



Western Sydney Airport

**EPBC Act Part 13 Permit Annual
Compliance Report 2023 - 2024**

January 2024





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| Environment Manager | L Laughton | | 30 Jan 2024 |



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1. Introduction

In April 2014 the Australian Government announced that the Commonwealth-owned land at Badgerys Creek will be the site for a second Sydney Airport. The Badgerys Creek Airport Site was selected following extensive studies completed over a number of decades.

In December 2016 pursuant to the Airports Act, the Minister for Urban Infrastructure determined the Airport Plan which sets the environmental and planning authorisation for the development of Stage 1 of the Western Sydney Airport.

Part 3 of the Airport Plan outlines the conditions for the design, construction and operation of the Stage 1 development of the airport that must be complied with, regardless of who is delivering the works. These include strict environmental standards and implementation of mitigation measures identified in the Environmental Impact Statement (EIS).

The EIS was prepared in accordance with the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and was finalised under the EPBC Act in September 2016, following a public exhibition period during which almost 5,000 submissions were received. The EIS considered potential impacts during construction and operation of the Stage 1 and long-term development of the proposed airport. In determining the Airport Plan, the Minister for Urban Infrastructure accepted environmental conditions proposed by the Environment Minister, taking into account the EIS.

In May 2017, the Government announced that it would establish WSA Co to develop and operate the airport. WSA Co is responsible for constructing and operating Western Sydney Airport in accordance with the Airport Plan.

The Western Sydney Airport is expected to be developed in stages to match demand and include planning for services and amenities that are easily expandable over time, providing scalable capacity for aircraft, passengers, cargo and vehicle movements.

Stage 1 will include major site preparation, removing or relocating infrastructure from the site and earthworks to prepare the Airport Site, establishing the Airport with a single 3,700 metre runway located in the north-western portion of the Airport Site, a terminal and other support facilities to provide an operational anticipated capacity of approximately 10 million regional, domestic and international passengers per year, as well as freight traffic (the Stage 1 development).

The scope of works for the Stage 1 Development is defined in the Airport Plan and will generally include the investigation, design, construction and commissioning of:

- Bulk earthworks to move and redistribute approximately 24 million cubic metres of material on the Airport Site (completed in early 2023)
- A single 3.7-kilometre runway;
- Aprons, taxiways and other airside pavements;
- A multi-user terminal;
- Appropriate airport and aviation support facilities;
- Drainage and utilities infrastructure; and
- Car parking, on-site roads and other appropriate landside facilities.



It is noted that the Airport Plan was revised in September 2021 to authorise Rail Development on the Airport Site. This resulted in condition numbers changing and that the Airport Plan Condition referenced in Part 13 Permit (E2017-0138) Condition 5 is now Condition 47. Updates have been made in Table 5 to reflect this.

1.1 Purpose

This compliance report covers the reporting period between 7 January 2023 and 7 January 2024. The purpose of this report is to document compliance with the conditions for the Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) Part 13 Permit (E2017-0138). Details of compliance are provided, and where appropriate, the timing of completion of individual actions is identified.

The key dates that relate to the permit are detailed in **Table 1**.

Table 1 Key Dates

| Action | Key Date |
|---------------------------------|------------------|
| Commonwealth Approval | 21 December 2017 |
| Commencement date | 8 January 2018 |
| Expiry of Commonwealth approval | 31 December 2027 |

2. Compliance with Conditions of Approval

The EPBC Act Part 13 Permit includes seven conditions of approval. The following tables provide details of the conditions and how compliance has been met for each of the condition requirements during the reporting period. No major non-compliances were identified during the reporting period.

Table 2 Part 13 Permit Conditions of Approval

| Condition | Status | Comment | Reference |
|--|-----------|--|--|
| 1. Maximum quantities of habitat/fauna/flora | Compliant | Refer Table 3 for details of habitat/species and quantity removed. | Table 3 of this report |
| 2. The permit holder may give to another person written authority to take, for or on behalf of the holder, any activity authorised by the permit. When an authority is given to another person, the condition requirements also apply. The giving of an authority to another person does not prevent the permit holder from undertaking the authorised activity. The permit holder who gives an authority to another person must inform the Department in writing within fourteen days after giving the authority. The permit holder may only give an authority to another person who has sufficient experience and competence in the activities of this permit. | Compliant | <p>Bulk Earthworks Contract:</p> <p>CPBLLJV (now CPBACCJV) were given authority to undertake clearing activities on 8 January 2020</p> <p>Written notification to DoEE by WSA on 16 January 2020 (No change since this notification)</p> <p>Bulk Earthworks Contract: completed early 2023</p> | <p>WSA Land Disturbance Permit authorised 8 January 2020</p> <p>Letter to DoEE dated 16 January 2020 (No change since this notification)</p> |
| 3. Within seven (7) days after the commencement of the action, the permit holder must advise the Minister in writing of the actual date of commencement of the action. | Compliant | <p>Bulk Earthworks Contract:</p> <p>Written notification to DoEE by WSA on 16 January 2020 (No change since this notification)</p> <p>Bulk Earthworks Contract: completed early 2023</p> | <p>Letter to DoEE dated 16 January 2020 (No change since this notification)</p> |
| 4. The permit holder must maintain accurate records substantiating all activities associated with or relevant to these permit conditions and make them available to the Department upon request. Such records may be subject to audit by the Department, or an independent auditor in accordance with section 458 of the EPBC Act or used to assess or verify compliance with the permit conditions. Summaries of audits may be published on the Department's website. The results of audits may also be publicised through the general media. | Compliant | Records maintained as required by this condition | WSA Sharepoint |

