (Appendix D), with all Stage 1 credits to be retired by 18 February 2024. All Stage 1 credits were retired by 14<sup>th</sup> February 2024.</p> <p>The M12 East (Stage 2) ecosystem and species credit requirements will be reviewed and updated once the final construction footprint is determined.</p>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
E5	<p>The review and update of credit requirements must be undertaken by:</p> <ul style="list-style-type: none"> <li>a) using the vegetation mapping in the EIS, M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report (October 2020), and M12 Motorway Amendment Report – Submissions Report (December 2020); and/or</li> <li>b) completing verification surveys to confirm the extent, type and condition of threatened species and ecological communities to be impacted.</li> </ul>	Compliant	Review and update of credit requirements has been based on the vegetation mapping in the Project approval documents supplemented by verification surveys where there have been changes to the Project footprint. (Appendix C).
E6	Where verification surveys are required, they must be undertaken in consultation with EES. Any additional surveys must be undertaken at the time of year when groundcover is most likely to be predominantly native. If verification surveys are not possible at a time when groundcover is most likely to be native, the assumed presence of any relevant species and ecosystems may be applied to conservatively evaluate impacts and associated credit requirements.	Compliant	The threatened species spring survey methodology was sent to the Environment and Heritage Group of DPE (formerly Environment, Energy and Science (EES)) for consultation on 21 January 2021. A response was received on 11 February 2021 raising no concerns with the methodology (refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix E).

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
E7	<p>The Proponent must submit to the Planning Secretary and DAWE for information:</p> <ul style="list-style-type: none"> <li>a) a copy of the Credit Retirement Report; and/or</li> <li>b) a receipt confirming payment to the Biodiversity Conservation Fund; and/or</li> <li>c) correspondence from NPWS,</li> </ul> <p>for the retirement of the ecosystem and species credits required by Condition E3 within one (1) month of receiving the report and/or making the payments and/or receiving correspondence from NPWS.</p>	Compliant	<p>During the first reporting period Biobanking Credit Retirement Report 202204-RT-733 was submitted to the Department on 14 April 2022 (refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix D).</p> <p>During the second reporting period offsets were secured by both retiring Biobanking Credits and payment into the Biodiversity Conservation Fund. Biodiversity Conservation Fund Section 6.33 Certificate BCF489 was submitted to the Department on 14 Feb 2023 and BioBanking Credit Retirement Reports 202308-RT-872, 202308-RT-873 and 202308-RT-874 were submitted to the Department on 27 September 2023 (refer to <i>M12 Motorway EPBC Compliance Report January 2024</i> Appendix E).</p> <p>During the current reporting period offsets were again secured by both retiring Biobanking Credits and payment into the Biodiversity Conservation Fund as follows:</p> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Fund Section 6.33 Certificate BCF662 dated 14 February 2024 was submitted to the Department on 27 February 2024.</li> <li>• BioBanking Credit Retirement Reports 202402-RT-909, 202402-RT-910, 202402-RT-911 dated 8 February 2024 and Credit retirement report CT-2901 dated 14 February 2024 for <i>Myotis macrocarpa</i> credits were submitted to the Department on 27 February 2024</li> </ul>

Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
			<ul style="list-style-type: none"> <li>BioBanking Credit Retirement Reports 202407-RT-969, 202407-RT-970, 202407-RT971 and 202407-RT-972 dated 3 July 2024 were submitted to the Department on 26 July 2024</li> </ul> (Refer to Appendix F).
E8	The Proponent must undertake additional surveys of <i>Pimelea spicata</i> (Spiked Rice-flower) in potential habitat for this species within the refined construction footprint to the north of Elizabeth Drive and west of the existing Wallgrove Road as identified in Figure 6-5 of the M12 Motorway Amendment Report – Submissions Report (December, 2020). The surveys must be undertaken during optimal conditions as defined by the NSW Bionet Threatened Biodiversity Profile Data Collection (DPIC) or as agreed by the Planning Secretary. The surveys must be undertaken in consultation with EES and DAWE and the results of the surveys provided to the Planning Secretary, EES and DAWE for information within one (1) month of completion of the surveys.	Compliant	<p>Consultation on <i>Pimelea spicata</i> survey methodology was undertaken on 16 February 2021. The Department responded raising no issues on 22 February 2021 and EHG (formerly EES) responded with comments on 23 February 2021. An updated methodology was provided to the Department and EHG on 01 March 2021. A change in methodology was proposed on 21 May 2021. The Department deferred comment to EHG on 24 May 2021 and EHG responded accepting the proposed change on 25 May 2021. Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix F for consultation records.</p> <p>Additional <i>Pimelea spicata</i> surveys were completed in March, April and June 2021 and results provided to the Department via email on 01 July 2021 in accordance with NSW CoA E8 (Refer to <i>M12 Motorway EPBC Compliance Report January 2023</i> Appendix A). No clearing was undertaken prior to the results being provided to the Department.</p>
E9	If <i>Pimelea spicata</i> is recorded in the surveys carried out under Condition E8, any impacts to the species must be offset in accordance with	Not triggered	No <i>Pimelea Spicata</i> species were detected within the surveyed areas and therefore NSW CoA E9 was not triggered.



Condition number / reference	Condition	Is the project compliant with this condition (Compliant / Non Compliant / Not triggered)	Evidence/Comments
	the options available under Condition E3 and in consultation with EES. The Proponent must provide details of the required biodiversity credits to the Planning Secretary, EES and DAWE for information prior to works that impact the threatened species.		
E10	Within one (1) month before the commencement of operation of the CSSI, or where the operation of the CSSI is staged one (1) month before the commencement of operation of the relevant stage, the Proponent must provide evidence to the Planning Secretary, for information, that it has implemented measures agreed with the Western Sydney Parklands Trust to compensate the acquisition of land from the Western Sydney Parklands Biobank Site (Biobanking Agreement Site ID 199) for the CSSI.	Not triggered	Action is not due to commence operation until 2026.

## 4. New environmental risks

### 4.1 Red Imported Fire Ants

Red imported fire ants (*Solenopsis invicta*) are regulated as prohibited matter under the *Biosecurity Act 2015*. During the reporting period the *NSW Biosecurity (Fire Ant) Emergency Order (No 1) 2024* and the *NSW Biosecurity (Fire Ant) Emergency Amendment Order 2024* were introduced to regulate the potential spread of fire ants in fire ant carrier material. Carrier material includes soil, sand, quarry material, organic waste, potted plants, mulch, manure, earth moving equipment, hay, turf. The movement of carrier materials from Queensland and Fire Ant Movement Control Areas is subject to requirements as per the Order.

The Overarching and Contractor Construction Flora and Fauna Management Plans were updated to include details of required fire ant awareness training and management actions needed in this regard.

## Appendix A - CoA 10(b): Submission of Annual Compliance Report to the Department

**From:** [EPBC Monitoring](#)  
**To:** [REDACTED] [EPBC Monitoring](#)  
**Cc:** [REDACTED]  
**Subject:** RE: Annual Compliance Report 2022-2023 - M12 Motorway - EPBC 2018/8286 [SEC=OFFICIAL]  
**Date:** Thursday, 8 February 2024 3:06:50 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.jpg](#)

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Dear Tracy,

Thank you for the submission of the 2023 Annual Compliance Report for EPBC 2018/8286. The department acknowledges receipt of this submission, and it will be reviewed accordingly. For further information please do not hesitate to contact the EPBC Monitoring Mailbox.  
Kind regards,

**Freya Brown**

**Administration Officer**

Environmental Permitting and Compliance Division | Compliance and Enforcement Branch  
Approvals Compliance Section

Department of Climate Change, Energy, the Environment and Water

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600

GPO Box 3090 ACT 2601

**E** [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au)

**DCCEEW**.gov.au ABN 63 573 932 849



---

**OFFICIAL**

**From:** Tracey Austin [REDACTED]  
**Sent:** Tuesday, January 30, 2024 1:49 PM  
**To:** EPBC Monitoring <[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)>  
**Cc:** Sheila Anderson [REDACTED] Deanne Forrest [REDACTED]  
**Subject:** Annual Compliance Report 2022-2023 - M12 Motorway - EPBC 2018/8286

---

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Good afternoon,

**EPBC 2018/8286 - M12 Motorway - Annual Compliance Report 2022 – 2023. Notification under CoA 10(b)**

In accordance with EPBC 2018/8286 approval condition 10(b), Transport for NSW would like to notify the Department that the second annual compliance report related to the action has been published on the project website.

The document was published yesterday (29 January 2024) and can be accessed here:  
[https://www.transport.nsw.gov.au/system/files/media/documents/2024/M12-Motorway-EPBC-2018\\_8286-Annual-Compliance-Report-Nov-22-Nov-23\\_0.pdf](https://www.transport.nsw.gov.au/system/files/media/documents/2024/M12-Motorway-EPBC-2018_8286-Annual-Compliance-Report-Nov-22-Nov-23_0.pdf)

In accordance with approval condition 10(a) the document has been published within 60 business days following the relevant 12 month period. The Department had previously advised Transport for NSW that this date is 31 January.

The published version has been redacted to remove personal information. Please find an unredacted version attached to this email for your information and records.

Kind regards,

**Tracey Austin**

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation  
**Transport for NSW**



L8, 4 PSQ- 12 Darcy Street  
Parramatta NSW 2150

PO Box 973 Parramatta NSW 2124

-  
[transport.nsw.gov.au](https://transport.nsw.gov.au)



I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

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## Appendix B – CoA 11 & 12: Notification of non-compliance to the Department

**From:** [REDACTED]  
**To:** [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)  
**Cc:** [REDACTED]  
**Subject:** Notification of non-compliance, M12 Motorway, EPBC 2018/8286  
**Date:** Wednesday, 14 August 2024 6:11:14 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi

In accordance with Commonwealth CoA for M12 Motorway project (EPBC 2018/8286) Commonwealth M12 CoA 11, [REDACTED] has provided the following written notification of an identified non-compliance.

**Condition that a non-compliance has been identified against:**

**CoA 4 (b)** - *To minimise the impacts of the action on protected matters the approval holder must not clear more than the following specified amounts, or another specified amount determined in consultation with the Department in accordance with condition E4 of the State Infrastructure approval within the final construction footprint:*

*b) 0.44 hectares of known Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest threatened ecological community;*

**CoA 5 (a & b)** - *For the protection of protected matters the approval holder must:*

- 1. Implement conditions A24 of Part A, Schedule 2 and C4, C5, C8, C9 and C10 of Part C, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, avoiding, mitigating, recording, or reporting on, impacts to protected matters*
- 2. Implement biodiversity conditions E2 to E10 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.*

**Conditions that may potentially be non-compliant**

**CoA 3** - *The approval holder must not clear protected matters outside the final construction footprint.*

**Description of non-compliance**

While undertaking a review of the project construction boundary (M12 SSI-9364) minor areas of disturbance to vegetation outside of the approved construction boundary were identified, generally within 1-2.5 m outside the boundary. The disturbance has impacted ground cover and shrub stratum, there has been no removal of any trees, however, the disturbance has impacted on EPBC Act listed Threatened Ecological Communities (849 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, 850 - Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, 830 - Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain). The extent of the disturbance is currently being confirmed but is believed to total approximately 0.1 ha. Further detail confirming the total impacted TEC areas will be provided as part of the reporting requirements under CoA 12.

**Location (including co-ordinates), date and time of non-compliance**



Non-compliance identified 13 August 2024 at 10:00am.

Location - M12 (East) project Cecil Park NSW 2178.

Co-ordinates provided in GDA 2020/MGA Zone 56

Location	Northing	Easting
1	6248 988	300 512
2	6248 768	300 053
3	6249 717	300 569
4	6249 732	300 135
5	6250 003	300 527
6	6249 681	300 771

Kind Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**



[transport.nsw.gov.au](https://transport.nsw.gov.au)



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

OFFICIAL

**From:** [epbcmonitoring](#)  
**To:** [REDACTED] [epbcmonitoring](#)  
**Cc:**  
**Subject:** RE: 10 day report of non-compliance, M12 Motorway, EPBC 2018/8286 [SEC=OFFICIAL]  
**Date:** Tuesday, 17 September 2024 8:39:44 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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[SEC=OFFICIAL]

Thank you for notifying the department of a non-compliance regarding the incident notified on 14 August 2024 for EPBC 2018/8236.

The department acknowledges receipt of this notification, and it will be reviewed accordingly.

For further information please do not hesitate to contact the EPBC Monitoring Mailbox.

Kind regards

**EPBC Monitoring**  
**Compliance and Enforcement Branch | Environmental Permitting and Compliance Division**  
**Department of Climate Change, Energy, the Environment and Water**  
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600  
(GPO Box 3090) ACT 2601 Australia

OFFICIAL

**From:** Sheila Anderson [REDACTED]  
**Sent:** Tuesday, August 27, 2024 3:20 PM  
**To:** epbcmonitoring <epbcmonitoring@dcceew-migration.gov.au>  
**Cc:** Tracey Austin [REDACTED] Suzette Graham  
[REDACTED] Grace Wong  
[REDACTED]; Shannon Schofield  
**Subject:** 10 day report of non-compliance, M12 Motorway, EPBC 2018/8286

Hi

In accordance with Commonwealth CoA 12 for M12 Motorway project (EPBC 2018/8286), and further to my email of August 14 2024 below, [REDACTED] and [REDACTED] have provided a 10 day report as attached

Kind Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)



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---

OFFICIAL

**From:** Sheila Anderson

**Sent:** Wednesday, August 14, 2024 6:11 PM

**To:** [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)

**Cc:** Tracey Austin [REDACTED] Suzette Graham

[REDACTED] Grace Wong  
[REDACTED] Shannon Schofield

**Subject:** Notification of non-compliance, M12 Motorway, EPBC 2018/8286

Hi

In accordance with Commonwealth CoA for M12 Motorway project (EPBC 2018/8286) Commonwealth M12 CoA 11, [REDACTED] has provided the following written notification of an identified non-compliance.

**Condition that a non-compliance has been identified against:**

**CoA 4 (b)** - *To minimise the impacts of the action on protected matters the approval holder must not clear more than the following specified amounts, or another specified amount determined in consultation with the Department in accordance with condition E4 of the State Infrastructure approval within the final construction footprint:*

*b) 0.44 hectares of known Cumberland Plain Shale Woodlands and Shale-Gravel*

*Transition Forest threatened ecological community;*

**CoA 5 (a & b)** - *For the protection of protected matters the approval holder must:*

- 1. Implement conditions A24 of Part A, Schedule 2 and C4, C5, C8, C9 and C10 of Part C, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, avoiding, mitigating, recording, or reporting on, impacts to protected matters*
- 2. Implement biodiversity conditions E2 to E10 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.*

### **Conditions that may potentially be non-compliant**

**CoA 3** - *The approval holder must not clear protected matters outside the final construction footprint.*

### **Description of non-compliance**

While undertaking a review of the project construction boundary (M12 SSI-9364) minor areas of disturbance to vegetation outside of the approved construction boundary were identified, generally within 1-2.5 m outside the boundary. The disturbance has impacted ground cover and shrub stratum, there has been no removal of any trees, however, the disturbance has impacted on EPBC Act listed Threatened Ecological Communities (849 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, 850 - Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, 830 - Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain). The extent of the disturbance is currently being confirmed but is believed to total approximately 0.1 ha. Further detail confirming the total impacted TEC areas will be provided as part of the reporting requirements under CoA 12.

### **Location (including co-ordinates), date and time of non-compliance**

Non-compliance identified 13 August 2024 at 10:00am.

Location - M12 (East) project Cecil Park NSW 2178.

Co-ordinates provided in GDA 2020/MGA Zone 56

Location	Northing	Easting
1	6248 988	300 512
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4	6249 732	300 135
5	6250 003	300 527
6	6249 681	300 771

Kind Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**



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Australian Government

Department of Climate Change, Energy,  
the Environment and Water

Our reference: EPBC 2018/8286

Email: [EPBCmonitoring@environment.gov.au](mailto:EPBCmonitoring@environment.gov.au)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Warning Letter - Contravention of *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* approval for *The M12 Motorway Project between the M7 Motorway, Cecil Hills and The Northern Road, Luddenham NSW*, (EPBC 2018/8286)**

Dear Mr [REDACTED]

I refer to the letter dated 27 August 2024 to the Department of Climate Change, Energy, the Environment and Water (department) regarding a potential breach of approval conditions for The M12 Motorway Project between the M7 Motorway, Cecil Hills and the Northern Road, (EPBC 2018/8286).

Section 142 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) states that it is an offence to take an action, or omit to take an action, that contravenes a condition of approval.

The requirement to comply with a condition of approval also applies to any party, such as a contractor, that was informed of the condition and could reasonably have been expected to be aware of the condition.

After reviewing a range of information including the information provided in the incident report and information provided by Transport for New South Wales on 25 September 2024 indicating [REDACTED] was aware of the requirements of the conditions of approval for EPBC approval 2018/8286, the department has formed the view that [REDACTED] has contravened condition 5 of EPBC 2018/8286.

Condition 5 relates to the implementation of several conditions required by the NSW Infrastructure approval, including condition C10. Condition C10 of the State Infrastructure Approval requires that the project's Flora and Fauna Management Plan is implemented.

Section 5.2.1 of the project's Flora and Fauna Management Plan sets out the limit for area directly impacted by the project for Plant Community Type 830 (Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion), which is 0.44ha.

In this case, condition C10 has been contravened as the clearing in question exceeded the 0.44ha clearing limit for Plant Community Type 830 (Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion).

As measures to prevent reoccurrence have been implemented and the ecological impact is likely not severe the department has concluded that in this instance, issuing an infringement notice is not an appropriate response. As such, the department is issuing a warning letter to [REDACTED] for contravening section 142 of the EPBC Act. This letter serves as the

warning notice and finalises the compliance matter relating to condition 5 of approval EPBC 2018/8286

Please note that this matter will be recorded and considered to be part of your environmental history and may be considered in any future dealings with the department in relation to the EPBC Act. Please ensure that you continue to maintain accurate records associated with, or relevant to, the conditions of the approval, to the extent [REDACTED] undertakes the action approved by EPBC 2018/8286. Such documents and records may be used in the future to verify compliance with the conditions of the approval.

