



## Notification of approval

### Parramatta Light Rail Stage 2, NSW (EPBC ref 2022/09300)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

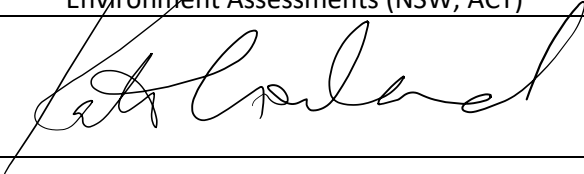
### Approved Action

<b>Person to whom the approval is granted (approval holder)</b>	Transport for NSW ABN: 18 804 239 602
<b>Proposed Action</b>	To construct an approximately 10 km long dual-track light rail line to connect Stage 1 of the Parramatta Light Rail network to Sydney Olympic Park, in New South Wales (See EPBC Act referral 2022/09300)

### Approval decision

<b>decision</b>	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	<b>Controlling Provision</b>	<b>Decision</b>
	Listed threatened species and communities (section 18 and section 18A)	Approved
<b>period for which the approval has effect</b>	This approval has effect until 31 December 2036.	
<b>conditions of approval</b>	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Kate Gowland Branch Head Environment Assessments (NSW, ACT)
signature	
date of decision	19 April 2024

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

Part A – Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- 1) The approval holder must not **clear** more than 1.52 hectares of **Green and Golden Bell Frog habitat**.

NSW APPROVAL ACTION MANAGEMENT PLANS

Flora and Fauna Construction Environmental Management Plan (CEMP) Sub-plan

- 2) To avoid and mitigate **harm** to the **Green and Golden Bell Frog**, the approval holder must comply with condition C19 of the **NSW approval** to the extent that it relates to the **Green and Golden Bell Frog**.
- 3) To avoid and mitigate **harm** to **protected matters**, prior to **commencement of the Action**, the approval holder must submit a Flora and Fauna Construction Environmental Management Plan (CEMP) Sub-plan to the **Planning Secretary** for approval, as required by condition C19 of the **NSW approval**. The approval holder must implement the **Flora and Fauna CEMP Sub-Plan** as, and from, when it is approved by the **Planning Secretary**, and until the **completion of the Action**.

**Note:** The definition of **NSW approval** refers to the NSW Government *Critical State Infrastructure: Conditions of Approval for Parramatta Light Rail Stage 2*, granted on 22 February 2024 (SSI 10035). If the approval holder wishes, or is required by the NSW Government, to implement a condition attached to a newer version of the NSW approval that is contrary to the NSW approval conditions specified in these approval conditions, the approval holder will first need to submit a request to the **department** that the conditions of this **EPBC Act** approval be varied to enable that.

- 4) If the approval holder proposes to implement a revised version of the **Flora and Fauna CEMP Sub-Plan**, the approval holder must notify the **department** in writing of the proposed revision to the **Flora and Fauna CEMP Sub-Plan** within:
  - a) **2 business days** of formally proposing a revision, or
  - b) **5 business days** of becoming aware of any proposed revision,

accompanied by details of the proposed changes from the approved version (for example, by attaching a copy with tracked changes).

- 5) If the **Planning Secretary** approves a revised version of the **Flora and Fauna CEMP Sub-Plan**, the approval holder must submit to the **department** within 2 **business days** of its approval by the **Planning Secretary**, evidence of the **Planning Secretary's** approval.

#### FLOOD MANAGEMENT OBJECTIVES

- 6) To avoid and mitigate impacts on **protected matters** as a result of the Action, the approval holder must comply with condition E11 of the **NSW approval**, to the extent that it relates to **protected matters** from the **commencement of the Action** until the expiry of this approval.

#### OFFSETS

- 7) To compensate for impacts to **Green and Golden Bell Frog** as a result of the Action, the approval holder must comply with conditions E2-E4 of the **NSW approval**, to the extent that they relate to **Green and Golden Bell Frog**.
- 8) Within 20 **business days** of **retiring** the **biodiversity credits** as required by condition 7, the approval holder must submit evidence to the **department** demonstrating that the **biodiversity credits** have been **retired** in accordance with the **NSW approval**.

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#### Part B – Administrative conditions

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#### SUBMISSION AND PUBLICATION OF PLANS

- 9) The approval holder must submit all **plans** required by these conditions electronically to the **department**. This includes **plans** required under any conditions of the **NSW approval** that are specified in these conditions.
- 10) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** and submit it to the **department** within 15 **business days** of the date the **plan** is approved by the **Planning Secretary** as required under the **NSW approval** which must be complied with in accordance with these **EPBC Act** conditions.
- 11) The approval holder must keep all **plans** required by these conditions published on the **website** until the expiry date of this approval.
- 12) The approval holder is required to exclude or redact **sensitive ecological data** from **plans** published on the **website** or otherwise provided to a member of the public. If **sensitive ecological data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

#### MODIFICATIONS TO NSW APPROVAL

- 13) The approval holder must notify the **department** in writing of any proposed change to the **NSW approval** that may relate to **protected matters** within 2 **business days** of formally proposing a change and within 5 **business days** of becoming aware of any proposed change.