| Condition | Status | Comment | Reference |
|---|-----------|--|-------------|
| <p>5. Unless otherwise agreed to in writing by the Minister, within three (3) months of every 12 month anniversary of the commencement of the action, the permit holder must publish a report on their website addressing compliance with these permit conditions over the previous 12 months. Non-compliance with any of the permit conditions must be reported to the Department at the same time as the compliance report is published. Reports must remain published for the life of the permit. Reports must continue to be published until such time as advised by the Minister in writing.</p> | Compliant | Report to be uploaded by 7 th March 2024. | This report |
| <p>6. The permit holder will be taken to comply with the requirement to publish compliance reports under condition 5, in relation to a 12 month or other period referred to in condition 39 of the Airport Plan, if information about compliance or non-compliance with these permit conditions, over that period, is included or is to be included in a report published by the permit holder under condition 39 (now condition 47) of the Airport Plan. If a report published by the permit holder under condition 39 (now condition 47) of the Airport Plan includes, or is to include information about compliance with these permit conditions over a 12 month or other period, a compliance report published by the permit holder under permit condition 5 does not need to address compliance with these permit conditions over any part of the same period.</p> | Compliant | This report covers the 12-month period 7 January 2023 to 7 January 2024. | This report |
| <p>7. If, after 10 years from the date of this permit, the permit holder has not commenced the action, then the permit holder must not commence the action or continue taking the action without the written agreement of the Minister</p> | Compliant | Permit remains valid. | |

Table 3 Details of habitat, flora or fauna as outlined in Part 13 Permit E2017 – 0138 Condition 1

| Common name | Species name | Maximum quantity | Unit | Habitat description (if provided) | Quantity removed in previous reporting periods | Quantity removed 2022/23 | Limit remaining |
|---|--|------------------|-------------|-----------------------------------|--|--------------------------|-----------------|
| Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest | - | 160 | ha | - | 145.47 | 0 | 14.39 |
| Spiked Rice-flower | <i>Pimelea spicata</i> | 4800 | clumps | - | 2256 | 0 | 2544 |
| | <i>Pultenaea parviflora</i> | 5 | individuals | - | 0 | 0 | 5 |
| White-flowered Wax Plant | <i>Cynanchum elegans</i> | 210 | ha | better quality potential habitat | 186.21 | 0 | 23.63 |
| | | And | | | | | |
| | | 150 | ha | poor quality potential habitat | 133.97 | 0 | 15.90 |
| Downy Wattle | <i>Acacia pubescens</i> | 6 | ha | potential habitat | 4.93 | 0 | 1.07 |
| Small-flower Grevillea | <i>Grevillea parviflora</i> subsp. <i>parviflora</i> | 6 | ha | potential habitat | 4.93 | 0 | 1.07 |
| Austral Toadflax | <i>Thesium australe</i> | 210 | ha | better quality potential habitat | 186.21 | 0 | 23.63 |
| | | And | | | | | |
| | | 150 | ha | poor quality potential habitat | 133.97 | 0 | 15.90 |
| Grey-headed Flying-fox | <i>Pteropus poliocephalus</i> | 10 | individuals | - | 0 | 0 | 10 |
| Swift Parrot | <i>Lathamus discolor</i> | 5 | individuals | - | 0 | 0 | 5 |
| Cattle Egret | <i>Ardea ibis</i> | 5 | individuals | - | 0 | 0 | 5 |

| Common name | Species name | Maximum quantity | Unit | Habitat description (if provided) | Quantity removed in previous reporting periods | Quantity removed 2022/23 | Limit remaining |
|---------------------------|------------------------------|------------------|-------------|-----------------------------------|--|--------------------------|-----------------|
| Eastern Great Egret | <i>Ardea modesta</i> | 5 | individuals | - | 0 | 0 | 5 |
| Latham's Snipe | <i>Gallinago hardwickii</i> | 5 | individuals | - | 0 | 0 | 5 |
| White-throated Needletail | <i>Hirundapus caudacutus</i> | 3 | individuals | - | 0 | 0 | 3 |
| Rufous Fantail | <i>Rhipidura rufifrons</i> | 5 | individuals | - | 0 | 0 | 5 |
| Rainbow Bee-eater | <i>Merops ornatus</i> | 5 | individuals | - | 0 | 0 | 5 |
| Marsh Sandpiper | <i>Tringa stagnatilis</i> | 3 | individuals | - | 0 | 0 | 3 |
| Sharp-tailed Sandpiper | <i>Calidris acuminata</i> | 3 | individuals | - | 0 | 0 | 3 |