Should you have any questions regarding this matter please contact Alex Boyes at [epbcmonitoring@environment.gov.au](mailto:epbcmonitoring@environment.gov.au)

Yours sincerely

[REDACTED]

Nick Mackenzie  
EPBC Act Authorised Officer/A/g Assistant Director  
Approvals Compliance Section  
27 September 2024

## Appendix C – CoA 4: M12 Motorway Update to Ecosystem and Species Credit requirements of M12 West and M12 Central



# **M12 MOTORWAY UPDATE TO ECOSYSTEM AND SPECIES CREDITS REQUIREMENTS FOR M12 WEST AND M12 CENTRAL**

NSW Conditions of Approval, E4, E5 and E6



## CONTACT



**ELVIRA LANHAM**  
Principal Ecologist

M 0417 418 596

E [Elvira.Lanham@arcadis.com](mailto:Elvira.Lanham@arcadis.com)

---

# TRANSPORT FOR NSW M12 MOTORWAY

## M12 Motorway: Update to Ecosystem and Species Credits Requirements

**Author** Kristen Branks

**Reviewer** Jessica Gleeson

**Checker** Elvira Lanham

**Approver** Ketan Patel

**Date** 02/02/2024

**Revision Text** J

This report has been prepared for Transport for NSW in accordance with the terms and conditions of appointment for under the Professional Services Agreement for the M12 Motorway Project contract No. 20.0000303606.0692 under the Professional Services Agreement dated 11/08/2020. Arcadis Australia Pacific Pty Limited (ABN 76 104 485 289) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

## REVISIONS

Revision	Date	Description	Prepared by	Approved by
A	22/05/2023	First draft for TfNSW review	KB	EL/KP
B	07/06/2023	Update based on TfNSW review	KB	EL/JV/KP
C	20/06/2023	Update based on TfNSW review	KP	EL
D	26/06/2023	Update based on TfNSW review	KP	KB
E	27/07/2023	Update based on consultation	KP	KP
F	01/08/2023	Final update based on client review	KP	KP
G	16/10/2023	Update to ensure reporting consistency	JG	KP
H	01/12/2023	Update based on TfNSW review	JG	KP/EL
I	30/01/2024	Update based on consultation	JG	KP
J	02/02/2024	Update based on TfNSW review	JG	KP

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## ACRONYMS AND ABBREVIATIONS

Acronym	Expanded text
BAR	Biodiversity Assessment Report
BC Act	<i>NSW Biodiversity Conservation Act 2016</i>
BOS	Biodiversity Offset Strategy
CFFMP	Construction Flora and Fauna Management Sub-plan
CoA	Condition of Approval
CSSI	Critical State Significant Infrastructure
DAWE	Former Commonwealth Department of the Water, Agriculture and Environment
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
DPE	Former Department of Planning and Environment
DPHI	Department of Planning, Housing and Infrastructure (formerly DPE, which was split into two departments, DCCEEW and DPHI, effective 1 January 2024)
DPIE	Former NSW Department of Planning, Industry and Environment
EAD	Environmental Assessment Documentation
EIS	Environmental Impact Statement
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
Final Construction Footprint	As per Commonwealth Approval (EPBC 2018/8286): The area shown in the map(s) submitted under condition 2, determined by the approval holder in accordance with a consistency assessment(s) or a modification assessment under the NSW Environmental Planning and Assessment Act 1979 where no new significant impacts to protected matters are identified.
GDE	Groundwater Dependent Ecosystems
GPS	Global Positioning System
HBT	Hollow-bearing Tree
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water (formerly DPE, which was split into two departments, DCCEEW and DPHI, effective 1 January 2024)
OEH	Former NSW Office of Environment and Heritage; now NSW Environment and Heritage Group
PCTs	Plant Community Types

Acronym	Expanded text
REMMs	Revised Environmental Management Measures
SEARs	Secretary's Environmental Assessment Requirements
TEC	Threatened Ecological Communities
TfNSW	Transport for NSW
WSIA	Western Sydney International Airport
WSA Co	Western Sydney Airport Corporation

# 1 INTRODUCTION

## 1.1 Project Background

TfNSW is planning to construct and operate the M12 Motorway to provide direct access between the Western Sydney International Airport (WSIA) at Badgerys Creek and Sydney's motorway network (the Project). The M12 Motorway will run between the M7 Motorway at Cecil Hills and The Northern Road at Luddenham for about 16 kilometres (km) and is expected to be opened to traffic prior to opening of the WSIA around mid-2026 (Figure 1-1).

The Project has been delivered in multiple separate packages under separate contracts:

- M12 West - between The Northern Road, Luddenham and about 250 metres east of Badgerys Creek
- M12 Central (main construction) - between about 250 metres east of Badgerys Creek and the Western Sydney Parklands at Duff Road, Cecil Park
- M12 Central (Temporary Roundabout) - temporary roundabout installation at Elizabeth Drive and Devonshire Road, Kemps Creek
- M12 East – (as part of the M7/M12 Integration Project)
  - Elizabeth Drive Connections (EDC) - a two-kilometre section from Duff Road to about 300 metres east of the M7 Motorway
  - M7/M12 Interchange - An interchange between the M12 Motorway and M7 Motorway and tie-in works for approximately four kilometres on the M7 Motorway M12 West – between The Northern Road, Luddenham and about 250 metres east of Badgerys Creek

The Project is subject to an approval under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as Critical State Significant Infrastructure (CSSI) (SSI-9364). The Project is also a controlled action under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), requiring a separate approval from the Australian Minister for the Environment and Water.

An Environmental Impact Statement (EIS) was prepared to describe and assess the Project and recommend management measures to address impacts. The EIS was exhibited by the former NSW Department of Planning, Industry and Environment (DPIE) (now split into the NSW Department of Planning, Housing and Infrastructure and Environment (DPHI) and NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW)) for 34 days from 16 October 2019 to 18 November 2019 to give the community and stakeholders the opportunity to provide comment. The EIS assessed the impacts of construction of the Project on flora and fauna. As part of EIS development, a detailed Biodiversity Assessment Report (BAR) (Arcadis, 2019) was prepared to address the Secretary's Environmental Assessment Requirements (SEARs) issued by the DPIE and the Commonwealth EIS Guidelines issued by the Commonwealth Department of the Water, Agriculture and Environment (DAWE) (now Department of Climate Change, Energy, the Environment and Water (DCCEEW)). The BAR, including a Biodiversity Offset Strategy (BOS), was included in the EIS as Appendix E.

In accordance with Section 5.17 of the EP&A Act, the Secretary requested TfNSW to provide a response to submissions on 29 November 2019 to address the identified issues. Due to design developments since the exhibition of the EIS, an Amendment Report was developed to assess the impacts of these amendments. The Amendment Report was exhibited by DPIE for 14 days from 21 October 2020 to 4 November 2020 and included further assessment of flora and fauna impacts detailed in a Biodiversity Supplementary Technical Report (Arcadis, 2019; Appendix A of the Amendment Report). The additional assessment considered the impacts on flora and fauna due to refinements in the Project design, including changes in the Project footprint, and the results of



additional flora and fauna surveys which could be undertaken as property access was available during the Spring Survey time.

Following exhibition of the Amendment Report, an Amendment Report Submissions Report (ARSR) was developed December 2020 to address the identified issues followed by the ARSR – Amendment in March 2021 which addressed biodiversity matters only.

Approval for the Project under the EP&A Act was granted by the NSW Minister for Planning on 23 April 2021 (SSI-9364); approval under the EPBC Act was granted by the Commonwealth Minister for the Environment on 3 June 2021 (EPBC 2018/8286).

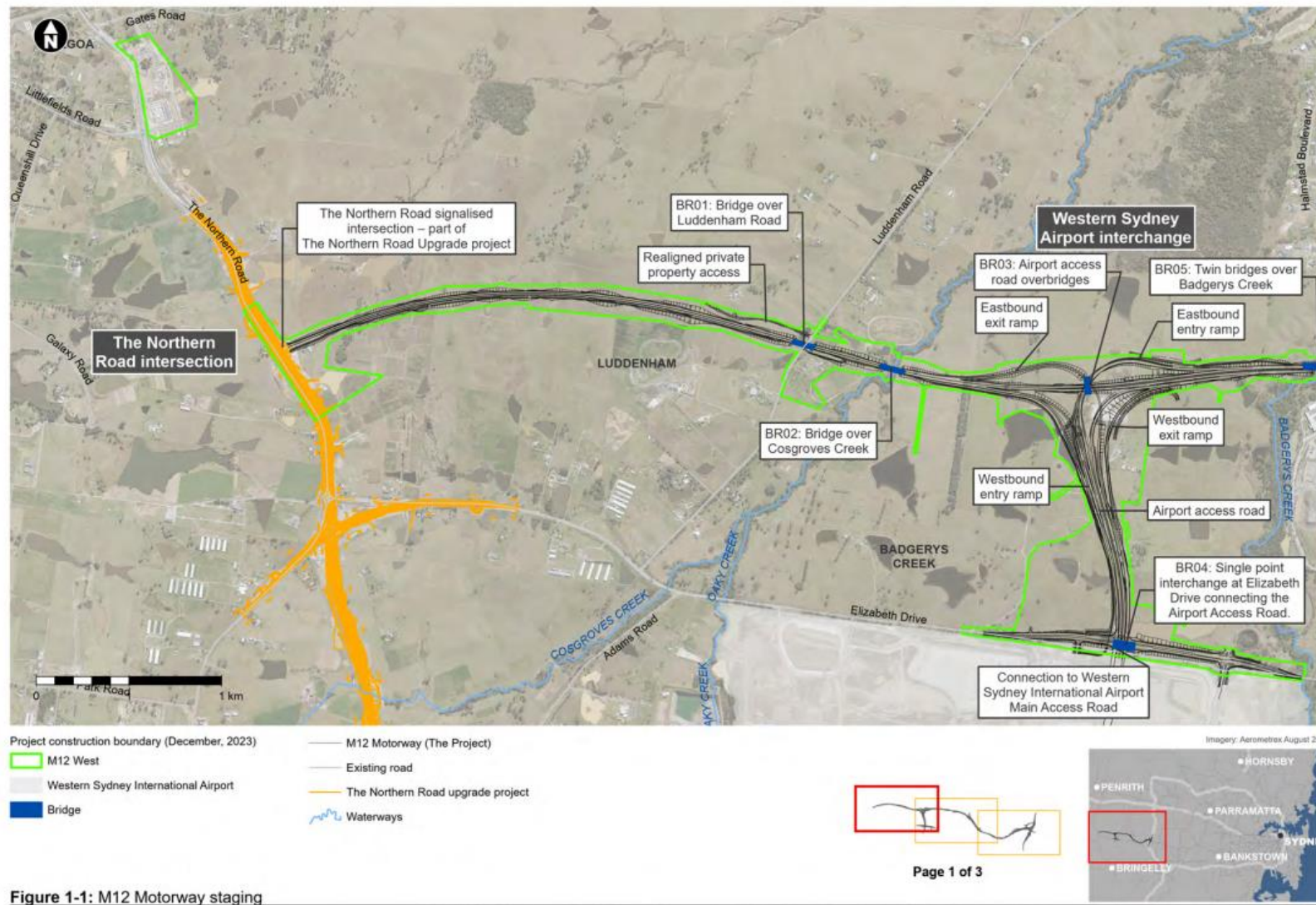


Figure 1-1: M12 Motorway staging





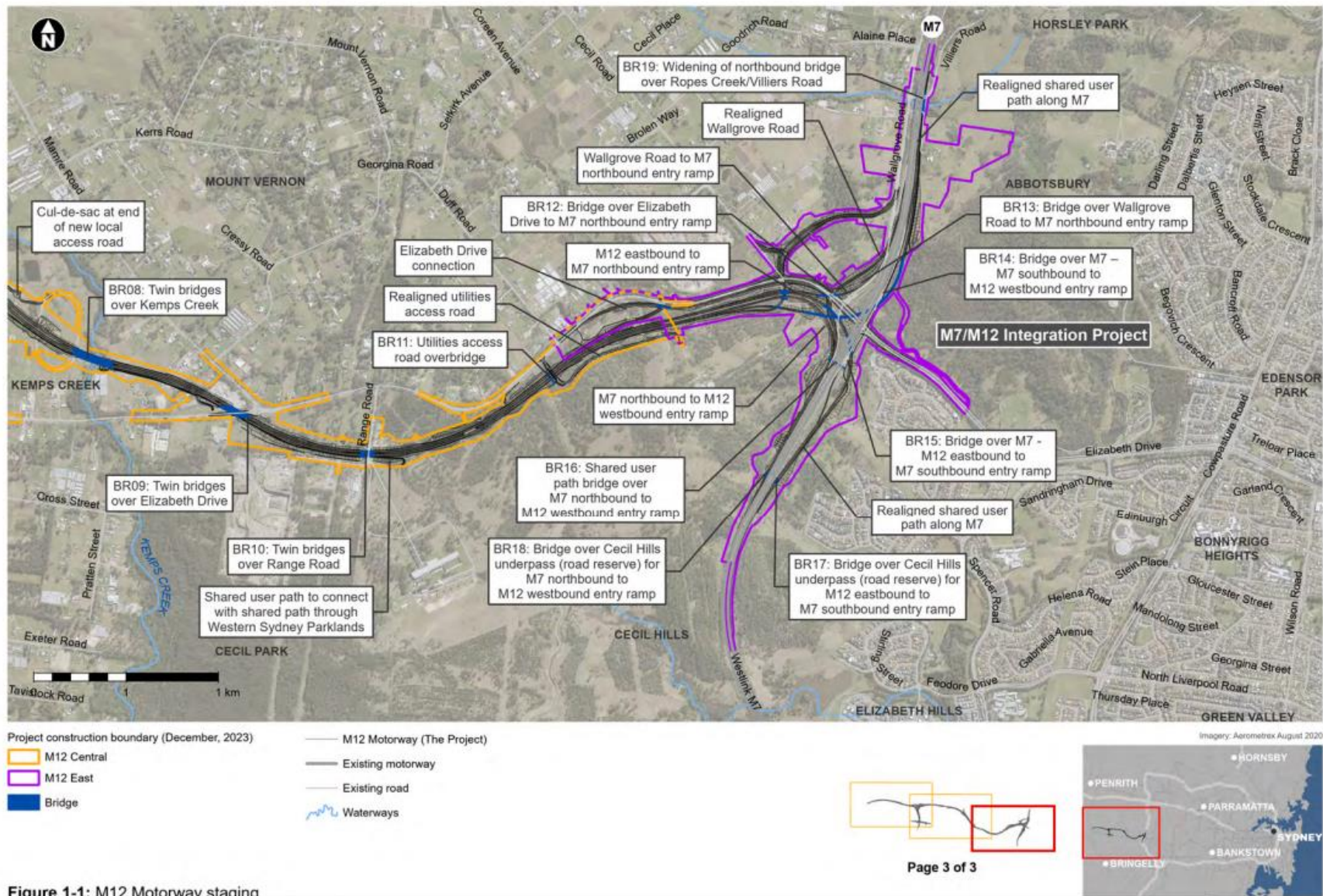


Figure 1-1: M12 Motorway staging

### **1.1.1 Changes to the approved Project**

Following Project approval in April 2021, detailed design development, verification surveys, spring surveys and targeted species surveys undertaken to meet seasonal requirements resulted in changes to the final construction footprint and associated impacts to native vegetation and threatened species. As such, consistency assessment reports were developed to assess the changes to the approved Project.

Each consistency assessment (CA) and associated justification are detailed in Table 1-1. Consistency assessments associated with M12 East will be reported on separately within the M12 East Biodiversity Offset Report.