- 14) The approval holder must notify the **department** in writing of any change to the **NSW approval** conditions that may relate to **protected matters**, within 10 **business days** of a change to conditions being finalised. This notification must include a copy of the finalised changes to the **NSW approval** conditions.

#### **COMMENCEMENT OF THE ACTION**

- 15) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 16) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

#### **COMPLIANCE RECORDS**

- 17) The approval holder must maintain accurate and complete **compliance records**.
- 18) 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.

**Note:** **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

#### **ANNUAL COMPLIANCE REPORTING**

- 19) The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval decision (or as otherwise agreed to in writing by the **Minister**).
- 20) Each **compliance report** must be consistent with the '*Annual Compliance Report Guidelines, Commonwealth of Australia 2023*'.
- 21) Each **compliance report** must include:
- a) Accurate and complete details of compliance and any non-compliance with:
    - i) each condition attached to this approval decision,
    - ii) each condition imposed under the **NSW approval** if a condition attached to this approval decision requires compliance with that **NSW approval** condition,
    - iii) all commitments made in each **plan**, and
    - iv) if any **incident** occurred, each **incident**.
  - b) One or more **shapefile** showing all **clearing** of **protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.
  - c) A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each **plan** is being implemented.
- 22) The approval holder must:
- a) Publish each **compliance report** on the **website** within 20 **business days** following the end of the 12-month period for which that **compliance report** is required.

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- b) Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
- c) Provide the weblink for the **compliance report** in the notification to the **department**.
- d) Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
- e) Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
- f) If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

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

### REPORTING NON-COMPLIANCE

- 23) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.
- 24) The approval holder must specify in the notification:
  - a) Any condition or commitment made in a **plan** which has been or may have been breached.
  - b) A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
  - c) The location (including co-ordinates), date and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

**Note:** If the exact information cannot be provided, the approval holder must provide the best information available.

- 25) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**. The approval holder must specify:
  - a) Any corrective action or investigation which the approval holder has already taken.
  - b) The potential impacts of the **incident** and/or non-compliance.
  - c) The method and timing of any corrective action that will be undertaken by the approval holder.

### INDEPENDENT AUDIT

- 26) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires (unless otherwise specified in writing by the **Minister**).
- 27) For each **independent audit**, the approval holder must:

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- a) Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
  - b) Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
  - c) Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
  - d) Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
  - e) Keep every **audit report** published on the **website** until this approval expires.
- 28) Each **audit report** must report for the five-year period preceding that **audit report**.
- 29) Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the '*Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019*'.

### COMPLETION OF THE ACTION

- 30) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.
- 31) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

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### Part C – Definitions

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In these conditions any bolded use of a word or term refers to the below definition of that word or term:

**Action area** means the location of the Action, represented in Attachment A by the zone enclosed by the solid red line designated 'Action Area'.

**Audit report** means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

**Biodiversity credits** means biodiversity credit units issued in accordance with the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016* (NSW).

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in New South Wales.

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**Clear** or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

**Commence the Action** or **commences the Action** means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- a) Undertake pre-clearance surveys or monitoring programs.
- b) Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm** any **protected matter**.
- c) Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- d) Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm** any **protected matter**.

**Commencement of the Action** means the date on which the approval holder **commences the Action**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

**Completion of the Action** means the date on which all activities associated with this approval have permanently ceased and/or been completed.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

**Compliance report** means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

**Construct** or **construction** means:

- a) the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- b) the alteration, maintenance, repair or demolition of any building or structure,
- c) any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- d) the laying of pipes and other prefabricated materials in the ground, and
- e) any associated excavation work.

**Construction** does not include the installation of temporary fences and signage.

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**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

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

**Flora and Fauna CEMP Sub-plan** means the Flora and Fauna Construction Environmental Management Plan (CEMP) Sub-plan approved by the **Planning Secretary** as required by condition C19 of the **NSW approval**.

**Green and Golden Bell Frog** means the **EPBC Act** listed threatened species Green and Golden Bell Frog (*Litoria aurea*).

**Green and Golden Bell Frog habitat** means any area which supports the **Green and Golden Bell Frog**. Within the **Action area**, the location of **Green and Golden Bell Frog habitat** identified as of the date of this approval is represented in Attachment B by the zone enclosed by the solid green line designated '**Green and Golden Bell Frog habitat**'.

**Harm** means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

**Incident** means any event which has the potential to, or does, **harm any protected matter**.

**Independent** means a person or firm who does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons.

\*Other than for the purpose of undertaking the role for which an **independent** person is required

**Independent audit** means an audit, conducted by an **independent** person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature, as detailed in the '*Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019*'.

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval. **NSW approval** means the NSW Government *Critical State Infrastructure: Conditions of Approval for Parramatta Light Rail Stage 2*, made under section 5.19 of the *Environmental Planning and Assessment Act 1979* (NSW), for application number SSI-10035, approved on 22 February 2024. At the date of this decision, the **NSW approval** can be accessed at the following webpage address: <https://www.planningportal.nsw.gov.au/major-projects/projects/parramatta-light-rail-stage-2>.



