

# Sydney Metro – Western Sydney Airport

EPBC Act (2020/8687) Annual  
Compliance Report 21 July 2023 – 20  
July 2024

October 2024




# Document Control

Document Number	Document Name	Revision
SM-24-00286889	SM-WSA EPBC Act (2020/8687) Annual Compliance Report 21 July 2023 – 20 July 2024	1

## Revision History

Revision	Date	Description	Author	Reviewer
0.1	8 August 2024	First Draft	S. Anderson	C. Lestrangle
0.2	19 September 2024	Second draft	S. Anderson	C. Lestrangle
0.3	10 October 2024	Third draft	C. Lestrangle	J. Blake
0.4	18 October 2024	Final draft	C. Lestrangle	H. Chapman

## Plan Authorization

Position	Name	Signature	Date
Director Project Environment, Sustainability & Planning (SM-WSA)	H. Chapman		18/10/24

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# 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

Hugh Chapman

Position

Director Project Environment, Sustainability and Planning, Sydney Metro – Western Sydney Airport (SM-WSA)

Organisation

Sydney Metro

Organisation ABN

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Date

18/10/2024

# 1. Introduction

## 1.1 Purpose

This compliance report covers the reporting period between 21 July 2023 and 20 July 2024 in respect of the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) Approval (2020/8687). The purpose of this report is to document compliance with the conditions for the EPBC (2020/8687) approval. Details of compliance are provided, and where appropriate, the timing of individual actions as identified.

According to the EPBC (2020/8687) conditions of approval “Commencement of the action” is defined as the first instance of any specified activity associated with the action including clearing and construction. Commencement of the action does not include minor physical disturbances or investigation works.

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

Table 1: Key approval dates

Action	Key Date
Commonwealth approval	3 June 2021
Commencement of the action	20 July 2022
Expiry of Commonwealth approval	31 December 2100

## 1.2 Project overview

The Sydney Metro – Western Sydney Airport (SM-WSA) Project involves the construction and operation of a new metro railway line around 23 kilometres in length that extends from the existing Sydney Trains suburban T1 Western Line (at St Marys) in the north to Bradfield (at Bringelly) in the South. The alignment includes a combination of tunnel, surface, bridges, and viaduct sections, and comprises six new metro stations between St Marys and Bradfield City (formerly known as the Aerotropolis Core precinct), as well as a stabling and maintenance facility and operational control centre to support the operation of the new metro railway line. The approved action only relates to part of the project and is summarised in section 1.3 below.

There are three principal statutory schemes that govern the planning and assessment process for the project:

- NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to works located outside the boundary of Western Sydney International (Nancy-Bird Walton) Airport (referred to as Western Sydney International) (off-airport)
- Commonwealth *Airports Act 1996* (Airports Act) applies to works located within the boundary of Western Sydney International (on-airport)
- Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act):
  - For works located north of Western Sydney International (off-airport), assessment and approval was required under Part 8 and 9 of the EPBC Act to address impacts on listed threatened species and communities and Commonwealth land
  - For the lands located south of Western Sydney International (off-airport), impacts on matters of national environmental significance (MNES) and Commonwealth land have already been assessed and approved under a strategic assessment in accordance with Part 10 of the EPBC Act.

Figure 1 shows the statutory approval regime applicable to different areas of the project areas.

The EPBC (2020/8687) approval relates to works located on State land to the north of Western Sydney International (Nancy-Bird Walton) Airport (Western Sydney International) to address impacts on listed threatened species and ecological communities, and Commonwealth land. Other parts of the SM-WSA Project have been approved under other mechanisms and are not included in the scope of this compliance report.

The Sydney Metro – Western Sydney Airport (SM-WSA) EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687) was prepared in October 2020 to assess the impacts of construction and operation of a rail link from St Marys to Elizabeth Drive, Badgerys Creek, as a controlled action under the EPBC Act, (the approved action). This document was exhibited between 21 October 2020 and 18 November 2020 in accordance with section 95A of the EPBC Act.

The SM-WSA EPBC 2020/8687 referral was approved, subject to conditions, by the Commonwealth Minister for the Environment on 3 June 2021 under Part 9 of the EPBC Act.