Table 1-1: Changes to the approved Project

Change	Justification of Change	Associated M12 Consistency Assessment
<p>Design changes leading to construction boundary changes based on the progression of detailed design including changes to intersection configuration and design at the Airport Access Road, the Airport interchange and Elizabeth Drive, structure reconfigurations, refinements to drainage and water quality infrastructure.</p> <p>Verification surveys were undertaken in the M12 West stage in accordance with NSW CoA E5 and E6. This information was captured within the M12 West Detailed Design Consistency Assessment.</p>	<p>Detailed design progressed to improve upon the concept design through value engineering and value management, input from the Traffic Management Centre following a safety review, stakeholder consultation including Western Sydney International Airport and Sydney Metro Western Sydney Airport, and a review of the NSW CoA and REMMs to enable the design to meet the requirements. This resulted in greater efficiency, improved functionality and safety for road users and reduce aquatic environmental impacts.</p>	<p>M12 West Detailed Design Consistency Assessment (WSP, October, 2021)</p>
<p>Design changes leading to construction boundary changes based on the progression of detailed design including minor changes to the vertical and horizontal alignment and refinement to drainage and utility infrastructure, changes to the locations of emergency crossovers, bays and signage to reduce the space between them and improve motorway safety of the main carriageway, amendments to structures and changes to permanent land acquisition.</p>	<p>Detailed design progressed to improve upon the concept design through value engineering, input from the Traffic Management Centre following a safety review, stakeholder consultation and a review of the NSW CoA and REMMs to enable the design to meet the requirements. This has led to improved operational safety of the motorway and a reduction of impacts at creek crossings.</p>	<p>M12 Central Detailed Design Consistency Assessment: (GHD October, 2021)</p>
<p>Construction boundary changes associated with Sydney Water utility crossings in M12 West and M12 Central.</p>	<p>This assessment was required to incorporate crossings for the construction of the Advanced Recycled Water Centre at Kemps Creek to maintain water supply either side of the M12 Motorway, enable constructability by extending the Project boundary so that pipes could be installed without impacting on</p>	<p>Sydney Water Consistency Assessment: (Arcadis June, 2022)</p>

Change	Justification of Change	Associated M12 Consistency Assessment
	motorway operations and minimising interaction between Sydney Water and either construction or operation of the Project.	
<p>Refinement of construction boundary within the M12 alignment across west, central and east stages. This required an extension of the construction footprint and operational footprint, property adjustments and the demolition of Building No.1 at McMasters Field Station.</p> <p>Threatened species surveys (Arcadis February, 2022) were also undertaken along the M12 alignment between September and December 2021 to satisfy the NSW CoA E4, E5 and E6 (Spring Surveys) for twelve threatened flora species impacted by the Project for which there is potential habitat within and adjoining the Project footprint as well as inspection of the White-bellied Sea-eagle nest; the outcomes of the surveys were captured within the M12 Design Boundary Change Consistency Assessment.</p>	<p>In summary the assessment was required due to:</p> <ul style="list-style-type: none"> <li>• Further consultation with property owners</li> <li>• Finalisation of property adjustments with property owners</li> <li>• Detailed design amendments</li> <li>• Construction and operational boundary corrections</li> <li>• Electrical utility installation</li> <li>• Constructability</li> <li>• Future operation of the Project</li> </ul>	<p>Design Boundary Change Consistency Assessment, (Arcadis July, 2022)</p>
<p>This assessment included amendments to the construction footprint as a result of utility adjustments and tie in works, property adjustments for flood alleviation and improvements to ancillary facility access, temporary widening of Elizabeth Drive and signage installation.</p>	<p>This assessment was required due to the following:</p> <ul style="list-style-type: none"> <li>• Allow the installation of utilities and tie-in works along Clifton Avenue</li> <li>• To meet the requirements of NSW CoA E17a to allow for flood alleviation at properties</li> <li>• To improve safe access to an ancillary facility along Elizabeth Drive by adding an acceleration and deceleration lane.</li> </ul>	<p>Minor Consistency Assessment (Arcadis August 2022).</p>

Change	Justification of Change	Associated M12 Consistency Assessment
Construction of a temporary roundabout at the Elizabeth Drive and Devonshire Road intersection including temporary signage, pavement works and utility relocations.	This assessment was required to meet the requirement of the Revised Environmental Management Measure (REMM) TT10 to reduce traffic impacts and improve overall intersection performance at the Elizabeth Drive and Devonshire Road intersection during construction of the Project.	Devonshire Road temporary roundabout Consistency Assessment (Arcadis, September 2023)
The demolition, removal and disposal of sheds, outbuildings, footings and a septic tank for structures located at 752 Luddenham Road, Luddenham (Ancillary facility 11).	The demolition of the structures is required for safety of workers on site. The condition of the buildings has deteriorated over time due to termite damage and several break ins.	Minor Consistency Assessment M12 West demolition of structures as 752 Luddenham Road (TfNSW, September 2023)
A temporary increase to the construction footprint along the Water Tower Access Road by 3 metres east and 20 metres south to allow construction of a concrete slab to protect an underlying existing Sydney Water asset.	The Proposed Change requires a temporary extension of the construction boundary beyond what was approved in the EAD for the purpose of protecting Sydney Water's asset and maintaining water supply. The proposed work is minor and is essential to ensure the safety of Sydney Water asset and guarantee water utility service.	M12 Central Water Tower Access Road Minor Consistency Assessment (Arcadis, January 2024)



### 1.1.2 Verification surveys

Verification surveys were carried out in accordance with NSW CoA E4, E5 and E6. This required consultation with NSW Environment, Energy and Science Group (EES) (formerly Environment and Heritage Group) (EHG), now NSW DCCEEW) including advice and input on the following project surveys:

- M12 West verification surveys
- M12 threatened species spring surveys
- M12 targeted species surveys for *Pimelea spicata* and *Micromyrtus minutiflora*.

The M12 West verification surveys were undertaken on 17 June 2021 by WSP in accordance with NSW CoA E5 and E6. The verification survey focused on the areas of vegetation and habitat along the Northern Road, Elizabeth Drive, and Badgerys Creek areas (Sydney University and BHL land). The verification survey report was submitted to EES on 4 August 2021 who provided comment on the report on 1 September 2021. The verification surveys updated clearing impacts reporting and ecosystem and species credits have been incorporated into the M12 West Detailed Design Consistency Assessment, as detailed in Table 1-1.

Threatened species spring surveys were undertaken between September and December 2021 in accordance with NSW CoA E4, E5 and E6. The surveys were undertaken for threatened species impacted by the Project as well as ten other threatened flora species with potential habitat within and adjoining the Project footprint. Two threatened flora species including *Dillwynia tenuifolia* and *Pultenaea parviflora* were found during the surveys. The additional individuals and species credits have been incorporated into the Design Boundary Change Consistency Assessment as detailed in Table 1-1.

Separate targeted species surveys for *Pimelea spicata* (Arcadis June, 2021) were undertaken during the spring surveying in accordance with NSW CoA E8 in March, April and June 2021. Targeted surveys were conducted within the refined construction footprint between four and five weeks after >30mm rainfall events recorded at Badgerys Creek Automatic Weather Station (station 067108). No *Pimelea spicata* species were detected within the surveyed areas and therefore NSW CoA E9 was not triggered. Surveys also undertaken for *Micromyrtus minutiflora*. No species were found.

Consultation was undertaken with EES in accordance with NSW CoA E6 for the targeted species surveys. This was submitted to EES on 28 January 2021. EES provided comment on 11 February 2022. EES stated that although specific survey requirements for *Micromyrtus minutiflora* and *Pimelea spicata* were not achieved, they raise no further comments or concerns in relation to the methodology adopted, because:

- Surveys for *Pimelea spicata*, were very close to meeting requirements of being within 4 weeks of rainfall
- *Micromyrtus minutiflora* has never been recorded in the vicinity of the subject site and the areas of potential habitat have been well surveyed. The likelihood the species being present is low.
- The methodology includes a mitigation measure around unexpected finds for these species which EES supports.

## 1.2 Scope of this Report

This report has been prepared in accordance with NSW CoA E4 to:

- Confirm the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements (see Section 1.3) in accordance with NSW CoA E3 and Commonwealth CoA 2
- Provide information on the extent and type of Plant Community Types (PCT) to be cleared, and the extent of threatened species habitat impacted by the construction of the Project (excluding certified areas) for M12 West and M12 Central

- Document the ecosystem and species credit requirements, review and update carried out by TfNSW in accordance with NSW CoA E4, E5 and E6.

While the scope of this report is focussed on M12 West and M12 Central, Section 2 discusses the updated native vegetation clearing extents and the associated ecosystem and species credits for the Project as a whole, as that is how clearing and offset obligations are described in NSW CoA E3 and Commonwealth CoA 4.

The final construction footprint for M12 West and M12 Central is presented in Figure 1-2, Figure 1-3 and Figure 1-4. A new interface area was established in M12 Central and M12 East (see Figure 1-4) following Project approval. In terms of the increase of the construction footprint in this area, clearing impact areas and ecosystem and species credits, all associated native vegetation in this interface area is considered to be a part of M12 Central only.

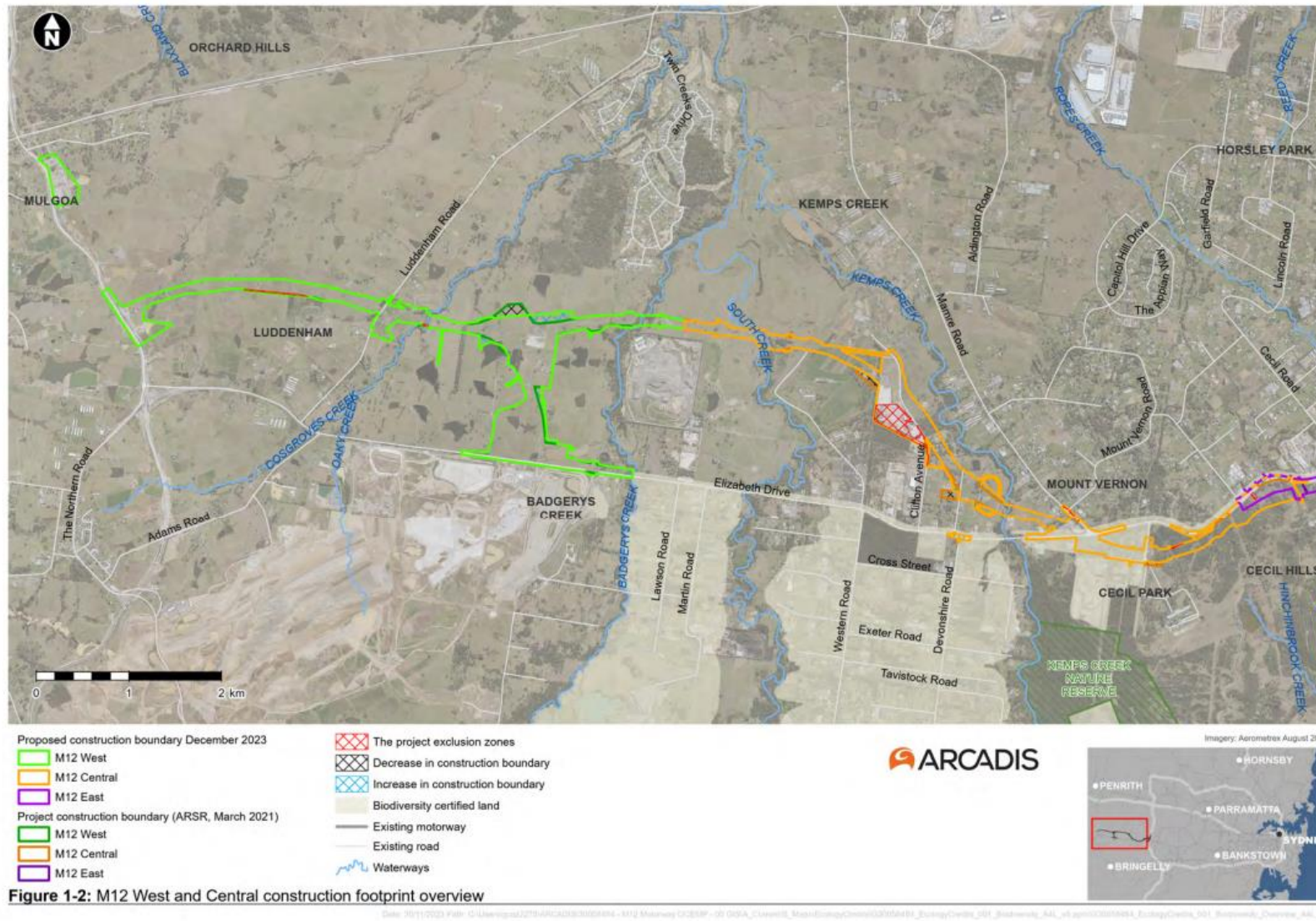


Figure 1-2: M12 West and Central native vegetation areas overview



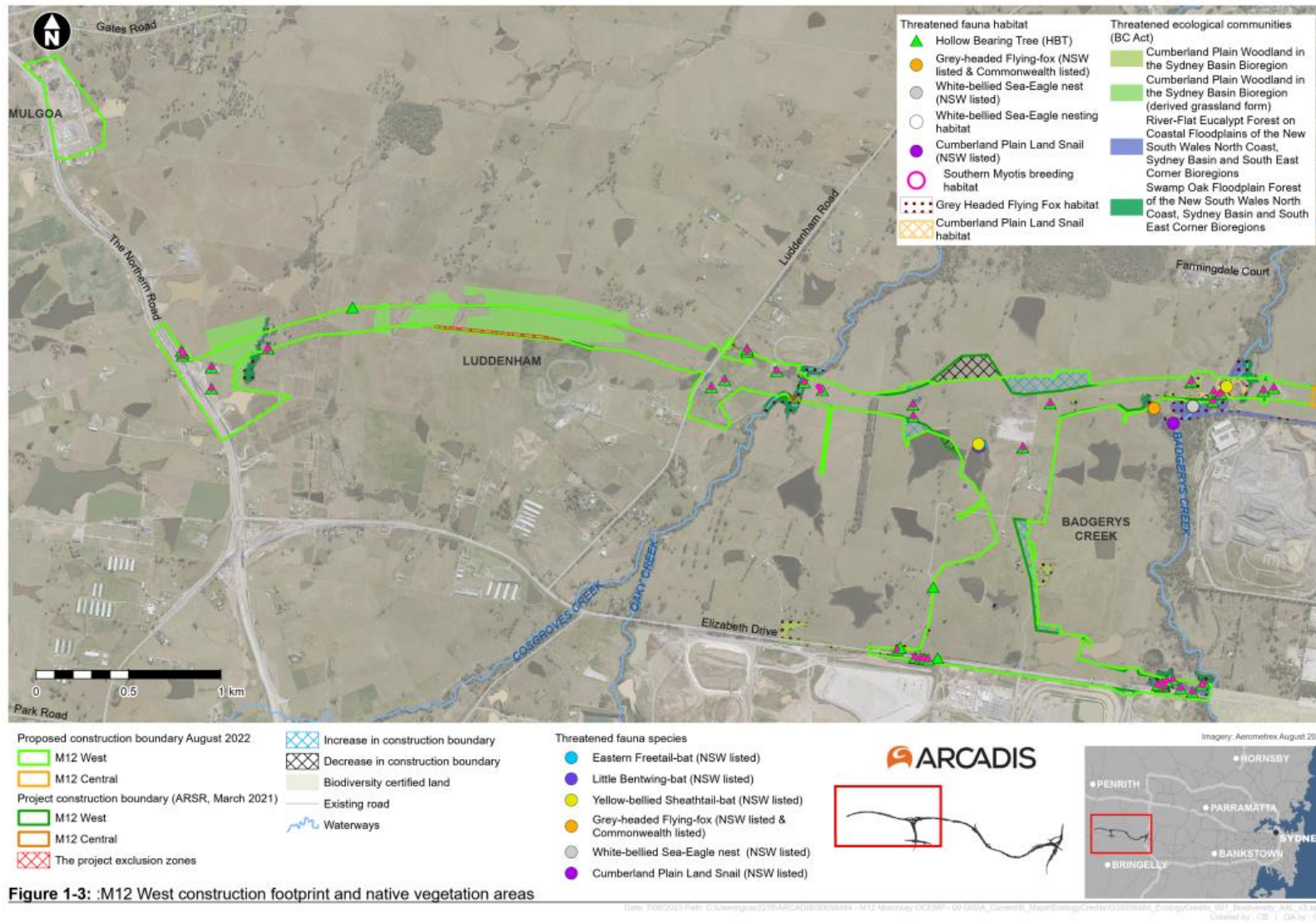


Figure 1-3: M12 West construction footprint and native vegetation areas

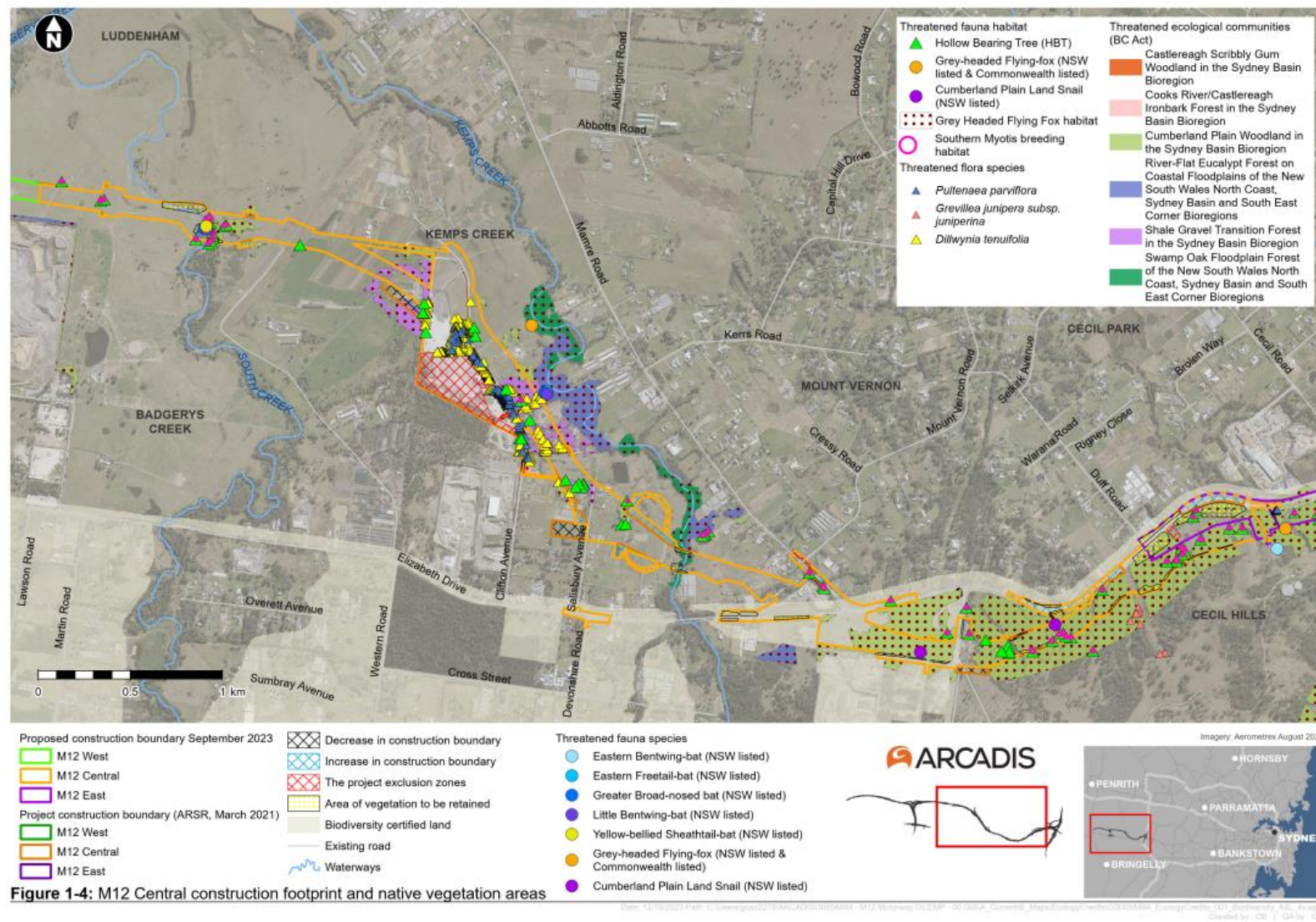


Figure 1-4: M12 Central construction footprint and native vegetation areas



### 1.3 Future M12 East Refinements

Future modifications or refinements to the Project may result from detailed design refinement or changed construction footprint with the development of M12 East stage. This stage includes Elizabeth Drive Connections and the M7/M12 interchange which are being delivered as part of the M7/M12 Integration Project. There is potential for additional impacts to native vegetation and ecosystem and species credits. Where changes to the areas of native vegetation occur, a review of this report will be undertaken by TfNSW as the M12 East stage progresses.

