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Tuesday 17<sup>TH</sup> December 2024

Megan Haberley  
Senior Manager Environment  
Transport for NSW  
Parramatta Light Rail

## Re: Unexpected Threatened Species and Ecological Communities Finds Protocol

Pursuant to SSI10035 Condition of Approval A30 (d) i), as the approved Environmental Representative, I confirm that I have reviewed the Unexpected Threatened Species and Ecological Communities Finds Protocol (PLR2EW-JHGRP-NWW-EV-PRO-000001), revision 00, dated 13 December 2024, prepared by John Holland Group, for consistency with the requirements of the Conditions of Approval.

In my opinion the aforementioned document is consistent with the requirements included in or required under the terms of the Conditions of Approval for the Parramatta Light Rail (Stage 2) development.

Yours sincerely,



**Gillian Lehn**  
Environmental Representative  
The APP Group

0419 253 787  
[gillian.lehn@app.com.au](mailto:gillian.lehn@app.com.au)



# Unexpected Threatened Species and Ecological Communities Finds Protocol

Project Name: Parramatta Light Rail Stage 2 Enabling Works

Contract Number: PD-22-12894

Document Number: PLR2EW-JHGRP-NWW-EV-PRO-000001

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## Document Control

The controlled master version of this document will be maintained on the Project Data and Collaboration System (PDCS). All circulated hard copies are deemed to be uncontrolled.

## Document History and Status

Rev	Date	Prepared By	Reviewed By	Approved By	Remarks
<b>A</b>	28/10/2024	Lefan Luu	Colm Kennedy	Colm Kennedy	First draft for review
<b>B</b>	29/11/2024	Lefan Luu	Colm Kennedy	Colm Kennedy	Revised as per external consultation and TfNSW comments
<b>00</b>	13/12/2024	Lefan Luu	Colm Kennedy	Colm Kennedy	For approval

## John Holland Approval Record

Rev	Function	Position	Name	Signature	Date
<b>00</b>	<b>Approved By</b>	Environment and Approvals Manager	Colm Kennedy	<i>CKennedy</i>	13/12/2024
<b>00</b>	<b>Authorised By</b>	Project Director	Paul Dalziel	<i>Paul Dalziel</i>	13/12/2024





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## Acronyms and Abbreviations

Term	Meaning
<b>BCS</b>	Biodiversity Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water
<b>CEMP</b>	Construction Environmental Management Plan
<b>CFFMP</b>	Construction Flora and Fauna Management Plan
<b>DCCEEW</b>	Department of Climate Change, Energy, the Environment and Water
<b>DPHI</b>	NSW Department of Planning, Housing and Infrastructure
<b>DPI Fisheries</b>	NSW Department of Primary Industries Fisheries
<b>DPI Water</b>	NSW Department of Primary Industries Water
<b>EEC</b>	Endangered Ecological Community
<b>EIS</b>	Environmental Impact Statement Parramatta Light Rail Stage 2
<b>Environment Manager</b>	John Holland's Environment Manager
<b>Environmental Representative</b>	A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of construction. A key point of contact for the Planning Secretary in relation to environmental performance of the CSSI.
<b>NSW CoA</b>	Condition of Approval of the State Significant Infrastructure (SSI) 10035 Parramatta Light Rail Stage 2
<b>OEH</b>	Office of Environment & Heritage
<b>Planning Secretary</b>	Planning Secretary of the DPHI (or nominee, whether nominated before or after the date on which the Infrastructure Approval was granted)
<b>PLR</b>	Parramatta Light Rail
<b>PLR2 – EW</b>	Parramatta Light Rail Stage 2 – Enabling Works
<b>POEO Act</b>	Protection of the Environment Operations Act 1997
<b>Procedure</b>	This protocol
<b>Project, the</b>	Parramatta Light Rail Stage 2 – Enabling Works
<b>TEC</b>	Threatened Ecological Community
<b>TfNSW</b>	Transport for NSW (the proponent)





# 1. Introduction

## 1.1. Purpose

This procedure details the actions to be taken if any threatened species or threatened ecological communities (TEC), are unexpectedly encountered during the Parramatta Light Rail (PLR) – Stage 2 Enabling Works (EW). This procedure has been developed to satisfy Condition E8 of the PLR2 – EW Conditions of Approval (SSI-10035) and has been prepared in consultation with BCS. The procedure has been prepared in accordance with *Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects* (RTA 2011). It is noted that since the time the EIS was approved, the guidelines have been superseded by the *Biodiversity Management Guideline: Protecting and managing biodiversity on Transport for NSW Projects* (2024).