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**Plan** means any action management plan or strategy that the approval holder is required by these conditions to implement.

**Planning Secretary** means the Planning Secretary as defined in the **NSW approval**.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Retired** or **retiring** means retirement of **biodiversity credits** in accordance with the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* (NSW), such that the **biodiversity credits** can no longer be bought or sold.

**Sensitive ecological data** means data as defined in the *'Sensitive Ecological Data – Access and Management Policy v1.0, Commonwealth of Australia 2016'*.

**Shapefile** means location and attribute information about the Action provided in an Esri shapefile format containing:

- a) '.shp', '.shx', '.dbf' files,
- b) a '.prj' file which specifies the projection or geographic coordinate system used, and
- c) an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

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

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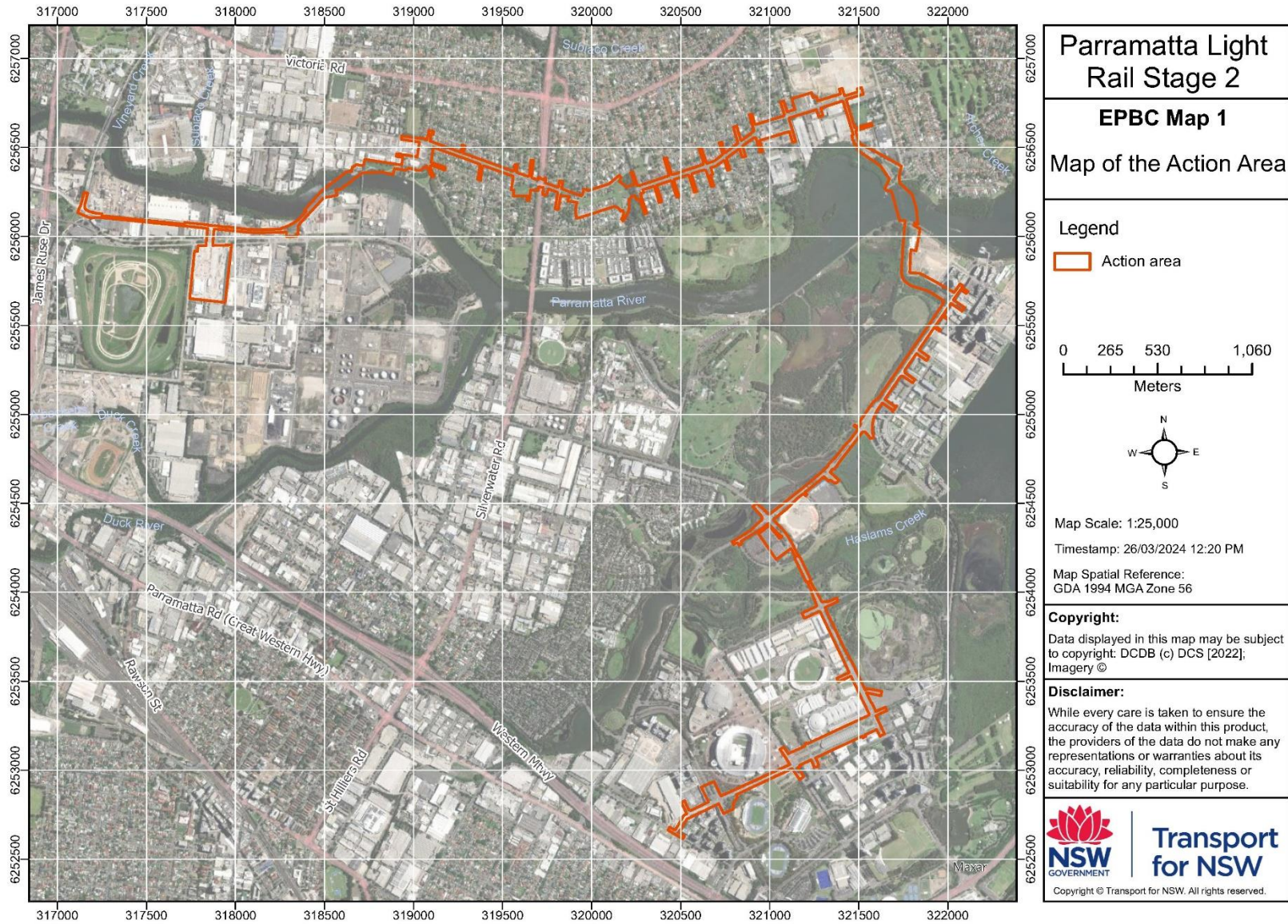
### Attachments

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Attachment A: Paramatta Light Rail Stage map of the **Action area**.

Attachment B: Paramatta Light Rail Stage 2 map of the **Green and Golden Bell Frog habitat**.

Attachment A: Paramatta Light Rail Stage 2 map of the Action area.



Attachment B: Paramatta Light Rail Stage 2 map of the Green and Golden Bell Frog habitat.