TfNSW will consult with Commonwealth DCCEEW and NSW DCCEEW regarding changes to the native vegetation impacts and ecosystem and species credits and this report will be submitted to the Planning Secretary for approval within six months of determining the final construction footprint for M12 East in accordance with CoA E4 and Commonwealth CoA 2.

### 1.4 Consultation

In accordance with NSW CoA E4 and Commonwealth CoA 2 and CoA 4, consultation has been undertaken with Commonwealth DCCEEW and EHG regarding the amendments to the ecosystem and species credit requirements.

TfNSW initially contacted EHG and Commonwealth DCCEEW on 30 June 2023 by email, attaching this document, to provide comment on the variation of biodiversity credits. TfNSW then contacted EHG and Commonwealth DCCEEW by email, attaching the updated version of this document, on the 12 December 2023 to provide comment on further variations to the biodiversity credits. Table 1-2 details the correspondence on this document. Appendix A provides evidence of consultation undertaken.

Table 1-2: Log of relevant engagement with government agencies and stakeholders

Agency	Date	Person Contacted	Comment	Consultation Status
EHG	30 June 2023	EHG Representative	TfNSW emailed this document to EHG requesting comment and offer for a document briefing.	Open
	7 July 2023	EHG Representative	Follow up email sent	Open
	7 July 2023	TfNSW Representative	EHG requested document be resent	Open
	7 July 2023	EHG Representative	TfNSW responded stating that the document has been resent via Kite Works	Open
	11 July 2023	TfNSW Representative	EHG requested document be resent via email due to access issues to Kite Works	Open
	11 July 2023	EHG Representative	Document resent	Open
	12 July 2023	EHG Representative	Email to EHG outlining an error in Tables 2-7 and 2-8	Open

Agency	Date	Person Contacted	Comment	Consultation Status
	19 July 2023	EHG and DCCEEW	Online briefing held with EHG, DCCEEW, TfNSW and Arcadis	Open
	25 July 2023	TfNSW Representative	Response provided stating no further comment	CLOSED
	12 December 2023	EHG Representative	TfNSW emailed this document to EHG requesting comment and offer for a document briefing.	Open
	13 December 2023	TfNSW Representative	Request for additional data	Open
	19 December 2023	EHG Representative	Requested data sent	Open
	16 January 2024	TfNSW Representative	Response provided stating no further comment	CLOSED
Commonwealth DCCEEW	30 June 2023	DCCEEW Representative	TfNSW emailed this document to DCCEEW requesting comment and offer for a document briefing.	Open
	7 July 2023	DCCEEW Representative	Follow up email sent	Open
	13 July 2023	DCCEEW Representative	Follow up email sent	Open
	13 July 2023	TfNSW Representative	Request to resend document to new officer	Open
	13 July 2023	DCCEEW Representative	Document resent	Open
	13 July 2023	TfNSW Representative	Document receipt noted	Open
	13 July 2023	DCCEEW Representative	Email to DCCEEW outlining an error in Tables 2-7 and 2-8	Open
	19 July 2023	EHG and DCCEEW	Online briefing held with EHG, DCCEEW, TfNSW and Arcadis	Open
	20 July 2023	TfNSW Representative	Response provided stating no further comment	CLOSED

Agency	Date	Person Contacted	Comment	Consultation Status
	12 December 2023	DCCEEW Representative	TfNSW emailed this document to DCCEEW requesting comment and offer for a document briefing.	Open
	12 December 2023	TfNSW Representative	Document receipt (Auto reply from EPBC inbox)	Open
	12 December 2023	TfNSW Representative	No EPBC post approval requirement, officer forwarded email to EPBC inbox	Open
	19 January 2024	DCCEEW Representative	Follow up email sent	Open
	19 January 2024	TfNSW Representative	Apologies for overlooking and request for clarification relevant CoA	Open
	19 January 2024	DCCEEW Representative	Response to queries, provision of EHG advice and offer for briefing	Open
	22 January 2024	TfNSW Representative	Response stating briefing not required.	Open
	22 January	TfNSW Representative	Response saying no comments, request for other information.	Open
	22 January 2024	DCCEEW Representative	TfNSW provided requested information.	CLOSED

In accordance with NSW CoA E4, this report was to be submitted to the Planning Secretary for approval within six months of determining the final construction footprint of each stage. Additionally, in accordance with NSW CoA E3, TfNSW was required to meet their biodiversity obligations for ecosystem and species credit requirements within 12 months of the commencement of construction. Construction for the M12 West Stage of the project commenced on August 18<sup>th</sup> 2022 and therefore the credits were to be retired by August 18<sup>th</sup> 2023. However, as the construction footprint was not yet finalised, a letter detailing the final construction footprint for the M12 West and Central stages of the project and a request for an extension of time to retire credits under CoA E4 was sent to the Department Planning and Environment (DPE; now DPHI and NSW DCCEEW) on August 10<sup>th</sup> 2023. An extension of time was granted until February 18<sup>th</sup> 2024.



## 2 ASSESSMENT

This section includes a review of the Project Approval (SSI 9364) ecosystem and species credits and the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project.

### 2.1 Review Process

As described in Section 1.1.1, several detailed design changes, consistency assessments, seasonal surveys and verification surveys have been undertaken since the Project Approval (April, 2021). This has triggered the need for a review and update of credit requirements in accordance with NSW CoA E4, E5 and E6. The following methodology was undertaken to review and update the impact areas for the Project vegetation mapping:

- Prior to clearing (TfNSW):
  - Seasonal survey or verification survey undertaken
  - If a boundary change was required, a Consistency Assessment was undertaken including biodiversity assessment and site inspection undertaken to determine biodiversity impacts (if any)
  - Ecologists verified the impact areas required for clearing in terms of the extent, type and condition of threatened species and ecological communities to be impacted. Where appropriate, vegetation types were attributed to either PCT and/or Threatened Ecological Community (TEC); this was reflected in Project mapping.
- During construction (Construction Contractors):
  - Flagging of exclusion zones as identified on the Sensitive Area Plans detailed in the Overarching Construction Environmental Management Plan (OCEMP)
  - Where areas of vegetation to be retained can be retained, these are also flagged as exclusion zones on site
  - Clearing extents surveyed and marked out on site as per the Construction Flora and Fauna Management Plan (CFFMP)
  - Clearing within the approved native vegetation impact area is undertaken in accordance with the procedures outlined in the CFFMP
  - The cleared area is surveyed and data provided to TfNSW
- During construction (TfNSW):
  - The survey data collected is reviewed against the approved impact areas and updated in the Project vegetation mapping via the M12 Project Vegetation Tracking Portal to reflect the current native vegetation areas
  - Verified clearing areas and limits communicated to Construction Contractor
- Verification (Arcadis/TfNSW):
  - A review and verification of survey data methodology, PCT and TEC impact area, and GIS data versus reported data has been undertaken to rationalise data collected from the field and reported in each assessment document. This was undertaken to ensure that the data reported is accurate and up to date. Data was updated to consistently report to three decimal places.
  - During a review of the ecosystem and species credits credit requirements in August 2023, it was identified that there were some inconsistencies in data reporting; the updated numbers are reflected within the tables provided within this report. These inconsistencies were due to:
    - Recording methodologies for threatened flora species *Pultenaea parviflora* and *Dillwynia tenuifolia* were identified to be inconsistent between surveys with either multiple clumped individuals of a species being recorded as singular GIS data points or number of stems

recorded as multiple GIS points. This led to an increase in the number of *Pultenaea parviflora* credits required and a decrease in the number of *Dillwynia tenuifolia* credits required

- Surveys undertaken identifying additional hollow bearing tree component of habitat for Southern Myotis was identified in the GIS data but not transferred into reporting.

## 2.2 Ecosystem Credits

### 2.2.1 Changes to Direct Impacts

Changes to direct impacts to PCT and the associated updated ecosystem credit requirements for the Project are shown in Table 2-1. Direct impacts and ecosystem credits have been separated into each associated PCT and by vegetation zone code. A sum of the total direct impacts has been included for each PCT and the associated ecosystem credits.

Two Threatened Ecological Communities (TEC) identified in the construction footprint meet the criteria for listing under the EPBC Act in accordance with Commonwealth CoA 4 including:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest
- Western Sydney Dry Rainforest and Moist Woodland on Shale.

By applying the Framework for Biodiversity Assessment (Office of Environment and Heritage (OEH), 2014), residual impacts on EPBC Act listed TEC must be offset with PCTs that are ascribed to the specific EPBC listed TEC (Table 2-2). PCT identified as TEC was determined through ground truthing during ecological surveys and identified as TEC in the Project mapping. The Project mapping was used to determine changes in direct and indirect impacts to TEC.

It should be noted the TEC impacts are not in addition to the total clearing extent impacts for the Project.

Table 2-1: Ecosystem Credit Direct Impact requirements (BC Act Status)<sup>1</sup>

Native Vegetation Plant Community Type /Threatened Ecological Community				Conservation Status	Native Vegetation clearing extents (Direct Impacts) (ha)			Ecosystem Credits (Direct Impacts)		
PCT No	PCT Name	Veg. zone code	Vegetation zone code within construction footprint	BC Act Status	Total approved under CSSI Infrastructure Approval (April, 2021) <sup>2</sup>	Area directly impacted by Project (November, 2023) <sup>3</sup>	Total Project Impact (November, 2023) <sup>5</sup>	Total approved under CSSI Infrastructure Approval Ecosystem Credits (April, 2021) <sup>4</sup>	Ecosystem Credits (per vegetation code class) (November, 2023) <sup>5</sup>	Updated Total Ecosystem Credits (November, 2023) <sup>5</sup>
724	Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	1	724 - Moderate/Good_High	Endangered	6.91	3.541	6.401	372	221	348
		2	724 - Moderate/Good_Medium	Endangered		2.408			115	
		3	724 - Moderate/Good_Poor	Endangered		0.452			13	
830	Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	4	830 - Moderate/Good_Poor	Endangered	0.44	0.436	0.436	15	15	15
835	Forest Red Gum – Rough - barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	5	835 - Moderate/Good_Poor	Endangered	3.18	3.503	3.503	105	116	116
849	Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	6	849 - Moderate/Good_Medium	Critically Endangered	6.34	3.754	6.657	210	152	220
		7	849 - Moderate/Good_Poor	Critically Endangered		2.004			46	
		8	849 - Moderate/Good_Other (Derived Shrubland)	Critically Endangered		0.899			22	
850	Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	9	850 - Moderate/Good_High	Critically Endangered	60.52	3.286	59.015	1908	146	1907
		10	850 - Moderate/Good_Medium	Critically Endangered		13.366			504	
		11	850 - Moderate/Good_Other (Revegetation)	Critically Endangered		24.537			1219	
		12	850 -Moderate/Good_Poor	Critically Endangered		1.250			38	
		13	850 - Low	Critically Endangered		16.576			0	
1800	Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	15	1800 - Moderate/Good_Poor	Endangered	2.82	2.456	2.456	75	65	65
TOTAL					80.21	78.468	78.468	2685	2671	2671

<sup>1</sup> PCT883 (Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion) although impacted upon by the Project, is not a BC Act listed ecosystem and is therefore excluded from this table. It also does not appear in Tables 1 and 2 of NSW CoA E3.

<sup>2</sup> As approved for the Project in Amendment Report Submissions Report – Addendum (March, 2021)

<sup>3</sup> As approved under the M12 Consistency Assessments including M12 West (WSP, 2021); M12 Central (GHD, 2021); Sydney Water CA (Arcadis, 2022a), Design CA (Arcadis, 2022b), Minor CA (Arcadis, 2022c), Devonshire Road Temporary Roundabout CA (Arcadis 2023), M12 West demolition of structures as 752 Luddenham Road CA (TfNSW, 2023) and M12 Central Minor CA (Arcadis, 2023). Noting that any data taken from the M12 Central Minor CA is based on previous assessments and is yet to be ground-truthed. Updates may be required after ecological assessments are completed for the M12 Central Minor CA.

Table 2-2: Ecosystem Credit Direct Impact requirements (EPBC Status)

PCT No	PCT Name	Associated Threatened Ecological Community EPBC Act	EPBC Status	Total approved under CSSI Infrastructure Approval (April, 2021) <sup>4</sup>	Total Project Impact (August, 2023) <sup>5</sup>	Total approved under CSSI Infrastructure Approval Ecosystem Credits (April, 2021) <sup>6</sup>	Updated Total Ecosystem Credits (November, 2023) <sup>7</sup>
724	Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	Cumberland Plain Woodland in the Sydney Basin Bioregion	Critically Endangered	4.87	4.184	276	237
830	Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	Western Sydney Dry Rainforest and Moist Woodland on Shale	Critically Endangered	0.44	0.436	15	15
849	Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	Cumberland Plain Woodland in the Sydney Basin Bioregion	Critically Endangered	1.60	1.601	65	65
850	Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	Cumberland Plain Woodland in the Sydney Basin Bioregion	Critically Endangered	36.42	36.414	1659	1659
TOTAL				43.33	42.635 <sup>6</sup>	2015	1976

<sup>4</sup> As approved for the Project in Amendment Report Submissions Report – Addendum (March, 2021)

<sup>5</sup> As approved under the M12 Consistency Assessments including M12 West (WSP, 2021); M12 Central (GHD, 2021); Sydney Water CA (Arcadis, 2022a), Design CA (Arcadis, 2022b), Minor CA (Arcadis, 2022c), Devonshire Road Temporary Roundabout CA (Arcadis 2023), M12 West demolition of structures as 752 Luddenham Road CA (TfNSW, 2023) and M12 Central Minor CA (Arcadis, 2023). Noting that any data taken from the M12 Central Minor CA is based on previous assessments and is yet to be ground-truthed. Updates may be required after ecological assessments are completed for the M12 Central Minor CA.

<sup>6</sup> This total includes both Cumberland Plain Woodland in the Sydney Basin Bioregion and Western Sydney Dry Rainforest and Moist Woodland on Shale. The total for the Cumberland Plain Woodland in the Sydney Basin Bioregion is 42.179 ha and the total for Western Sydney Dry Rainforest and Moist Woodland on Shale is 0.436 ha.

## 2.2.2 Changes to Indirect Impacts

The Project will result in indirect impacts to some areas of native vegetation adjoining the construction footprint, mainly due to fragmentation of vegetation and creation of new edges, which may result in edge effects. As reported in the Biodiversity Assessment Report (TfNSW EIS, 2019), a 30 metre buffer was applied from the edge of the construction footprint and an analysis of native vegetation mapped within the buffer zone was conducted. The analysis focused on the potential for edge effects such as changes to vegetation structure, increase in exotic species cover and alteration of microhabitats to occur within the buffer zone as a result of the Project. Five categories for potential edge effects were determined that are detailed in Table 2-3.

*Table 2-3: Potential for edge effects in vegetation within 30 metres of the construction footprint in Western Sydney Parklands and adjoining Clifton Avenue (TfNSW, 2019)*

Category	Description
Non-viable fragment	Small fragments of vegetation (<0.2 ha) left between clearing or adjacent to other permanent disturbance. These vegetation fragments are considered no longer viable in the long-term. This vegetation is located between the construction footprint and Elizabeth Drive.
New edge	Vegetation patch will be fragmented by the construction footprint to form one or more new edges within previously unfragmented vegetation. Note some of these areas are still currently subject to disturbance.
Existing edge	Vegetation edge adjoins or only slightly overlaps the construction footprint; therefore, the existing edge effects are unlikely to increase. Most of these areas are adjacent to the M7 Motorway in the southeast of the construction footprint.
Existing edge set back	Vegetation edge is set back from the construction footprint, often separated by a track or other clearing, therefore the existing edge effects are unlikely to increase.
Fragmented and disturbed	Vegetation within the patch is currently fragmented and disturbed with a scattered overstorey and open understorey with high exotic cover, therefore new edges are unlikely to result in substantial alteration to these areas of vegetation. Most of these areas occur in the western part of the Western Sydney Parklands and are fragmented by bicycle tracks.

The identified indirect impacts to PCT and the updated ecosystem credit requirements for the Project are shown in Table 2-4. Indirect impacts and ecosystem credits have been separated into each associated PCT and by vegetation zone code. A sum of the total indirect impacts has been included for each PCT and the associated ecosystem credits.

Two TEC identified in the construction footprint meet the criteria for listing under the EPBC Act in accordance with Commonwealth CoA 4 including:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest
- Western Sydney Dry Rainforest and Moist Woodland on Shale.

By applying the Framework for Biodiversity Assessment (OEH, 2014), residual impacts on EPBC Act listed TEC must be offset with PCT that are ascribed to the specific EPBC listed ecological community (Table 2-5).

The total impact area and associated ecosystem credits are not in addition to what has been recorded for PCT impact areas.