Table 1 Relevant Condition

Condition	Details	Where compliance is addressed
CoA E8	An Unexpected Threatened Species and Ecological Communities Finds Protocol must be prepared in consultation with BCS to manage unexpected finds of threatened species and threatened ecological communities not listed in Condition E4 and submitted to the Planning Secretary for approval at least one (1) month before the commencement of Work. Work must not commence until the unexpected finds protocol is approved by the Planning Secretary. The Unexpected Finds Protocol must be implemented throughout the duration of Work.	<ul style="list-style-type: none"> <li>This Protocol was prepared in consultation with BCS. BCS was provided an opportunity to provide comments on the Protocol, and comments were received on 14 November 2024, with all comments incorporated (evidence of consultation is provided in Attachment A).</li> </ul>

## 1.2. Scope

This procedure is applicable to all work conducted by site personnel that have the potential to come into contact with threatened flora and fauna species and TECs not previously identified as occurring within the project boundary as per the 'Updated Biodiversity Development Assessment Report' (GHD, October 2023) prepared for the Project.

## 1.3. Training and Inductions

All site personnel (including sub-contractors) will be trained on the potential threatened species and TEC occurring, or likely to occur, within the Project area and the requirements of this Procedure. Training will include inductions, toolbox talks, pre-starts and targeted training as required.

## 1.4. Roles and Responsibilities

Specific responsibilities for the implementation of this procedure are detailed in the sections that follow.

### 1.4.1. Site Personnel

All site personnel are responsible for reporting any potential unexpected threatened species or TEC finds to the Site Supervisor, for the duration of the Project.





#### 1.4.2. Site Supervisor

If an unexpected fauna or flora species is encountered during works, on-site personnel will stop works in the vicinity of the find and notify the Site Supervisor immediately. The Site Supervisor will notify the John Holland (JH) Environment Manager, by phone call, immediately.

#### 1.4.3. Environment Manager

The Environment Manager (or delegate) will notify the Transport for NSW (TfNSW) Environment Manager and Environmental Representative (ER) of the potential unexpected find. The Environment Manager will organise for the Project Ecologist to assess the find. The Environment Manager is the key contact point for the TfNSW Environment Manager and ER regarding this Protocol.

The JH Environment Manager will provide TfNSW all information, assistance and documents reasonably required to inform the unexpected find.

#### 1.4.4. Project Ecologist

The Project Ecologist will advise on the nature of any find, including whether it should be considered “unexpected” in terms of the Planning Approval, whether the species is listed as a threatened species or forms part of a TEC, the “no-go” zone for any nearby works, any controls that should be put in place to manage the find and the likely impact to the threatened species or TEC from the proposed work. The Project Ecologist will develop any required management plan (or equivalent) for the management of any unexpected find. The Project Ecologist will also review this Protocol and recommend amendments, as required. The Project Ecologist will report to the Environment Manager.

It is noted that the Project Ecologist may call on technical specialists (i.e. specialists with certain types of species for instance) to assist in any identification and management of a threatened species/TEC.

#### 1.4.5. TfNSW Environment Manager

The TfNSW Environment Manager will liaise with DPHI and JH will liaise with other relevant government agencies in the event that an impact to a threatened species or TEC has occurred or is likely to occur.

### 1.5. Record Keeping

In the event of an unexpected threatened species and/or ecological communities find, the CEMP and the Flora and Fauna Management Sub-Plan would be updated, as required. All unexpected finds will be documented in an ‘Unexpected Finds Register’. The register will be updated whenever there is a new find.

Any updated revisions of those documents (along with the management plan from the Project Ecologist, see “2 Procedure” below) would be distributed to all relevant stakeholders, and made publicly available on the Project website in accordance with Condition B15.



## 2. Procedure

In the event an unexpected threatened species or TEC is encountered during site works, the following procedure (Figure 1) must be followed. This procedure has been prepared in accordance with the Unexpected Threatened Species Finds Procedure Flow Chart (source Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011)).

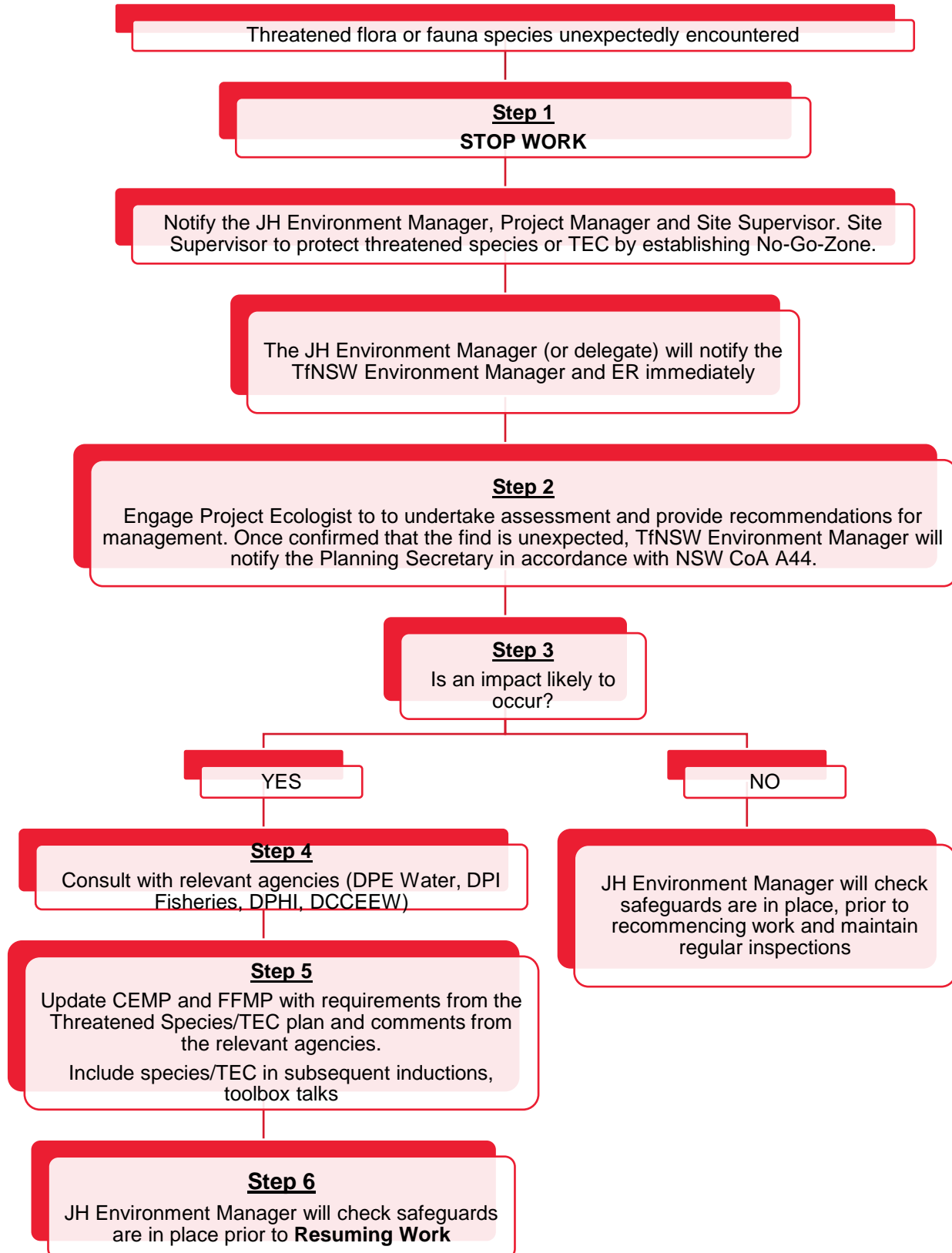


Figure 1 Unexpected Threatened Species Finds Procedure Flow Chart





The detailed actions relating to each step are included below. For images of potential unexpected finds species, refer to Section 3.

## Step 1. Stop work, protect threatened species or TEC and inform Environment Manager

If an unexpected threatened species or TEC is encountered during construction activities:

- Stop all work in the immediate area of the find and notify the Environment Manager, Project Manager and Site Supervisor. The Environment Manager (or delegate) will notify the TfNSW Environment Manager and ER immediately.
- The Site Supervisor will be responsible for establishing a 'no-go zone' around the find, using high visibility fencing and signage where practicable. The location of the 'no-go zone', and any other necessary controls, will be confirmed with the Project Ecologist.
- The Environment Manager will report the unexpected find to Transport as a 'report-only' in accordance with the Transport Environmental Incident Procedure (EMF-EM-PR-0001).

## Step 2. Engage ecologist to undertake assessment and provide recommendations for management, notify Government agencies

The Project Ecologist (or technical specialist) will survey the find and confirm whether the find constitutes an unexpected threatened species or TEC.