Table 2-4: Ecosystem Credit Indirect Impact requirements (BC Status)<sup>7</sup>

Native Vegetation Plant Community Type /Threatened Ecological Community				Conservation Status	Native Vegetation clearing extents (Indirect Impacts) (ha)			Ecosystem Credits (Indirect Impacts)		
PCT No	PCT Name	Veg zone code	Vegetation zone code within construction footprint	BC Status	Total approved under CSSI Infrastructure Approval (April, 2021) <sup>8</sup>	Area impacted by Project (November, 2023) <sup>9</sup>	Total Project Impact (November, 2023) <sup>11</sup>	Total approved under CSSI Infrastructure Approval Ecosystem Credits (April, 2021) <sup>10</sup>	Ecosystem Credits (Total per vegetation code class) (November, 2023) <sup>11</sup>	Updated Total Ecosystem Credits (November, 2023) <sup>11</sup>
724	Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	1	724 - Moderate/ Good_High	Endangered	0.45	0.956	1.550	6	13	13
		2	724 – Moderate/ Good_Medium			0.135			0	
		3	724 - Moderate/ Good_Poor			0.459			0	
830	Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	4	830 - Moderate/ Good_Poor	Endangered	0.61	0.609	0.609	6	6	6
835	Forest Red Gum – Rough - barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	5	835 - Moderate/ Good_Poor	Endangered	-	0.166	0.166	-	0	0
849	Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	6	849 - Moderate/ Good_Medium	Critically Endangered	0.57	1.377	1.678	6	14	14
		7	849 - Moderate/ Good_Poor			0.301			0	
		8	849 - Moderate/ Good_Other (Derived Shrubland)			0			0	
850 <sup>10</sup>	Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	9	850 - Moderate/ Good_High	Critically Endangered	11.67	1.539	12.848	133	17	145
		10	850 - Moderate/ Good_Medium	Critically Endangered		3.159			30	
		11	850 - Moderate/ Good_Other (Revegetation)	Critically Endangered		7.622			91	
		12	850 -Moderate/ Good_Poor	Critically Endangered		0.529			6	
		13	850 - Low	Critically Endangered		0			0	
1800	Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	15	1800 - Moderate/ Good_Poor	Endangered	-	0.471	0.471	-	0	0
TOTAL					13.30	17.32	17.32	151	178	178

<sup>7</sup> PCT883 (Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion) although impacted upon by the Project, is not a BC Act listed ecosystem and is therefore excluded from this table. It also does not appear in Tables 1 and 2 of NSW CoA E3.

<sup>10</sup> As approved for the Project in Amendment Report Submissions Report – Addendum (March, 2021)

<sup>9</sup> As approved under the M12 Consistency Assessments including M12 West (WSP, 2021); M12 Central (GHD, 2021); Sydney Water CA (Arcadis, 2022a), Design CA (Arcadis, 2022b), Minor CA (Arcadis, 2022c), Devonshire Road Temporary Roundabout CA (Arcadis 2023), M12 West demolition of structures as 752 Luddenham Road CA (TfNSW, 2023) and M12 Central Minor CA (Arcadis, 2023). Noting that any data taken from the M12 Central Minor CA is based on previous assessments and is yet to be ground-truthed. Updates may be required after ecological assessments are completed for the M12 Central Minor CA.

<sup>10</sup> Indirect impacts as a result of the M12 Central Minor CA will be accounted for in M12 East calculations as they are predominantly associated with the M12 East boundary

Table 2-5: Ecosystem Credit Indirect Impact requirements (EPBC Status)

Native Vegetation Plant Community Type /Threatened Ecological Community				Conservation Status	Native Vegetation clearing extents (Indirect Impacts) (ha)		Ecosystem Credits (Indirect Impacts)	
PCT No	PCT Name	Veg zone code	Vegetation zone code within construction footprint	EPBC Status	Total approved under CSSI Infrastructure Approval (April, 2021) <sup>11</sup>	Total Project Impact (November, 2023) <sup>12</sup>	Total approved under CSSI Infrastructure Approval Ecosystem Credits (April, 2021) <sup>13</sup>	Updated Total Ecosystem Credits (November, 2023) <sup>14</sup>
724	Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	1	724 - Moderate/ Good_High	Endangered	0.45	0.876	6	12
830	Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	4	830 - Moderate/ Good_Poor	Endangered	0.61	0.608	6	6
849	Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	6	849 - Moderate/ Good_Medium	Critically Endangered	0.57	0.573	6	6
850 <sup>13</sup>	Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	9	850 - Moderate/ Good_High	Critically Endangered	11.11	11.587	127	132
		10	850 - Moderate/ Good_Medium	Critically Endangered				
		11	850 - Moderate/ Good_Other (Revegetation)	Critically Endangered				
		12	850 -Moderate/ Good_Poor	Critically Endangered				
		13	850 - Low	Critically Endangered				
TOTAL					12.74	13.644	145	156

<sup>11</sup> As approved for the Project in Amendment Report Submissions Report – Addendum (March, 2021)

<sup>12</sup> As approved under the M12 Consistency Assessments including M12 West (WSP, 2021); M12 Central (GHD, 2021); Sydney Water CA (Arcadis, 2022a), Design CA (Arcadis, 2022b), Minor CA (Arcadis, 2022c), Devonshire Road Temporary Roundabout CA (Arcadis 2023), M12 West demolition of structures as 752 Luddenham Road CA (TfNSW, 2023) and M12 Central Minor CA (Arcadis, 2023). Noting that any data taken from the M12 Central Minor CA is based on previous assessments and is yet to be ground-truthed. Updates may be required after ecological assessments are completed for the M12 Central Minor CA.

<sup>13</sup> Indirect impacts as a result of the M12 Central Minor CA will be accounted for in M12 East calculations as they are predominantly associated with the M12 East boundary



## 2.3 Changes to Species Credits

The identified impacts to species credits including threatened flora and fauna species, and the updated species credit requirements are shown in Table 2-6. The change in the number of threatened flora species is due to additional spring surveys being undertaken between September and December 2021 (described in Table 1-1) and access being provided to properties that had previously been denied in April 2021.

Table 2-6: Threatened flora and fauna impacts for the Project

Threatened species	Conservation Status	Project Approval (April, 2021) <sup>14</sup>	Species Credits (April, 2021) <sup>16</sup>	Updated Species Impacts (November, 2023) <sup>15</sup>	Updated Species Credits (November, 2023) <sup>17</sup>
Cumberland Plain Land Snail	Endangered	5.10 ha	66	4.693 ha	61
Southern Myotis	Vulnerable	1.05 ha	23	2.884 ha	63
Swift Parrot	Endangered	80.21 ha	-	78.451 ha	-
Grey-headed Flying Fox	Vulnerable	62.71 ha	-	62.338 ha	-
<i>Dillwynia tenuifolia</i>	Vulnerable	244 individuals	4392	636	11,448
<i>Pultenaea parviflora</i>	Endangered	Up to 100 individuals	1500	268	4,020

## 2.4 Areas of Vegetation to be Retained

Areas of vegetation to be retained corresponding to a PCT have been nominated in several locations within the construction footprint as reported in the M12 Consistency Assessments listed in Table 1-1. These areas are flagged as exclusion zones on site and present a potential opportunity for the Construction Contractor to avoid and minimise vegetation impacts where it is reasonable and feasible to do so. These areas total about 3.71 ha across the Project.

<sup>14</sup> As approved under then Infrastructure Approval for the Project (April, 2021)

<sup>15</sup> As approved under the M12 Consistency Assessments including M12 West (WSP, 2021); M12 Central (GHD, 2021); Sydney Water CA (Arcadis, 2022a), Design CA (Arcadis, 2022b), Minor CA (Arcadis, 2022c), Devonshire Road Temporary Roundabout CA (Arcadis 2023) and M12 Central Minor CA (Arcadis, 2023). Noting that any data taken from the M12 Central Minor CA is based on previous assessments and is yet to be ground-truthed. Updates may be required after ecological assessments are completed for the M12 Central Minor CA.



However, as vegetation impacts may still occur within the “areas to be retained” during construction, these impacts have been considered in biodiversity offset calculations.

## **2.5 Offset Obligation Progress**

TfNSW has acquired and retired a portion of ecosystem and species credits on the 11<sup>th</sup> of March 2022 and 22<sup>nd</sup> of December 2022, and will retire the remaining credits by the 18<sup>th</sup> of February 2024.

Eco-system credits requirements have been amended due to the final construction footprint across M12 West and M12 Central being confirmed. Table 2-7 and Table 2-8 describes the number of credits required, the number of credits secured and retired by TfNSW and includes the additional number of credits to be retired for the M12 West and M12 Central packages specifically. Currently, TfNSW has secured the required credits to enable retirement for each ecosystem and species nominated by NSW CoA E3 in M12 West and M12 Central packages. M12 East offsets will be retired at a later date in accordance with NSW CoA E4.

Table 2-8: Species off-set credits

Species credits	Number of credits required for M12 Project	Number of credits secured by TfNSW	Number of credits required for West and Central	Number of credits required for M12 East	Total Credits retired to November 2023	Remaining credits to be retired for M12 West and Central by 18 February 2024	Remaining Credits to be retired for M12 East
Cumberland Plain Land Snail	61	69	22	39	30	0	31
Southern Myotis	63	29	50	13	23	27	13
<i>Dilwynia tenuifolia</i>	11,448	12,061	11448	0	11700	0	0
<i>Pultenaea parviflora</i>	4,020	3,570	3675	345	3210	465	345
<b>TOTAL</b>	<b>15592</b>				<b>14963*</b>	<b>492</b>	<b>389</b>

\* Noting that an additional 252 credits have been retired for *Dilwynia tenuifolia*

Table 2-7: Ecosystem off-set credits (direct and indirect)

Ecosystem Credits <sup>16</sup>	Number of credits required for M12 Project	Number of credits secured by TfNSW	Total Credits retired to November 2023	Remaining Credits to be retired for M12 Project	Remaining Credits to be retired for M12 West and M12 Central by 18 February 2024	Future Credits to be retired for M12 East
PCT 724: Broad-leaved Ironbark – Grey Box – Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion (HN512 and HN513)	361	389	360	1	1	0
PCT 830: Forest Red Gum – Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion <sup>18</sup>	21	30	0	21	0	21
PCT 835: Forest Red Gum – Roughbarked apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (HN526)	116	201	116	0	0	0

<sup>16</sup> PCT883 does not meet the criteria for the associated BC Act status and has been excluded from the ecosystem credits (TfNSW BAR, 2019)

Ecosystem Credits <sup>16</sup>	Number of credits required for M12 Project	Number of credits secured by TfNSW	Total Credits retired to November 2023	Remaining Credits to be retired for M12 Project	Remaining Credits to be retired for M12 West and M12 Central by 18 February 2024	Future Credits to be retired for M12 East
PCT 849: Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (HN528)	234	227	211	23	0	23
PCT 850: Grey Box – Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (HN529)	2052	2074	1097	955	5	950
PCT 1800: Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	65	75	64	1	1	0
<b>TOTAL</b>	<b>2849</b>	<b>2996</b>	<b>1848</b>	<b>1001</b>	<b>7</b>	<b>994</b>

Table 2-8: Species off-set credits

Species credits	Number of credits required for M12 Project	Number of credits secured by TfNSW	Number of credits required for West and Central	Number of credits required for M12 East	Total Credits retired to November 2023	Remaining credits to be retired for M12 West and Central by 18 February 2024	Remaining Credits to be retired for M12 East
Cumberland Plain Land Snail	61	69	22	39	30	0	31
Southern Myotis	63	29	50	13	23	27	13
<i>Dilwynia tenuifolia</i>	11,448	12,061	11448	0	11700	0	0
<i>Pultenaea parviflora</i>	4,020	3,570	3675	345	3210	465	345
<b>TOTAL</b>	<b>15592</b>				<b>14963*</b>	<b>492</b>	<b>389</b>

\* Noting that an additional 252 credits have been retired for *Dilwynia tenuifolia*

### **3 CONCLUSION**

This report has been prepared to satisfy NSW CoA E3, E4, and E5 and Commonwealth CoA 4. In accordance, NSW CoA E5, a review and update of the credit requirements has been undertaken as a result of detailed design changes, verification surveys of native vegetation, seasonal survey requirements and changes to the construction footprint to allow for construction following the Project Approval in April 2021. This report summarises the native vegetation clearing extents and updated ecosystem and species credits requirements for M12 Central and M12 West.

Consultation has been undertaken and closed with EHG and Commonwealth DCCEE in relation to the updated ecosystem and species credit requirements as detailed in Section 1.4.

## **APPENDIX A CONSULTATION EVIDENCE**

# M12 Motorway - Update to Ecosystem and Species Credits Requirements



[Redacted]

Jun 30, 2023, 12:38 PM

To: [Redacted]@environment.nsw.gov.au

Cc: [Redacted]

1 attachment - Expires: 1688738399000

Hi Shaun,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the EHG for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (attached) outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

Please provide your comments on the report by 15 July 2023. I would also like to schedule a briefing to discuss the updated credits in the report. Can you confirm your availability on the 7th or 14th of July after 1PM?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[Redacted]

[transport.nsw.gov.au](https://transport.nsw.gov.au)

File attachment expires: Jul 07, 2023

<input type="checkbox"/> Name	Size	Digital Fingerprint
<input type="checkbox"/> 270623 M12_Biodiversity_off-sets_report_Rev_D_clean.pdf	60.9 MB	c03bb00f02c144b6689400e48bbdddc345dc



**Patel, Ketan**

---

**From:** Shaun Hunt [REDACTED]  
**Sent:** Wednesday, 12 July 2023 1:49 PM  
**To:** Prajna Shetty  
**Cc:** Sheila Anderson  
**Subject:** RE: HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)

**CAUTION:** This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Prajna,

Thanks for forwarding through the revised table. We will include this in our review.

Thanks  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Wednesday, 12 July 2023 12:44 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]  
**Subject:** HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)

Hi Shaun

Please accept my apologies that the revised report D has some minor errors in tables 2-7 and 2-8. Previously retired credits have not been deducted from the total to be retired (due to calculation errors).

The attached table shows the outstanding credits that will be retired this month.

We will incorporate feedback from the consultation and make changes to these tables in the final report. Please let me know if you require a revised copy for your review.

Kind regards,

OFFICIAL

**Prajna Shetty**  
Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**

transport.nsw.gov.au



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for NSW

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OFFICIAL

**From:** Prajna Shetty  
**Sent:** Tuesday, 11 July 2023 10:09 AM  
**To:** Shaun Hunt [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Great, sure thank you.

Prajna

---

**From:** Shaun Hunt [REDACTED]  
**Sent:** Tuesday, 11 July 2023 10:03 AM  
**To:** Prajna Shetty [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Prajna

Got it 😊 – That link worked.

Thanks a lot for that. We will be in touch shortly.

Regards  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Tuesday, 11 July 2023 9:37 AM  
**To:** Shaun Hunt [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Shaun,

Can you please try this link: [REDACTED]

Regards,  
Prajna

---

OFFICIAL

**From:** Shaun Hunt [REDACTED]  
**Sent:** Tuesday, 11 July 2023 9:12 AM  
**To:** Prajna Shetty [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Prajna,

I have not been able to download the report at this point so can't confirm if we need the briefing or not. We seem to be having some issues on our end downloading large documents from external sources. I have lodged a request for our IT people to investigate however I do not have an ETA on a resolution.

Do you have any alternative method of transferring the document? Alternatively could the PDF be compressed or flattened so that it is a more manageable size or placed in a zip folder and sent that way?

Thanks  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Friday, 7 July 2023 5:40 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED] Suzette Graham [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Shaun,

Thanks for your response. I will resend the attachment via Kiteworks since Outlook does not support large attachments.

Also please let us know if you are available for a briefing session next Friday?

Kind regards,

OFFICIAL

**Prajna Shetty**  
Senior Environment and Sustainability Officer  
Environment & Sustainability Branch

[REDACTED]

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OFFICIAL

**From:** Shaun Hunt [REDACTED]  
**Sent:** Friday, 7 July 2023 5:22 PM  
**To:** Prajna Shetty [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]; Suzette Graham  
[REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

You don't often get email from [REDACTED] [Learn why this is important](#)

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Hi Prajna,

Thanks for your email.

Apologies, I have not been able to find that email in my email records – if you could please resend it to [rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au) that would be appreciated. For future reference please send any consultation requests via that email address rather than directly to myself or other officers in the team (we have a system of tracking incoming work via that email).

I'll keep looking for the email in the interim and we will get on to review that for you next week.

Sorry for any delays on our end.

Thanks  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Friday, 7 July 2023 3:45 PM

To: Shaun Hunt [REDACTED]  
Cc: Anderson, Sheila [REDACTED] Suzette Graham

**Subject:** M12 Motorway - Update to Ecosystem and Species Credits Requirements  
**Importance:** High

Hi Shaun,

The M12 biodiversity offset report was sent to you using the Transport for NSW Kiteworks app on 23rd June as part of the consultation process. Could you please confirm receipt of the file attachment?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**

[REDACTED]

[transport.nsw.gov.au](http://transport.nsw.gov.au)



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## Patel, Ketan

---

**From:** Shaun Hunt <shaun.hunt@environment.nsw.gov.au>  
**Sent:** Tuesday, 25 July 2023 3:31 PM  
**To:** Prajna Shetty  
**Cc:** Sheila Anderson  
**Subject:** RE: HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)  
**Attachments:** DOC23 608179-6 EHG response M12 offset review.pdf

**CAUTION:** This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Prajna and Shiela,

Please find EHG response attached. The briefing last week was really helpful so thanks for that - there wasn't much to add from our end.

Congrats on sourcing all the applicable credits for central and west within 12 months. Great achievement for such a large project and I'm sure plenty of hard work has gone into that. It was also great to hear there may be some potential for some small patches of veg to be retained in the construction footprint – it all adds up.

Thanks again,  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Monday, 24 July 2023 4:42 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]  
**Subject:** RE: HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)

Hi Shaun,

Would you be able to provide us with any feedback or comments regarding the offset report?

Regards,  
Prajna

---

OFFICIAL

**From:** Shaun Hunt [REDACTED]  
**Sent:** Wednesday, 12 July 2023 1:49 PM  
**To:** Prajna Shetty [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]

**Subject:** RE: HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)

**CAUTION:** This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Prajna,

Thanks for forwarding through the revised table. We will include this in our review.

Thanks  
Shaun

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Wednesday, 12 July 2023 12:44 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]  
**Subject:** HPE CM: RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements - (errors in table2-7 & 2-8)

Hi Shaun

Please accept my apologies that the revised report D has some minor errors in tables 2-7 and 2-8. Previously retired credits have not been deducted from the total to be retired (due to calculation errors).

The attached table shows the outstanding credits that will be retired this month.

We will incorporate feedback from the consultation and make changes to these tables in the final report. Please let me know if you require a revised copy for your review.

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation

**Transport for NSW**

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)



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for NSW**



---

OFFICIAL

**From:** Prajna Shetty  
**Sent:** Tuesday, 11 July 2023 10:09 AM  
**To:** Shaun Hunt [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Great, sure thank you.