### Find is Not Unexpected:

- If it is determined that the find is not unexpected, works in the vicinity of the species/community must only recommence once the identified measures from the approval, permit or appropriate safeguard are in place. After having done so no further action will be required.
- If it is not an unexpected find, the ecologist will provide written advice to confirm this, and the Environmental Manager will circulate to all relevant parties. At this point, no further action is required under this procedure.

### Find is Unexpected:

- If an unexpected find is confirmed, continue with this process procedure.
- The Project Ecologist will assess if there have been any impacts on the find from the Project Works to date and provide recommendations to be implemented until approvals can be sought.
- If the threatened species or TEC has been impacted an environmental incident report would be raised in accordance with Transport's Environmental Incident Procedure.
- Irrespective if there is an impact to the find, the Environment Manager would notify the TfNSW Environment Manager, immediately of the unexpected find.
- The Planning Secretary would be notified by the TfNSW Environment Manager in accordance with NSW CoA A44 as soon as practicable, and no later than 24 hours, after being advised that the ecologist confirms the find is unexpected. The written incident notification will be submitted via the Major Projects Website. BCS and other relevant agencies would be notified by the JH Environment Manager as soon as practicable after being advised that the ecologist confirms the find is unexpected.
- If an impact has occurred, then other relevant agencies (which may include) DPE Water, DPIE Fisheries and DCCEE would be notified in accordance with the TfNSW "Biodiversity Management Guideline: Protecting and managing biodiversity on Transport for NSW projects (March 2024)". Where an impact to the find is required (e.g. a threatened





flora species is situated where the bridge footings will be installed, and therefore removal of the plant is required) and approvals are required, consultation with the relevant agency would be required.

- Subsequent written notification must be given and reports submitted in accordance with NSW CoA A45.
- The Project Ecologist will assess the actual and/or potential impacts on the find from Project Works and develop a draft management plan.
- The management plan will implement the following principles in order of the below hierarchy;
  1. Avoid impacts to the threatened species or TEC – this may include design changes, work practice changes or timing of works
  2. Minimise impacts – in circumstances where minor impacts cannot be avoided, the Project Ecologist/Contractor must still make efforts to reduce any impacts as far as reasonably possible. This includes design changes, changes to work practices, timing of works or relocating a find (where appropriate and possible). Offsetting may still be required for minimised impacts
  3. Offset – in circumstances where impacts cannot be avoided the impacts to the find are to be offset as appropriate to the type of find.
- The management plan will be prepared with consideration to the relevant CEMP sub-plans, Updated Mitigation Measures, Minister's Conditions of Approval, and assessment documentation.
- The ecologist will submit this plan to the Project Manager and Environment Manager outlining all relevant issues and constraints.
- The Environment Manager and Project Manager will review the management plan. The Plan will be submitted to Transport for review and approval.
- Minor updates to the CEMP and FFMP will be submitted to the ER for endorsement and where any updates to the CEMP and/or FFMP are not minor in nature then they would be submitted to the Planning Secretary for approval.

### Step 3. Is an impact likely to occur?

- If the impacts to threatened species or TEC can be avoided, then work may resume provided the JH Environment Manager has checked safeguards are in place.
- If the impacts cannot be avoided, move to step 4.

### Step 4. Consult with the relevant agencies. Submit notification letter and management plan to DPHI and relevant government agencies

- If required, a formal notification letter will be prepared by JH and the Project Ecologist.
- The draft notification letter will then be sent to the TfNSW Environment Manager and ER for review
- The signed notification letter and management plan will be submitted to DPHI by Transport. The letter and management plan will be sent directly to the other government agencies (DPE Water, DPI Fisheries and DCCEEW) by John Holland.
- The TfNSW Environment Manager will notify and consult with relevant government agencies on the proposed management of the unexpected find if required. This could include the opportunity for a site inspection.
- Any comments received by relevant government agencies will be considered and where required, the Threatened Species/TEC management plan will be modified.

### Step 5. Review CEMP and FFMP, and approval conditions





- The CEMP and FFMP will be updated as appropriate with any changes resulting from the final and final Threatened Species/TEC management plan. The updated CEMP and FFMP will incorporate additional conditions arising from any further approvals, such as Planning Approval Modifications, and consultation if relevant. In consultation with relevant government agencies, the FFMP would be updated.
- The Threatened Species/TEC management plan and updated FFMP will be implemented. This includes adding any changes to the FFMP in site induction material. Site workers will be updated during toolbox talks.
- Obtain additional approvals, licences and permits in consultation with relevant agencies

## Step 6. Resume work

- Work in the associated location is not to recommence until approval to recommence work in the associated location has been issued by the TfNSW Environment Manager or Planning Secretary, as appropriate.
- The Project Manager will seek written clearance to resume project work from Transport Project Manager in consultation with the relevant government agencies.
- The Environment Manager will check safeguards are in place.
- Work will resume with any Threatened Species/TEC Management Plan and updated CEMP and sub-plans implemented if appropriate.





### 3. Threatened flora and fauna that could be encountered

The threatened fauna and flora that were identified in the Environmental Assessment Documentation, and which may be encountered during the works, are provided in the tables below.

Table 2 Threatened Fauna that could be encountered






Image	Name	BC Act	EPBC Act
	Green and Golden Bell Frog ( <i>Litoria aurea</i> )	Endangered	Vulnerable
	Bar-tailed Godwit ( <i>Limosa lapponica</i> )	-	Vulnerable
	Black-tailed Godwit ( <i>Limosa limosa</i> )	Vulnerable	-
	Curlew Sandpiper ( <i>Caldris ferruginea</i> )	Endangered	Critically endangered
	Grey-headed Flying-fox ( <i>Pteropus Poliocephalus</i> )	Vulnerable	Vulnerable










Image	Name	BC Act	EPBC Act
	Southern Myotis ( <i>Myotis Macropus</i> )	Vulnerable	-
	White-bellied Sea-eagle ( <i>Haliaeetus leucogaster</i> )	Vulnerable	-
	Powerful Owl ( <i>Ninox strenua</i> )	Vulnerable	-
	Australasian Bittern ( <i>Botaurus poiciloptilus</i> )	-	Endangered
	Australian Painted Snipe ( <i>Rostratula australis</i> )	-	Vulnerable








Image	Name	BC Act	EPBC Act
	Barking Owl (foraging) ( <i>Ninox connivens</i> )	Vulnerable	-
	Black Bittern ( <i>Melithreptus gularis gularis</i> )	Vulnerable	-
	Black-chinned Honeyeater (eastern subspecies) ( <i>Melithreptus gularis gularis</i> )	Vulnerable	-
	Black-necked Stork ( <i>Ephippiorhynchus asiaticus</i> )	Endangered	-
	Broad-billed Sandpiper ( <i>Limicola falcinellus</i> )	-	Vulnerable











Image	Name	BC Act	EPBC Act
	Brown Treecreeper ( <i>Cimacteris picumnus victoriae</i> )	Vulnerable	-
	Comb-crested Jacana ( <i>Irediparra gallinacean</i> )	Vulnerable	-
	Dusky Woodswallow ( <i>Artamus cyanopterus cyanopterus</i> )	Vulnerable	-
	Eastern Coastal Free-tailed Bat ( <i>Micronomus norfolkensis</i> )	Vulnerable	-
	Eastern False Pipistrelle ( <i>Falsistrellus tasmaniensis</i> )	Vulnerable	-
	Eastern Osprey (foraging) ( <i>Pandion cristatus</i> )	Vulnerable	Migratory











Image	Name	BC Act	EPBC Act
	Flame Robin ( <i>Petroica phoenicea</i> )	Vulnerable	-
	Gang-gang Cockatoo (foraging) ( <i>Callocephalon fimbriatum</i> )	Vulnerable	-
	Greater Broad-nosed Bat ( <i>Scoteanax rueppellii</i> )	Vulnerable	-
	Hooded Robin (south-eastern form) ( <i>Melanodryas cucullata cucullate</i> )	Vulnerable	-
	Large Bent-winged Bat ( <i>Miniopterus orianae oceanensis</i> )	Vulnerable	-
	Little Bent-winged Bat ( <i>Miniopterus australis</i> )	Vulnerable	-











Image	Name	BC Act	EPBC Act
	Little Eagle (foraging) ( <i>Hieraaetus morphnoides</i> )	Vulnerable	-
	Little Lorikeet ( <i>Glossopsitta pusilla</i> )	Vulnerable	-
	Masked Owl ( <i>Tyto novaehollandiae</i> )	Vulnerable	-
	New Holland Mouse ( <i>Pseudomys novaehollandiae</i> )	-	Vulnerable
	Regent Honeyeater (non-breeding) ( <i>Anthochaera Phrygia</i> )	Critically Endangered	Critically Endangered
	Rosenberg's Goanna ( <i>Varanus rosenbergi</i> )	Vulnerable	-