Prajna

---

**From:** Shaun Hunt [REDACTED]  
**Sent:** Tuesday, 11 July 2023 10:03 AM  
**To:** Prajna Shetty [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Prajna

Got it 😊 – That link worked.

Thanks a lot for that. We will be in touch shortly.

Regards  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Tuesday, 11 July 2023 9:37 AM  
**To:** Shaun Hunt [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Shaun,

Can you please try this link: [REDACTED]

Regards,  
Prajna

---

OFFICIAL

**From:** Shaun Hunt [REDACTED]  
**Sent:** Tuesday, 11 July 2023 9:12 AM  
**To:** Prajna Shetty [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Prajna,

I have not been able to download the report at this point so can't confirm if we need the briefing or not. We seem to be having some issues on our end downloading large documents from external sources. I have lodged a request for our IT people to investigate however I do not have an ETA on a resolution.

Do you have any alternative method of transferring the document? Alternatively could the PDF be compressed or flattened so that it is a more manageable size or placed in a zip folder and sent that way?

Thanks  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Friday, 7 July 2023 5:40 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]; Suzette Graham [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Shaun,

Thanks for your response. I will resend the attachment via Kiteworks since Outlook does not support large attachments.

Also please let us know if you are available for a briefing session next Friday?

Kind regards,

OFFICIAL

**Prajna Shetty**  
Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**

[REDACTED] [REDACTED]  
[transport.nsw.gov.au](https://transport.nsw.gov.au)

---

OFFICIAL

**From:** Shaun Hunt [REDACTED]  
**Sent:** Friday, 7 July 2023 5:22 PM  
**To:** Prajna Shetty [REDACTED]  
**Cc:** Sheila Anderson [REDACTED] Suzette Graham  
[REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

You don't often get email from [REDACTED] [Learn why this is important](#)

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Hi Prajna,

Thanks for your email.

Apologies, I have not been able to find that email in my email records – if you could please resend it to [rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au) that would be appreciated. For future reference please send any consultation requests via that email address rather than directly to myself or other officers in the team (we have a system of tracking incoming work via that email).

I'll keep looking for the email in the interim and we will get on to review that for you next week.

Sorry for any delays on our end.

Thanks  
Shaun

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Friday, 7 July 2023 3:45 PM  
**To:** Shaun Hunt [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED] Suzette Graham  
[REDACTED]  
**Subject:** M12 Motorway - Update to Ecosystem and Species Credits Requirements  
**Importance:** High

Hi Shaun,

The M12 biodiversity offset report was sent to you using the Transport for NSW Kiteworks app on 23rd June as part of the consultation process. Could you please confirm receipt of the file attachment?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**



[transport.nsw.gov.au](http://transport.nsw.gov.au)



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## Department of Planning and Environment

Our ref: DOC23/608179

Your ref: SSI- 9364

Prajna Shetty  
Transport for NSW  
27 Argyle Street  
Parramatta NSW 2150

### **Subject: Environment and Heritage Group comments - Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central**

---

Thank you for your email received 7 July 2023 requesting comment from Environment and Heritage Group (EHG) on the M12 Motorway - Update to Ecosystem and Species Credits Requirements for the M12 West and M12 Central.

EHG has reviewed the M12 Motorway: Update to Ecosystem and Species Credits Requirements Report prepared by Arcadis (26 June 2023) and notes:

- Condition of Approval (CoA) E4 allows for the revision of credit requirements.
- CoA E5 allows credit requirements to be revised via a review of existing mapping and any final/revised development footprint prepared and/or additional ecological surveys undertaken.
- CoA E6 requires that additional surveys are to be undertaken in consultation with EHG, which has occurred.
- During the briefing provided by TfNSW on 19 July, it was indicated that the revised development footprint has been based on what has been cleared for the project.
- EHG has not reviewed shapefiles or other data in relation to the updated ecosystem and species credit requirements however no comments or concerns are raised in relation to the approach taken to review and update credit obligations.
- As noted during the briefing on 19 July, it should be confirmed that indirect impact categories outlined in the Arcadis report are consistent with the indirect impact categories from the SSI approval.

Should you have any queries regarding this matter, please contact Shaun Hunt, Senior Conservation Planning Officer via [REDACTED] or [REDACTED]

Yours sincerely,



25/07/23

Susan Harrison  
**Senior Team Leader Planning**  
**Greater Sydney Branch**  
**Biodiversity and Conservation**

# M12 Motorway - Update to Ecosystem and Species Credits Requirements



[Redacted]

Jun 30, 2023, 1:40 PM

To: [Redacted]

Cc: [Redacted]

1 attachment - Expires: 1688738399000

Hi Olivia,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the Department of Climate Change, Energy, the Environment and Water for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (attached) outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

Please provide your comments on the report by 15 July 2023. I would also like to schedule a briefing to discuss the updated credits in the report. Can you confirm your availability on the 7th or 14th of July after 1PM?

Kind regards,

OFFICIAL

**Prajna Shetty**  
Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**  
[Redacted]  
[transport.nsw.gov.au](https://transport.nsw.gov.au)

File attachment expires: Jul 07, 2023

<input type="checkbox"/> Name	Size	Digital Fingerprint
<input type="checkbox"/> 270623 M12_Biodiversity_off-sets_report_Rev_D_clean.pdf	60.9 MB	c03bb00f02c144b6689400e48bbdddc345dc

**Patel, Ketan**

---

**From:** Prajna Shetty [REDACTED]  
**Sent:** Thursday, 13 July 2023 12:24 PM  
**To:** EPBC Monitoring  
**Cc:** Sheila Anderson; Suzette Graham  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]  
**Attachments:** Updates to Table 2-7 and 2-8.docx

Thanks for the confirmation, Hannah.

My apologies for not including this information in my email this morning.

The report contains some minor errors in tables 2-7 and 2-8. Due to calculation errors, previously retired credits have not been deducted from the total to be retired.

Please include these updated tables in your review. The final report will include feedback from the consultation and changes to these tables.

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation  
**Transport for NSW**

[REDACTED]

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---

**From:** EPBC Monitoring <epbcmonitoring@dcceew.gov.au>  
**Sent:** Thursday, 13 July 2023 11:26 AM  
**To:** Prajna Shetty [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Prajna,



Thanks for sending that through. I have received the original correspondence and the report.

I am just waiting on confirmation as to who can comment on the report for you.

I will be in contact shortly to advise.

**Hannah Brugman**

**Administration Officer**

Environmental Permitting and Compliance Division | Compliance and Enforcement Branch | Approvals Compliance Section |  
Department of Climate Change, Energy, the Environment and Water  
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia

**DCCEEW.gov.au** ABN 63 573 932 849



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Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge Aboriginal and Torres Strait Islander Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Thursday, July 13, 2023 10:53 AM  
**To:** EPBC Monitoring <[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)>  
**Cc:** Sheila Anderson [REDACTED]; Suzette Graham [REDACTED]  
[REDACTED]; Moore, Olivia [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

Hi Hannah,

I have sent you the file through Kiteworks (TfNSW's secure file transfer app). Could you please let me know if you received the file?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation

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**From:** EPBC Monitoring [REDACTED]  
**Sent:** Thursday, 13 July 2023 10:26 AM  
**To:** Prajna Shetty [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]; Suzette Graham [REDACTED]; EPBC Monitoring [REDACTED]; Moore, Olivia [REDACTED]  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

You don't often get email from [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au). [Learn why this is important](#)

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Hi Prajna,

FYI - Oliva has moved to another section of the branch.

Can you please resend the M12 biodiversity offset report for my reference.

Thanks,

**Hannah Brugman**  
**Administration Officer**

Environmental Permitting and Compliance Division | Compliance and Enforcement Branch | Approvals Compliance Section |  
Department of Climate Change, Energy, the Environment and Water  
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia

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---

OFFICIAL

**From:** Prajna Shetty [REDACTED]  
**Sent:** Thursday, July 13, 2023 10:05 AM  
**To:** Moore, Olivia [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]; Suzette Graham [REDACTED]; EPBC Monitoring <[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)>

**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements

**Importance:** High

Hi Olivia,

Good morning

In response to my previous email, I am following up with you to ensure you received our consultation email.

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED] E [REDACTED]

[REDACTED] gov.au



**Transport  
for NSW**

---

OFFICIAL

**From:** Prajna Shetty

**Sent:** Friday, 7 July 2023 3:47 PM

**To:** [REDACTED]

**Cc:** Sheila Anderson [REDACTED]; Suzette Graham

**Subject:** M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Olivia,

The M12 biodiversity offset report was sent to you using the Transport for NSW Kiteworks app on 30<sup>th</sup> June as part of the consultation process. Could you please confirm receipt of the file attachment?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED] E [REDACTED]



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Jul 13, 2023, 1:04 PM

To: [REDACTED]@dcceew.gov.au

Cc: [REDACTED] epbcmonitoring@dcceew.gov.au, [REDACTED]

2 attachments - Expire: 1689861599000

Greetings, Tom,

I have been requested to send you all correspondence relating to M12 Biodiversity Offset Report.

A brief background:

The credit requirements as outlined in our SSI 9364 and EPBC 2018/8286 have changed since the project approval in April 2021. This is due to modifications to the final construction footprint and utility relocations. I have attached a report that summarises these changes and updates to ecosystem and species credits.

A few minor errors were discovered in tables 2-7 and 2-8 after the reports were circulated for consultation on 30 June (to Olivia Moore). A number of credits that were previously retired were not accounted for correctly against those that will be retired this month. I have attached the changes in a word document with track changes for your consideration. It would be helpful if you could provide your comments by the 18th of July COB, since we need to retire the offset credits by the 10th of August. In addition, I would like to schedule a briefing for July 18th or 19th. Would you be able to confirm your availability?

Kind regards,

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED] E [REDACTED]  
[\[REDACTED\]@transport.nsw.gov.au](mailto:[REDACTED]@transport.nsw.gov.au)

---

**From:** [REDACTED]

**Sent:** Thursday, July 13, 2023 10:48 AM

**To:** epbcmonitoring@dcceew.gov.au [REDACTED]

**Cc:** [REDACTED] u [REDACTED]

**Subject:** FW: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Hannah,

My original correspondence with Olivia can be found below.

Please provide your comments by the 18th of July COB, as we need to retire the offset credits by the 10th of August. Also, I would like to schedule a briefing for July 18th or 19th. Would you be able to confirm your availability?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED] [REDACTED]  
[\[REDACTED\]@transport.nsw.gov.au](mailto:[REDACTED]@transport.nsw.gov.au)

Hi Olivia,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the EHG for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (attached) outline the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

Please provide your comments on the report by 15 July 2023. I would also like to schedule a briefing to discuss the updated credits in the report. Can you confirm your availability on the 7th or 14th of July after 1PM?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer  
Environment & Sustainability Branch  
Safety, Environment and Regulation

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File attachments expire: Jul 20, 2023

<input type="checkbox"/> Name	Size	Digital Fingerprint
<input type="checkbox"/> 270623 M12_Biodiversity_off-sets_report_Rev_D_clean.pdf	60.9 MB	c03bb00f02c144b6689400e48bbdddc345dc
<input type="checkbox"/> Updates to Table 2-7 and 2-8.docx	35.3 KB	f1f932e36bad4e69e5288799b5e4212a65fca

**Patel, Ketan**

---

**From:** Smith, Tom [REDACTED]  
**Sent:** Monday, 17 July 2023 9:33 AM  
**To:** Prajna Shetty  
**Cc:** Glover, Kimberly  
**Subject:** RE: M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Prajna,

Thank you for consulting with the department regarding Transport NSW's amendments to clearing limits and associated species credits in accordance with conditions 4 and 5.b. of the EPBC Act approval for the M12 Motorway (EPBC 2018/8286) and condition E4 of SSI 9364.

The materials you provided have been reviewed by the department's Post Approvals Section and myself, the department has no comments, queries or concerns regarding the amendments at this time.

Please continue to engage and consult with the department in accordance with the conditions of your approval, and should limits and credits be amended in future.

Once approved by the Planning Secretary, please provide a copy of the updated limits and credits.

Please let me know if I can be of further assistance.

Kind regards,

**Thomas Smith**

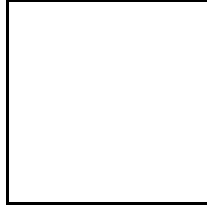
**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

[REDACTED] | [REDACTED]

---

**From:** Transport MyIT [REDACTED]  
**Sent:** Thursday, July 13, 2023 1:05 PM  
**To:** Smith, Tom [REDACTED]  
**Cc:** [REDACTED] EPBC Monitoring  
[REDACTED]  
**Subject:** FW: M12 Motorway - Update to Ecosystem and Species Credits Requirements



[REDACTED] sent you a secure message

Access message

Greetings, Tom,

I have been requested to send you all correspondence relating to M12 Biodiversity Offset Report.

A brief background:

The credit requirements as outlined in our SSI 9364 and EPBC 2018/8286 have changed since the project approval in April 2021. This is due to modifications to the final construction footprint and utility relocations. I have attached a report that summarises these changes and updates to ecosystem and species credits.

A few minor errors were discovered in tables 2-7 and 2-8 after the reports were circulated for consultation on 30 June (to Olivia Moore). A number of credits that were previously retired were not accounted for correctly against those that will be retired this month. I have attached the changes in a word document with track changes for your consideration. It would be helpful if you could provide your comments by the 18th of July COB, since we need to retire the offset credits by the 10th of August. In addition, I would like to schedule a briefing for July 18th or 19th. Would you be able to confirm your availability?

Kind regards,

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED]  
[transport.nsw.gov.au](https://transport.nsw.gov.au)

**From:** [REDACTED]

**Sent:** Thursday, July 13, 2023 10:48 AM

**To:** epbcmonitoring@dcceew.gov.au [REDACTED]

**Cc:** [REDACTED]  
[REDACTED]



**Subject:** FW: M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Hannah,

My original correspondence with Olivia can be found below.

Please provide your comments by the 18th of July COB, as we need to retire the offset credits by the 10th of August. Also, I would like to schedule a briefing for July 18th or 19th. Would you be able to confirm your availability?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED]

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)

Hi Olivia,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the EHG for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (attached) outline the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

Please provide your comments on the report by 15 July 2023. I would also like to schedule a briefing to discuss the updated credits in the report. Can you confirm your availability on the 7th or 14th of July after 1PM?

Kind regards,

OFFICIAL

**Prajna Shetty**

Senior Environment and Sustainability Officer

Environment & Sustainability Branch

Safety, Environment and Regulation

**Transport for NSW**

[REDACTED]

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)



Attachments expire on Jul 20, 2023



1 PDF

270623 M12\_Biodiversity\_off-sets\_report\_Rev\_D\_clean.pdf



1 document

Updates to Table 2-7 and 2-8.docx

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**Gleeson, Jessica**

---

**From:** Dana Alderson [REDACTED]  
**Sent:** Tuesday, 16 January 2024 10:31 AM  
**To:** Tracey Austin  
**Cc:** Sheila Anderson  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tracey

Happy 2024 to you too!

No need for a briefing, we have completed our review of the new report/data and I will send you a formal letter confirming that our previous comments have been addressed.

Thanks  
Dana

**Dana Alderson** *she/her*  
A/Senior Team Leader Planning  
Biodiversity and Conservation  
**Department of Climate Change,  
Energy, the Environment and Water**

[REDACTED] [REDACTED]  
[dcceew.nsw.gov.au](https://dcceew.nsw.gov.au)

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Parramatta NSW 2150

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*Ensuring a sustainable NSW through climate change and energy action, water management, environment and heritage conservation and protection.*



---

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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**From:** Tracey Austin [REDACTED]  
**Sent:** Monday, 15 January 2024 11:48 AM  
**To:** Dana Alderson [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Dana,

Happy 2024, hope you had a lovely break.

Can you please confirm if EHG would like to attend a briefing on the updated report, and if so, advise preferences for following dates/times

- Friday 19<sup>th</sup> Jan (preferred) 9.30 – 5pm
- Tuesday 23<sup>rd</sup> Jan 11.00am – 3.30pm

Kind regards  
Tracey

OFFICIAL

**From:** Tracey Austin [REDACTED]  
**Sent:** Tuesday, 19 December 2023 2:43 PM  
**To:** Dana Alderson [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Dana,

Thanks for your time on the phone yesterday.

Our consultant has provided the attached GIS files and spreadsheet including calculations that were used for the offsets.

The calculations are in the red highlighted tabs.

We did not use the BAM calculator as the M12 credits were derived prior to this coming into force, so with construction, we have maintained the same methodology as with the EIS, RtS, Amendment Report (AR), AR Submissions Report, and AR – Addendum.

Regards  
Tracey

---

**From:** Dana Alderson [REDACTED]  
**Sent:** Monday, 18 December 2023 9:23 AM  
**To:** Tracey Austin [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tracey

Last time Transport consulted with EHG our advice back was that we were generally happy with the approach being taken, but it was noted that we did not have access to the shapefiles and data. It would therefore be beneficial at this next stage of consultation for us to review the shapefiles and data.

When I say application I mean the data in the BBAM/FBA calculator which is referred to as an 'application', not the actual SSI mod application.

Can you please provide a bit more information about what the purpose of the briefing is? It would be my preference that the briefing be held late in January to allow EHG time to review the report, files and data before attending, as after this week no one will be back on board until 8 January.

Thanks  
Dana

---

OFFICIAL

**From:** Tracey Austin [REDACTED]  
**Sent:** Friday, 15 December 2023 9:48 AM  
**To:** Dana Alderson [REDACTED]  
**Cc:** Anderson, Sheila [REDACTED]  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Dana,

Thanks for your email.

Apologies if I have misunderstood the process to review and update credit requirements, which I understood to be:

1. Undertake consultation as required by Planning Approval CoA E4 which requires amendments to the ecosystem and species credit requirements to be undertaken in consultation with EHG (and others).
2. Send the draft report for review and comment.
3. Once consultation is complete address comments and finalise report
4. Submit the application and provide shapefiles.

Do the application and shapefiles need to be provided before we can complete the consultation?

Could you also advise of availability for a briefing on 15<sup>th</sup> January 24 please?

Kind regards  
Tracey

---

OFFICIAL

**From:** Dana Alderson [REDACTED]  
**Sent:** Wednesday, 13 December 2023 2:51 PM  
**To:** Tracey Austin [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** RE: EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tracey,

Thanks for your email.

Could you please provide the shapefiles and ensure that the application has been submitted to EHG in the BBAM/FBA calculator?

Many thanks,  
Dana

**Dana Alderson** *(she/her)*  
Senior Project Officer Planning  
Biodiversity & Conservation  
Environment and Heritage Group  
**Department of Planning and Environment**

[REDACTED] [REDACTED]

[environment.nsw.gov.au](https://environment.nsw.gov.au)

Locked Bag 5022  
Parramatta NSW 2150





I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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**From:** Tracey Austin [REDACTED]  
**Sent:** Tuesday, 12 December 2023 4:15 PM  
**To:** OEH ROG Greater Sydney Region Planning Unit Mailbox <[rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au)>  
**Cc:** Shaun Hunt [REDACTED]; Anderson, Sheila [REDACTED]  
**Subject:** EPBC 2018/8286 M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Shaun,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to EHG for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (Arcadis Dec 2023) attached outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

It would be appreciated if you could provide your comments on the report by 17 January 2023 to enable finalisation and retirement of credits in early February.

Can you confirm your availability on the 15th or 16th of January after 10am please?

Kind regards,

**Tracey Austin**

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation

**Transport for NSW**



L8, 4 PSQ- 12 Darcy Street  
Parramatta NSW 2150

PO Box 973 Parramatta NSW 2124

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for NSW



I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

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**Gleeson, Jessica**

---

**From:** Tracey Austin [REDACTED]  
**Sent:** Monday, 22 January 2024 12:18 PM  
**To:** Smith, Tom  
**Cc:** Sheila Anderson; Cox, Vaughn; EPBC Monitoring  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]  
**Attachments:** M12 Pimelea spicata survey report FINAL 01 July 2021.pdf; 21\_0701 Email (TfNSW to DAWE) M12 Motorway - NSW CoA E8 - Pimelea Spicata Survey Results Report.pdf; 21\_0701 Email (DAWE to TfNSW) Automatic reply\_ M12 Motorway - NSW CoA E8 - Pimelea Spicata Survey Results Report.pdf

Hi Tom,

Thanks for the call this morning and for confirming no comments.

It is noted we will provide the updated limits and credits once approved by the Planning Secretary.

The *Pimelea spicata* surveys were done in 2021 and the results were supplied to the Department on 1 July 2021.

I have attached a copy of the report FYI and also the emails verifying it had been submitted.

Kind regards,  
Tracey

---

**From:** Smith, Tom [REDACTED]  
**Sent:** Monday, 22 January 2024 12:27 PM  
**To:** Tracey Austin [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]; Cox, Vaughn [REDACTED] EPBC Monitoring [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Tracey,

Thank you for consulting with the department regarding Transport NSW's amendments to clearing limits and associated species credits in accordance with conditions 4 and 5.b. of the EPBC Act approval for the M12 Motorway (EPBC 2018/8286) and condition E4 of SSI 9364.

The department has considered the *M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central dated 1 December 2023*, and has no further comments at this time.

I note that according to tables 2-2 and 2-6 of the report the clearance limits set out at condition 4 of EPBC 2018/8286 have been adhered to, except for in relation to *Pultenaea parviflora* individuals which has increased to 268 individuals.

If the amended values are approved by the Planning Secretary, please provide a copy of the updated limits and credits to department once approved.

Could you please provide an update on the Additional Surveys of *Pimelea spicata*? Have these been conducted and if not is there an expected timeframe for commencement of these surveys and works within the refined construction footprint to the north of Elizabeth Drive and west of the existing Wallgrove Road as identified in Figure 6-5 of the *M12 Motorway Amendment Report – Submissions Report* (December 2020)?

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

---

OFFICIAL

**From:** Smith, Tom

**Sent:** Monday, January 22, 2024 9:02 AM

**To:** Tracey Austin [REDACTED]

**Cc:** Sheila Anderson [REDACTED]

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

Good morning Tracey,

Thank you for the additional information. As this is not a requirement of the EPBC Act approval conditions I don't think a briefing will be necessary. I'll reach out should I have any further queries.

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

---

**From:** Tracey Austin [REDACTED]

**Sent:** Friday, January 19, 2024 4:08 PM

**To:** Smith, Tom [REDACTED]

**Cc:** Sheila Anderson [REDACTED] >

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Tom,

We have submitted for review as NSW CoA E4 requires amendments to the ecosystem and species credit requirements to be undertaken in consultation with EHG and DEECCW, not because it is a condition of the EPBC 2018/8236 approval.

I have also attached the EHG (now NSW DEECCW) response that the report meets their requirements as it may assist in expediting your review. Thanks for prioritising.

Seems the email slipped through more cracks than you thought - I sent the same email to the inbox on 12 December, and it was also forwarded internally (see attached in case you want to investigate further).

Can you also advise if you will require a briefing?

Kind regards

Tracey

---

OFFICIAL

**From:** Smith, Tom [REDACTED]

**Sent:** Friday, 19 January 2024 3:43 PM

**To:** Tracey Austin [REDACTED]

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Good afternoon Tracey,

My sincerest apologies, this one completely slipped through the cracks on my end.

To prevent this in future could you please email my section's inbox, [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

For now are you able to shed light on which of your EPBC Act approval conditions this relates?

Following your response I will give this highest priority next week. My apologies again.

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

---

OFFICIAL

**From:** Tracey Austin [REDACTED]

**Sent:** Friday, January 19, 2024 10:06 AM

**To:** Smith, Tom [REDACTED]

**Cc:** Sheila Anderson [REDACTED]

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tom,

Following up on the below email.



Can you please advise if there any comments on the report from DEECCW, or if a briefing required?

I can confirm the NSW agency stakeholders have reviewed and are happy with the updates.

Regards  
Tracey

---

OFFICIAL

**From:** Tracey Austin  
**Sent:** Tuesday, 12 December 2023 4:08 PM  
**To:** [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Tom,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the Department of Climate Change, Energy, the Environment and Water for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (Arcadis Dec 2023) attached outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

It would be appreciated if you could provide your comments on the report by 17 January 2023 to enable finalisation and retirement of credits in early February.

Can you confirm your availability on the 15th or 16th of January after 10am please?

Kind regards,

## Tracey Austin

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation

### Transport for NSW



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**Gleeson, Jessica**

---

**From:** Smith, Tom [REDACTED]  
**Sent:** Monday, 22 January 2024 11:27 AM  
**To:** Tracey Austin  
**Cc:** Sheila Anderson; Cox, Vaughn; EPBC Monitoring  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Tracey,

Thank you for consulting with the department regarding Transport NSW's amendments to clearing limits and associated species credits in accordance with conditions 4 and 5.b. of the EPBC Act approval for the M12 Motorway (EPBC 2018/8286) and condition E4 of SSI 9364.

The department has considered the *M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central dated 1 December 2023*, and has no further comments at this time.

I note that according to tables 2-2 and 2-6 of the report the clearance limits set out at condition 4 of EPBC 2018/8286 have been adhered to, except for in relation to *Pultenaea parviflora* individuals which has increased to 268 individuals.

If the amended values are approved by the Planning Secretary, please provide a copy of the updated limits and credits to department once approved.

Could you please provide an update on the Additional Surveys of *Pimelea spicata*? Have these been conducted and if not is there an expected timeframe for commencement of these surveys and works within the refined construction footprint to the north of Elizabeth Drive and west of the existing Wallgrove Road as identified in Figure 6-5 of the *M12 Motorway Amendment Report – Submissions Report* (December 2020)?

Kind regards,  
**Thomas Smith**

Senior Compliance Officer

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

OFFICIAL

**From:** Smith, Tom

**Sent:** Monday, January 22, 2024 9:02 AM

**To:** Tracey Austin

**Cc:** Sheila Anderson

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

Good morning Tracey,

Thank you for the additional information. As this is not a requirement of the EPBC Act approval conditions I don't think a briefing will be necessary. I'll reach out should I have any further queries.

Kind regards,

**Thomas Smith**

Senior Compliance Officer

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

**From:** Tracey Austin

**Sent:** Friday, January 19, 2024 4:08 PM

**To:** Smith, Tom

**Cc:** Sheila Anderson

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Tom,

We have submitted for review as NSW CoA E4 requires amendments to the ecosystem and species credit requirements to be undertaken in consultation with EHG and DEECCW, not because it is a condition of the EPBC 2018/8236 approval.

I have also attached the EHG (now NSW DEECCW) response that the report meets their requirements as it may assist in expediting your review. Thanks for prioritising.

Seems the email slipped through more cracks than you thought - I sent the same email to the inbox on 12 December, and it was also forwarded internally (see attached in case you want to investigate further).

Can you also advise if you will require a briefing?

Kind regards

Tracey

---

OFFICIAL

**From:** Smith, Tom [REDACTED]  
**Sent:** Friday, 19 January 2024 3:43 PM  
**To:** Tracey Austin [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Good afternoon Tracey,

My sincerest apologies, this one completely slipped through the cracks on my end.

To prevent this in future could you please email my section's inbox, [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

For now are you able to shed light on which of your EPBC Act approval conditions this relates?

Following your response I will give this highest priority next week. My apologies again.

Kind regards,

**Thomas Smith**  
Senior Compliance Officer

OFFICIAL

**From:** Tracey Austin [REDACTED]  
**Sent:** Friday, January 19, 2024 10:06 AM  
**To:** Smith, Tom [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tom,

Following up on the below email.

Can you please advise if there any comments on the report from DEECCW, or if a briefing required?

I can confirm the NSW agency stakeholders have reviewed and are happy with the updates.

Regards  
Tracey

OFFICIAL

**From:** Tracey Austin  
**Sent:** Tuesday, 12 December 2023 4:08 PM  
**To:** [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Tom,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the Department of Climate Change, Energy, the Environment and Water for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (Arcadis Dec 2023) attached outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

It would be appreciated if you could provide your comments on the report by 17 January 2023 to enable finalisation and retirement of credits in early February.

Can you confirm your availability on the 15th or 16th of January after 10am please?

Kind regards,

**Tracey Austin**

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation

**Transport for NSW**

[REDACTED]

L8, 4 PSQ- 12 Darcy Street  
Parramatta NSW 2150

PO Box 973 Parramatta NSW 2124

[transport.nsw.gov.au](https://transport.nsw.gov.au)





I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

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## APPENDIX B SSI-9364 CONDITIONS OF APPROVAL

The following outlines SSI-9364 CoA E3, E4, E5 and E6:

### SSI-9364 CoA E3:

The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in Table 1, Table 2 and Table 3 in accordance with the M12 Motorway Amendment Report - Submissions Report (December 2020) and M12 Motorway Amendment Report - Submissions Report - Amendment (dated 8 March 2021) within 12 months of the commencement of construction. The offset obligations must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects and can be achieved by:

- a. Acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; and/or
- b. Properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and/or
- c. Making a payment into the Biodiversity Conservation Fund; or
- d. A Biodiversity Offset Strategy prepared in consultation with EES and DAWE that provides supplementary measures or where the Proponent intends to utilise the biodiversity credit variation rules.

### Notes

1: Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

2: The determination of biodiversity credits under the Biodiversity Conservation Act 2016 that are reasonably equivalent to biodiversity credits created under the Threatened Species Conservation Act 1995 remaining to be retired must be carried out in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

**Table 1: Ecosystem Credit for Direct Impacts to be Retired**

Ecosystem Credits		
Plant Community Type (PCT) ID and name	Refined construction footprint (hectares)	Number of credits
724: Broad-leaved Ironbark – Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	6.91	372
830: Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	0.44	15
835: Forest Red Gum – Roughbarked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	3.18	105
849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	6.34	210
850: Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	60.52	1908
1800: Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter Valley	2.82	75

Ecosystem Credits		
	80.21	2685

Notes:

- 1: Credits have been calculated using the Framework for Biodiversity Assessment.
- 2: Includes credits required under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
- 3: Excludes certified areas.

**Table 2: Ecosystem Credits for Indirect Impacts to be Retired**

Ecosystem Credits		
Plant Community Type (PCT) ID and name	Refined construction footprint (hectares)	Number of credits
724: Broad-leaved Ironbark – Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	0.45	6
830: Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	0.61	6
849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	0.57	6
850: Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	11.67	133
<b>TOTAL ECOSYSTEM CREDITS</b>	<b>13.30</b>	<b>151</b>

Notes:

- 1: Credits have been calculated using the Framework for Biodiversity Assessment.
- 2: Includes credits required under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
- 3: Excludes certified areas.

**Table 3: Species Credits to be Retired**

Species	Loss of habitat or individuals	Number of Credits
<i>Dillwynia tenuifolia</i>	244 individuals	4392
<i>Pultenaea parviflora</i> <i>Sydney Bush-pea</i>	Up to 100 individuals	1500
<i>Meridolum corneovirens</i> Cumberland Plain Land Snail	5.10 ha	66
<i>Myotis Macropus</i> Southern Myotis	1.05 ha	23
<b>TOTAL ECOSYSTEM CREDITS</b>	<b>13.30</b>	<b>5981</b>

Notes:

- 1: Credits have been calculated using the Framework for Biodiversity Assessment.
- 2: Includes credits required under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
- 3: Excludes certified areas.

**SSI-9364 CoA E4:**

The Proponent may review and update the ecosystem and species credit requirements in Table 1, Table 2 and Table 3 to reflect the final construction footprint and resulting extent and type of PCT to be cleared and the extent of threatened species habitat impacted by the construction of the CSSI (excluding certified areas). Where the construction of the CSSI is staged, the Proponent may review and update the ecosystem and species credit requirements in Table 1, Table 2 and Table 3 for each stage of the CSSI. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EES and DAWE and submitted to the Planning Secretary for approval within six (6) months of determining the final construction footprint and, where the CSSI is staged, within six (6) months of determining the final construction footprint for each stage.

**SSI-9364 CoA E5:**

The review and update of credit requirements must be undertaken by:

- a. Using the vegetation mapping in the EIS, M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report (October 2020), and M12 Motorway Amendment Report – Submissions Report (December 2020); and/or
- b. Completing verification surveys to confirm the extent, type and condition of threatened species and ecological communities to be impacted.

## **APPENDIX C EPBC CONDITIONS OF APPROVAL**

The following outlines the Commonwealth Conditions of Approval

2. The approval holder must submit to the Department a map(s) of the final construction footprint within six months of the final construction footprint being determined, and where the action is staged, a map of the final construction footprint for each stage, within six months of the final construction footprint for that stage being determined.

4. To minimise the impacts of the action on protected matters the approval holder must not clear more than the following specified amounts, or another specified amount determined in consultation with the Department in accordance with condition E4 of the State Infrastructure approval within the final construction footprint:

- (a) 42.89 hectares of known Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest threatened ecological community
- (b) 0.44 hectares of known Western Sydney Dry Rainforest and Moist Woodland on Shale threatened ecological community
- (c) 100 known *Pultenaea parviflora* individuals
- (d) The number of *Pimelea spicata* individuals identified in the additional surveys required by condition E8 of the State Infrastructure approval
- (e) 62.71 hectares of known foraging habitat for Grey-headed Flying Fox (*Pteropus poliocephalus*);
- (f) 80.21 hectares of known foraging habitat for Swift Parrot (*Lathamus discolor*).

## Appendix D – CoA 16: Plan document submissions to the Department

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED] [EPBC Monitoring](#)  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]  
**Date:** Monday, 22 January 2024 1:17:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[M12 Pimelea spicata survey report FINAL 01 July 2021.pdf](#)  
[21\\_0701 Email \(TfNSW to DAWE\) M12 Motorway - NSW CoA E8 - Pimelea Spicata Survey Results Report.pdf](#)  
[21\\_0701 Email \(DAWE to TfNSW\) Automatic reply - M12 Motorway - NSW CoA E8 - Pimelea Spicata Survey Results Report.pdf](#)

---

Hi Tom,

Thanks for the call this morning and for confirming no comments.

It is noted we will provide the updated limits and credits once approved by the Planning Secretary.

The *Pimelea spicata* surveys were done in 2021 and the results were supplied to the Department on 1 July 2021.

I have attached a copy of the report FYI and also the emails verifying it had been submitted.

Kind regards,  
Tracey

---

**From:** Smith, Tom [REDACTED]  
**Sent:** Monday, 22 January 2024 12:27 PM  
**To:** Tracey Austin [REDACTED]  
**Cc:** Sheila Anderson [REDACTED] Cox, Vaughn  
[REDACTED] [EPBC Monitoring](#) [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Hi Tracey,

Thank you for consulting with the department regarding Transport NSW's amendments to clearing limits and associated species credits in accordance with conditions 4 and 5.b. of the EPBC Act approval for the M12 Motorway (EPBC 2018/8286) and condition E4 of SSI 9364.

The department has considered the *M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central dated 1 December 2023*, and has no further comments at this time.

I note that according to tables 2-2 and 2-6 of the report the clearance limits set out at condition 4

of EPBC 2018/8286 have been adhered to, except for in relation to *Pultenaea parviflora* individuals which has increased to 268 individuals.

If the amended values are approved by the Planning Secretary, please provide a copy of the updated limits and credits to department once approved.

Could you please provide an update on the Additional Surveys of *Pimelea spicta*? Have these been conducted and if not is there an expected timeframe for commencement of these surveys and works within the refined construction footprint to the north of Elizabeth Drive and west of the existing Wallgrove Road as identified in Figure 6-5 of the *M12 Motorway Amendment Report – Submissions Report* (December 2020)?

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

[REDACTED]

---

OFFICIAL

**From:** Smith, Tom

**Sent:** Monday, January 22, 2024 9:02 AM

**To:** Tracey Austin [REDACTED]

**Cc:** Sheila Anderson [REDACTED]

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements  
[SEC=OFFICIAL]

Good morning Tracey,

Thank you for the additional information. As this is not a requirement of the EPBC Act approval conditions I don't think a briefing will be necessary. I'll reach out should I have any further queries.