Image	Name	BC Act	EPBC Act
	Scarlet Robin ( <i>Petroica boodang</i> )	Vulnerable	-
	Sooty Owl (foraging) ( <i>Tyto tenebricosa</i> )	Vulnerable	-
	Speckled Warbler ( <i>Chthonicola sagittate</i> )	Vulnerable	-
	Spotted Harrier ( <i>Circus assimilis</i> )	Vulnerable	-
	Spotted-tailed Quoll ( <i>Dasyurus maculatus</i> )	Vulnerable	-
	Square-tailed Kite (foraging) ( <i>Ptilinopus superbus</i> )	Vulnerable	-





Image	Name	BC Act	EPBC Act
	Superb Fruit-Dove ( <i>Ptilinopus superbus</i> )	Vulnerable	-
	Swift Parrot (non-important habitat) ( <i>Lathamus discolor</i> )	Endangered	Critically Endangered
	Turquoise Parrot ( <i>Neophema pulchella</i> )	Vulnerable	-
	Varied Sittella ( <i>Varied Sittella</i> )	Vulnerable	-
	White-fronted Chat ( <i>Epthianura albifrons</i> )	Vulnerable	-
	White-throated Needletail ( <i>Hirundapus caudacutus</i> )	-	Migratory






Image	Name	BC Act	EPBC Act
	Yellow-bellied Sheath-tail-Bat ( <i>Saccolaimus flaviventris</i> )	Vulnerable	-

Table 3 Threatened Flora that could be encountered

Image	Name	BC Act
	Narrow-leaved Wilsonia ( <i>Wilsonia backhousei</i> )	Vulnerable






Threatened Ecological Communities that could be encountered

Image	Name	BC Act Listed	EPBC Act Listed
 <p><b>Source: Biodiversity Development Assessment Report (GHD, 2022)</b></p>	<p><b>PCT 1126</b></p> <p><b>PCT Name:</b> Saltmarsh in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion</p> <p><b>TEC Name:</b> Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions (EEC, BC Act)</p> <p>Subtropical and Temperate Coastal Saltmarsh (Coastal Saltmarsh) (VEC, EPBC Act)</p>	Y	Y
 <p><b>Source: Biodiversity Development Assessment Report (GHD, 2022)</b></p>	<p><b>PCT 1234</b></p> <p><b>PCT Name:</b> Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion</p> <p><b>TEC Name:</b> Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions (EEC, BC Act)</p>	Y	N







Image	Name	BC Act Listed	EPBC Act Listed
 <p><b>Source: Biodiversity Development Assessment Report (GHD, 2022)</b></p>	<p><b>PCT 1281</b></p> <p><b>PCT Name:</b> Turpentine - Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion</p> <p><b>TEC Name:</b> Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion (CEEC)</p>	Y	N





# Attachment A - BCS Consultation



Department of Climate Change, Energy, the Environment and Water

Your ref: SSD-10352 PA  
Our ref: DOC24/555346

Colm Kennedy  
Environment and Approvals Manager  
Infrastructure NSW/ACT  
John Holland

14 November 2024

## **Subject: Parramatta Light Rail Stage 2 - Condition E8 (SSI 10035)**

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Dear Colm,

I refer to your email received 28 October 2024 seeking consultation with the Biodiversity, Conservation and Science Group (BCS) regarding condition E8 of the Infrastructure Approval for the Parramatta Light Rail Stage 2 (SSI 10035) approved by the Minister for Planning and Public Spaces on 22 February 2024.

In accordance with condition E8, BCS has reviewed the *Unexpected Threatened Species and Ecological Communities Finds Protocol Parramatta Light Rail Stage 2 Enabling Works Rev A* dated 28 October 2024.

BCS's only comment is that in the flowchart (figure 1), the words 'of significance' should be deleted. The wording in the flowchart must be consistent with the description of this step on page 8 of the document, which states that impacts are to be assessed but doesn't require an assessment of the significance of the impact.

Please also be advised that any future post approval consultation referrals to BCS must be made via the major project portal.

Should you have any queries regarding this matter, please contact Marnie Stewart, Senior Project Officer Planning on [marnie.stewart@environment.nsw.gov.au](mailto:marnie.stewart@environment.nsw.gov.au).

Yours sincerely

Louisa Clark  
Director  
**Greater Sydney Branch**  
**Biodiversity, Conservation and Science**