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

[REDACTED]

---

**From:** Tracey Austin [REDACTED]

**Sent:** Friday, January 19, 2024 4:08 PM

**To:** Smith, Tom [REDACTED]

**Cc:** Sheila Anderson [REDACTED]

**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements  
[SEC=OFFICIAL]

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Hi Tom,

We have submitted for review as NSW CoA E4 requires amendments to the ecosystem and species credit requirements to be undertaken in consultation with EHG and DEECCW, not because it is a condition of the EPBC 2018/8236 approval.

I have also attached the EHG (now NSW DEECCW) response that the report meets their requirements as it may assist in expediting your review. Thanks for prioritising.

Seems the email slipped through more cracks than you thought - I sent the same email to the inbox on 12 December, and it was also forwarded internally (see attached in case you want to investigate further).

Can you also advise if you will require a briefing?

Kind regards  
Tracey

---

OFFICIAL

**From:** Smith, Tom [REDACTED]  
**Sent:** Friday, 19 January 2024 3:43 PM  
**To:** Tracey Austin [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements [SEC=OFFICIAL]

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Good afternoon Tracey,

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To prevent this in future could you please email my section's inbox, [epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au).

For now are you able to shed light on which of your EPBC Act approval conditions this relates?

Following your response I will give this highest priority next week. My apologies again.

Kind regards,

**Thomas Smith**

**Senior Compliance Officer**

Approvals Compliance Section | Department of Climate Change, Energy, the Environment and Water

[REDACTED]

OFFICIAL

**From:** Tracey Austin [REDACTED]  
**Sent:** Friday, January 19, 2024 10:06 AM  
**To:** Smith, Tom [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** RE: EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

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Hi Tom,

Following up on the below email.

Can you please advise if there any comments on the report from DEECCW, or if a briefing required?

I can confirm the NSW agency stakeholders have reviewed and are happy with the updates.

Regards  
Tracey

OFFICIAL

**From:** Tracey Austin  
**Sent:** Tuesday, 12 December 2023 4:08 PM  
**To:** [REDACTED]  
**Cc:** Sheila Anderson [REDACTED]  
**Subject:** EPBC M12 Motorway - Update to Ecosystem and Species Credits Requirements

Hi Tom,

In accordance with NSW Conditions of Approval by the Planning Secretary (SSI 9364), Transport is submitting the M12 Motorway - Update to Ecosystem and Species Credits Requirements report to the Department of Climate Change, Energy, the Environment and Water for review.

Following the Project approval in April 2021, detailed design development, verification surveys, spring surveys, and targeted species surveys were conducted to meet seasonal requirements, resulting in modifications to the final construction footprint and impacts on native plants and endangered species.

The M12 motorway update ecosystem and species credits report (Arcadis Dec 2023) attached outlines the updated direct and indirect impacts to native vegetation and associated ecosystem credits and impacts to threatened flora and fauna and species

credits for the Project. Transport has secured enough credits to offset the loss. The report also confirms the final construction footprint for the West and Central packages, noting M12 East is subject to further project refinements. A similar exercise will be completed for M12 East once the final construction footprint is determined.

It would be appreciated if you could provide your comments on the report by 17 January 2023 to enable finalisation and retirement of credits in early February.

Can you confirm your availability on the 15th or 16th of January after 10am please?

Kind regards,

**Tracey Austin**

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation

**Transport for NSW**



L8, 4 PSQ- 12 Darcy Street  
Parramatta NSW 2150

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I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

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**From:** [EPBC Monitoring](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: EPBC 2018/8286 - M12 Motorway - Offset Report and Credit Retirement Reports [SEC=OFFICIAL]  
**Date:** Tuesday, 27 February 2024 4:06:11 PM  
**Attachments:** [image005.jpg](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Hi Shelia,

Thank you for submitting the documents as listed below for EPBC 2018/8286.  
The department acknowledges receipt of these documents.  
Please don't hesitate to contact the EPBC Monitoring inbox if you have any queries.

Kind regards,

**Freya Brown**

**Administration Officer**

Environmental Permitting and Compliance Division | Compliance and Enforcement Branch  
Approvals Compliance Section

Department of Climate Change, Energy, the Environment and Water

Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600

GPO Box 3090 ACT 2601

**E** [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au)

**DCCEEW**.gov.au ABN 63 573 932 849



OFFICIAL

**From:** Sheila Anderson [REDACTED]  
**Sent:** Tuesday, February 20, 2024 6:00 PM  
**To:** Post Approval <[PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au)>  
**Cc:** Tracey Austin [REDACTED]

**Subject: EPBC 2018/8286 - M12 Motorway - Offset Report and Credit Retirement Reports**

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Hi

Please find attached the following post-approval submission for your information in relations to EPBC 2018/8286 M12 Motorway, and in accordance with Federal conditions of approval (CoA) 5b and NSW CoA E4 and E7:

- M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central
- Retirement report credit holder 218
- Retirement report credit holder 691
- Retirement report credit holder 554
- Statement of reasonable equivalence
- Retirement report for credit holder C-021436
- BCT payment statement for *pultenaea parviflora*

I have also attached a submission letter from TfNSW to DPHI outlining how these various attachments satisfy the final credit obligations for the M12 West and M12 Central

Please contact me if you have any questions in relation to this submission

Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued

connection to country.

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**From:** [EPBC Monitoring](#)  
**To:** [REDACTED]  
**Cc:** [EPBC Monitoring](#)  
**Subject:** Fw: M12 Motorway (EPBC 2018/8286) - Notification of stage 1 final construction footprint [SEC=OFFICIAL]  
**Date:** Friday, 26 July 2024 5:01:38 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[24\\_0621 Notification of M12W and M12C Final Construction Footprint to DCCEEW.pdf](#)  
[OCEMP\\_RevL\\_ConstructionFootprintStaging.zip](#)

---

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Hi Tracey,

Thank you for your email. I confirm receipt of your notification letter and shapefiles.

Kind regards  
Katrina Corby

---

**From:** Tracey Austin [REDACTED]  
**Sent:** Friday, 26 July 2024 15:08  
**To:** EPBC Monitoring <epbcmonitoring@dcceew.gov.au>  
**Subject:** FW: M12 Motorway (EPBC 2018/8286) - Notification of stage 1 final construction footprint

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Hi

I haven't had a response to the below email sent on 24<sup>th</sup> June, re-sending in case the email address was incorrect.

Kind regards  
Tracey

---

**OFFICIAL**

**From:** Tracey Austin  
**Sent:** Monday, June 24, 2024 9:35 AM  
**To:** PostApproval@awe.gov.au  
**Subject:** M12 Motorway (EPBC 2018/8286) - Notification of stage 1 final construction footprint

Hi,

Please find attached a notification letter and shapefiles regarding the M12 Motorway (EPBC



2018/8286) final construction footprint for Stage 1 (M12 West and M12 Central) in accordance with Part A Condition 2 of the Minister's approval.

Regards,

**Tracey Austin**

Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation

**Transport for NSW**



L8, 4 PSQ- 12 Darcy Street  
Parramatta NSW 2150

PO Box 973 Parramatta NSW 2124

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I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

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**From:** [Post Approval](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: M12 Motorway - Credit Retirement Reports [SEC=OFFICIAL]  
**Date:** Friday, 26 July 2024 6:01:29 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[Outlook-Title\\_Aus.jpg](#)

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Hi Sheila,

Thank you for your email regarding EPBC approval 2018/8286. The request has been received and will be reviewed by the NSW Post Approvals team. An officer will be in contact once the request has been allocated.

As we are currently experiencing high demand for our services, this is resulting in some delay to our processing of requests. Please advise Tony Richards (cc'd – Assistant Director, NSW Post Approvals) of any critical time constraints or deadlines relevant to this matter.

Kind regards,

**Alice Shields**

Post Approvals Section  
Assessments (Vic and Tas) and Post Approvals Branch  
Nature Positive Regulation Division



John Gorton Building, King Edward Terrace, Parkes, ACT  
PO Box 787, CANBERRA CITY ACT 2601

---

**From:** Sheila Anderson [REDACTED]  
**Sent:** Friday, 19 July 2024 16:23  
**To:** Post Approval <PostApproval@dcceew.gov.au>  
**Cc:** Tracey Austin [REDACTED]  
**Subject:** M12 Motorway - Credit Retirement Reports

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Hi

Please find attached the following post-approval submission for your information in relations to EPBC 2018/8286 M12 Motorway, and in accordance with Federal conditions of approval (CoA) 5b

and NSW CoA E4 and E7:

- Retirement report 202407-RT-969
- Retirement report 202407-RT-970
- Retirement report 202407-RT-971
- Retirement report 202407-RT-972

I have also attached a submission letter from TfNSW to DPHI summarising the credits which have been retired

Please contact me if you have any questions in relation to this submission

Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**



[transport.nsw.gov.au](https://transport.nsw.gov.au)



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

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General Correspondence

Reference No.: M12PPW-TFNSW-DCCEEW-CORR-000003  
Contract No: M12PPW - M12 - Project Wide

Date: 02 August 2024, 11:13  
To: EPBC Monitoring, Department of Climate Change, Energy, the Environment and Water  
Cc: Post Approval, Department of Climate Change, Energy, the Environment and Water  
From: Tracey Austin, Transport for NSW  
Subject: M12 Motorway (EPBC 2018/8286) - updated Overarching CEMP

Hi,

In accordance with Condition 16(a) of EPBC 2018/8286 M12 Motorway, please find attached the M12 Motorway updated Overarching CEMP (Rev M) and sub-plans for your information.

Minor amendments to the documents were approved by the Independent Environmental Representative for the project on 12 July 2024.

NSW DPHI were provided the documents on 18 July 2024, and advised they had no comments on 22 July 2024.

In accordance with Condition 16(b) of EPBC 2018/8286 the documents have been published on the project website here:

<https://www.transport.nsw.gov.au/projects/current-projects/project-documents-m12-motorway>

Regards,

Tracey Austin  
Environment & Sustainability Manager  
Sydney Infrastructure Development  
Environment and Sustainability  
Safety, Environment and Regulation  
Transport for NSW

[Redacted Signature]

Discipline: Environmental  
Location: General

Attachments: ER Approval Minor Amendment M12 OCEMP Rev M 120724.pdf, OCEMP\_App\_B1\_Construction\_Traffic\_& Transport\_Management\_Plan\_Rev\_L-1.pdf, OCEMP\_App\_B2\_Construction\_Noise\_& Vibration\_Management\_Plan\_Rev\_M.pdf, OCEMP\_App\_B5\_Construction\_Contaminated\_Land\_Management\_Plan\_Rev\_L.pdf, OCEMP\_App\_B6\_Construction\_Cultural\_Heritage\_Management\_Plan\_Rev\_N.pdf, OCEMP\_App\_B7\_Construction\_Air\_Quality\_Management\_Plan\_Rev\_M.pdf, OCEMP\_App\_B8\_Construction\_Flood\_Management\_Plan\_Rev\_K.pdf, OCEMP\_App\_B9\_Construction\_Waste\_& Resources\_Management\_Plan\_Rev\_J-1.pdf, OCEMP\_App\_B10\_Climate\_Change\_Monitoring\_& Adaptive\_Management\_Framework\_Rev\_K-1.pdf, OCEMP\_Rev\_M.pdf

Attachments  
ER Approval Minor Amendment M12 OCEMP Rev M 120724.pdf (189 KB), OCEMP\_App\_B1\_Construction\_Traffic\_& Transport\_Management\_Plan\_Rev\_L-1.pdf (3 MB), OCEMP\_App\_B2\_Construction\_Noise\_& Vibration\_Management\_Plan\_Rev\_P.pdf (20 MB), OCEMP\_App\_B3\_Construction\_Flora\_& Fauna\_Management\_Plan\_Rev\_L.pdf (10 MB), OCEMP\_App\_B4\_Construction Soil & Water Management\_Plan\_Rev\_M.pdf (4 MB), OCEMP\_App\_B5\_Construction\_Contaminated\_Land\_Management\_Plan\_Rev\_L.pdf (2 MB), OCEMP\_App\_B6\_Construction\_Cultural\_Heritage\_Management\_Plan\_Rev\_N.pdf (4 MB), OCEMP\_App\_B7\_Construction\_Air\_Quality\_Management\_Plan\_Rev\_M.pdf (2 MB), OCEMP\_App\_B8\_Construction\_Flood\_Management\_Plan\_Rev\_K.pdf (2 MB), OCEMP\_App\_B9\_Construction\_Waste\_& Resources\_Management\_Plan\_Rev\_J-1.pdf (2 MB), OCEMP\_App\_B10\_Climate\_Change\_Monitoring\_& Adaptive\_Management\_Framework\_Rev\_K-1.pdf (609 KB), OCEMP\_Rev\_M.pdf (15 MB)

## Appendix E – NSW CoA E4: DPHI approvals submissions to the Department

Ms Deanne Forrest  
M12 Motorway Project Director  
Transport for NSW  
PO Box K569  
Haymarket NSW 1240

05/06/2024

---

Subject: M12 Motorway Biodiversity Offsets

Dear Ms Forrest

I refer to your submission dated 4 March 2024 of the M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central (rev J, 2 Feb 2024) (the Update Report) to the Planning Secretary for information under Conditions E4-E7 of the approval (SSI 9364).

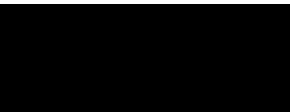
I note the Update Report:

- has been prepared in consultation with EHG and DCCEEW
- determines TfNSW has retired all biodiversity offset credits pertaining to the West and Central Packages of the project and provides evidence of same.
- has been reviewed by TfNSW and no issues have been raised with the Department;
- contains the information required by Conditions E4-E7 of SSI-9364.

Accordingly, as nominee of the Planning Secretary, I acknowledge receipt of the Update Report.

If you wish to discuss the matter further, please contact Amy Porter on [REDACTED].

Yours sincerely

A black rectangular box redacting the signature of the Team Leader.

Team Leader  
Infrastructure Management

As nominee of the Planning Secretary



Deanne Forrest  
Project Director – M12 Motorway  
Transport for NSW  
12 Darcy Street  
Parramatta, NSW 2150

29/07/2024

Subject: M12 Motorway, East Package – Extension of Time request for Biodiversity Offset Credit retirement, condition A8

Dear Ms Forrest,

I refer to your letter dated 4 July 2024, requesting an extension of time for the retirement of the remaining Biodiversity Offset Credits (detailed in the Table below) as required by condition E3, under condition A8 of SSI-9364.

I note the Project requires an extension of time to allow for preparation of a Statement of Equivalence so that the remaining credits can be purchased from Sydney Parklands.

Ecosystem Credits	
Plant Community Type (PCT) ID and name	Number of Credits
849: Grey Box – Forest Red Gum grassy woodlands on flats of the Cumberland Plain, Sydney Basin Bioregion	7
850: Grey Box – Forest Red Gum grassy woodlands on shale of the southern Cumberland Plain, Sydney Basin Bioregion	6

Accordingly, as nominee of the Planning Secretary, I approve the extension of time until 3 December 2024 to retire the credits outlined above as required by condition E3, under condition A8 of SSI-9364.

If you wish to discuss the matter further, please contact Sam Heaton at [REDACTED]

Yours sincerely



Shelley Reed  
Team Leader  
Infrastructure Management

As nominee of the Planning Secretary

## Appendix F – NSW CoA E7: Evidence of offset submissions to the Department

**From:** [EPBC Monitoring](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: EPBC 2018/8286 - M12 Motorway - Offset Report and Credit Retirement Reports [SEC=OFFICIAL]  
**Date:** Tuesday, 27 February 2024 4:06:11 PM  
**Attachments:** [image005.jpg](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Hi Shelia,

Thank you for submitting the documents as listed below for EPBC 2018/8286.  
The department acknowledges receipt of these documents.  
Please don't hesitate to contact the EPBC Monitoring inbox if you have any queries.

Kind regards,

**Freya Brown**

**Administration Officer**

Environmental Permitting and Compliance Division | Compliance and Enforcement Branch  
Approvals Compliance Section  
Department of Climate Change, Energy, the Environment and Water  
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600  
GPO Box 3090 ACT 2601

**E** [EPBCmonitoring@dcceew.gov.au](mailto:EPBCmonitoring@dcceew.gov.au)

**DCCEEW**.gov.au ABN 63 573 932 849



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**From:** Sheila Anderson [REDACTED]  
**Sent:** Tuesday, February 20, 2024 6:00 PM  
**To:** Post Approval <[PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au)>  
**Cc:** Tracey Austin [REDACTED]

**Subject: EPBC 2018/8286 - M12 Motorway - Offset Report and Credit Retirement Reports**

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Hi

Please find attached the following post-approval submission for your information in relations to EPBC 2018/8286 M12 Motorway, and in accordance with Federal conditions of approval (CoA) 5b and NSW CoA E4 and E7:

- M12 Motorway Update to Ecosystem and Species Credits Requirements for M12 West and M12 Central
- Retirement report credit holder 218
- Retirement report credit holder 691
- Retirement report credit holder 554
- Statement of reasonable equivalence
- Retirement report for credit holder C-021436
- BCT payment statement for *pultenaea parviflora*

I have also attached a submission letter from TfNSW to DPHI outlining how these various attachments satisfy the final credit obligations for the M12 West and M12 Central

Please contact me if you have any questions in relation to this submission

Regards

**Sheila Anderson**

Senior Manager Environment and Sustainability  
Safety Environment and Regulation

**Transport for NSW**

[REDACTED]

[transport.nsw.gov.au](https://transport.nsw.gov.au)



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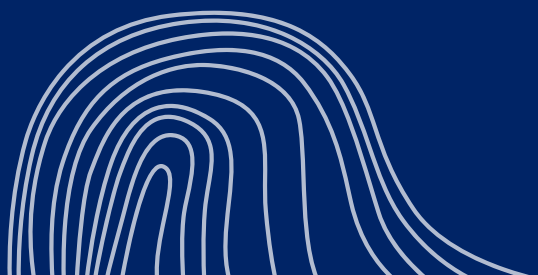


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