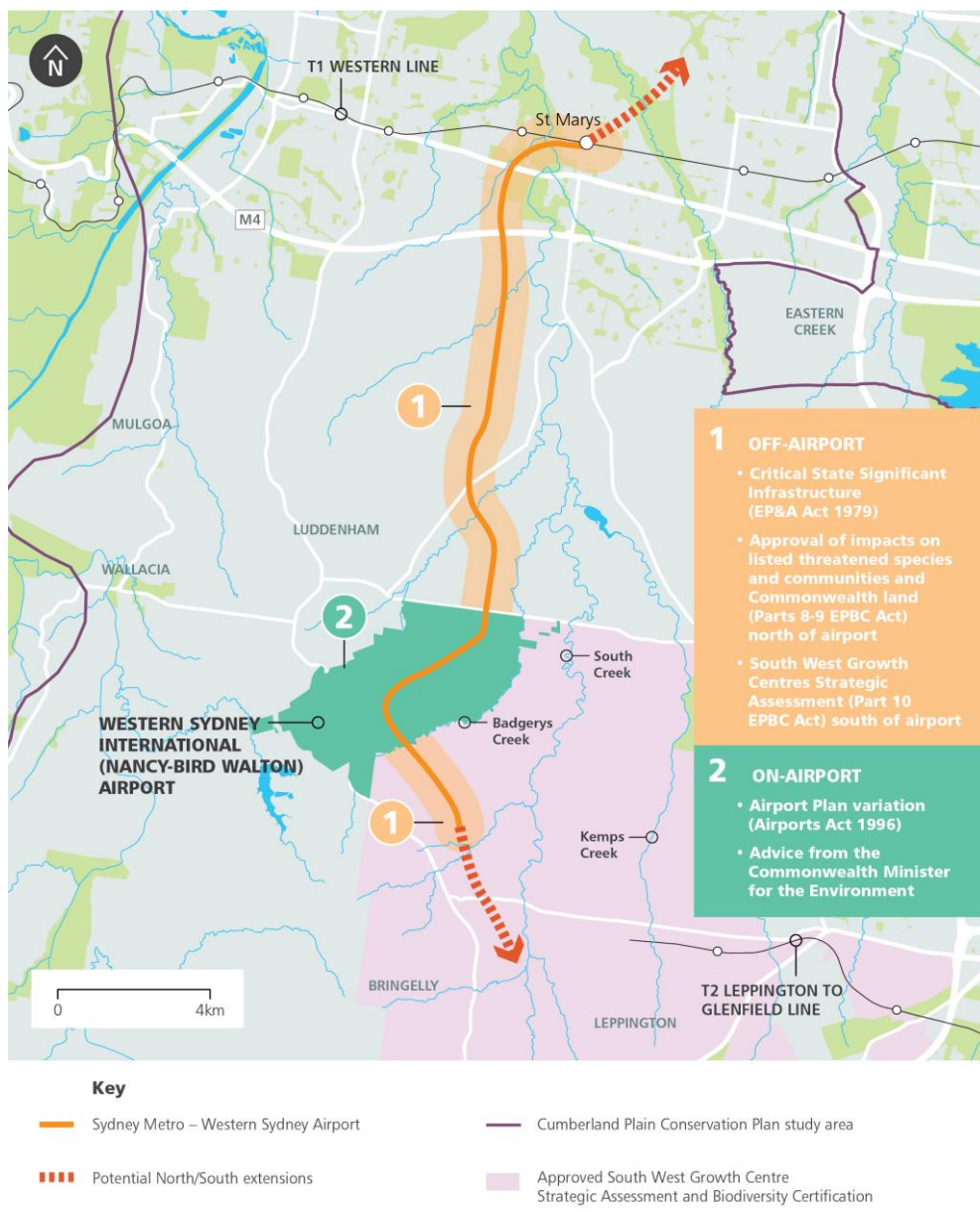


Figure 1: Planning approval context from the Sydney Metro – Western Sydney Airport Project

### 1.3 Description of the approved action

The Sydney Metro – Western Sydney Airport (SM-WSA) EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687) provides a detailed description of the approved action and should be referred to where further information is required.

Key operational components of the approved action include:

- Around 4.3 kilometres of twin rail tunnels (generally located side by side) between St Marys (the northern extent of the approved action) and Orchard Hills
- A cut-and-cover tunnel around 350 metres long (including tunnel portal), transitioning to an in-cutting rail alignment south of the M4 Western Motorway at Orchard Hills
- Around 10 kilometres of rail alignment between Orchard Hills and Western Sydney International (the southern extent of the approved action), consisting of a combination of viaduct and surface rail alignment
- Three new metro stations:
  - St Marys (providing interchange with the T1 Western Line)
  - Orchard Hills
  - Luddenham
- Grade separation of the track alignment at key locations including:
  - Where the alignment interfaces with existing infrastructure such as the Great Western Highway, M4 Western Motorway, Lansdowne Road, Patons Lane, the Warragamba to Prospect Water Supply Pipelines (the pipelines), Luddenham Road, the future M12 Motorway and Elizabeth Drive
  - Crossings of Blaxland Creek and Cosgroves Creek and other small waterways to provide flood immunity for the project
- Modifications to the existing Sydney Trains station and rail infrastructure at St Marys to support interchange and customer transfer between the new metro station and the T1 Western Line
- A stabling and maintenance facility and operational control centre located to the south of Blaxland Creek and east of the proposed metro track
- An integrated tunnel ventilation system including a potential service facility at Claremont Meadows, as required
- All operational systems and infrastructure such as crossovers, rail sidings, signalling, communications, overhead wiring, power supply, lighting, fencing, security and access tracks/paths
- Retaining walls at required locations along the alignment
- Environmental protection measures such as noise barriers (if required), on-site water detention, water quality treatment basins and other drainage works.

Construction activities that would be undertaken for the approved action include:

- Enabling works
- Main construction works including:
  - Tunnelling and associated works
  - Corridor and associated works
  - Stations and associated works
  - Ancillary facilities and associated works
- Rail systems fit out
- Finishing works, as well as testing and commissioning



## 1.4 Location of the approved action

Land to which the EPBC (2020/8687) approval applies is shown in Figure 2, Figure 3 and Figure 4. The construction boundaries and final surface levels shown are indicative only and are subject to construction planning and detailed design.

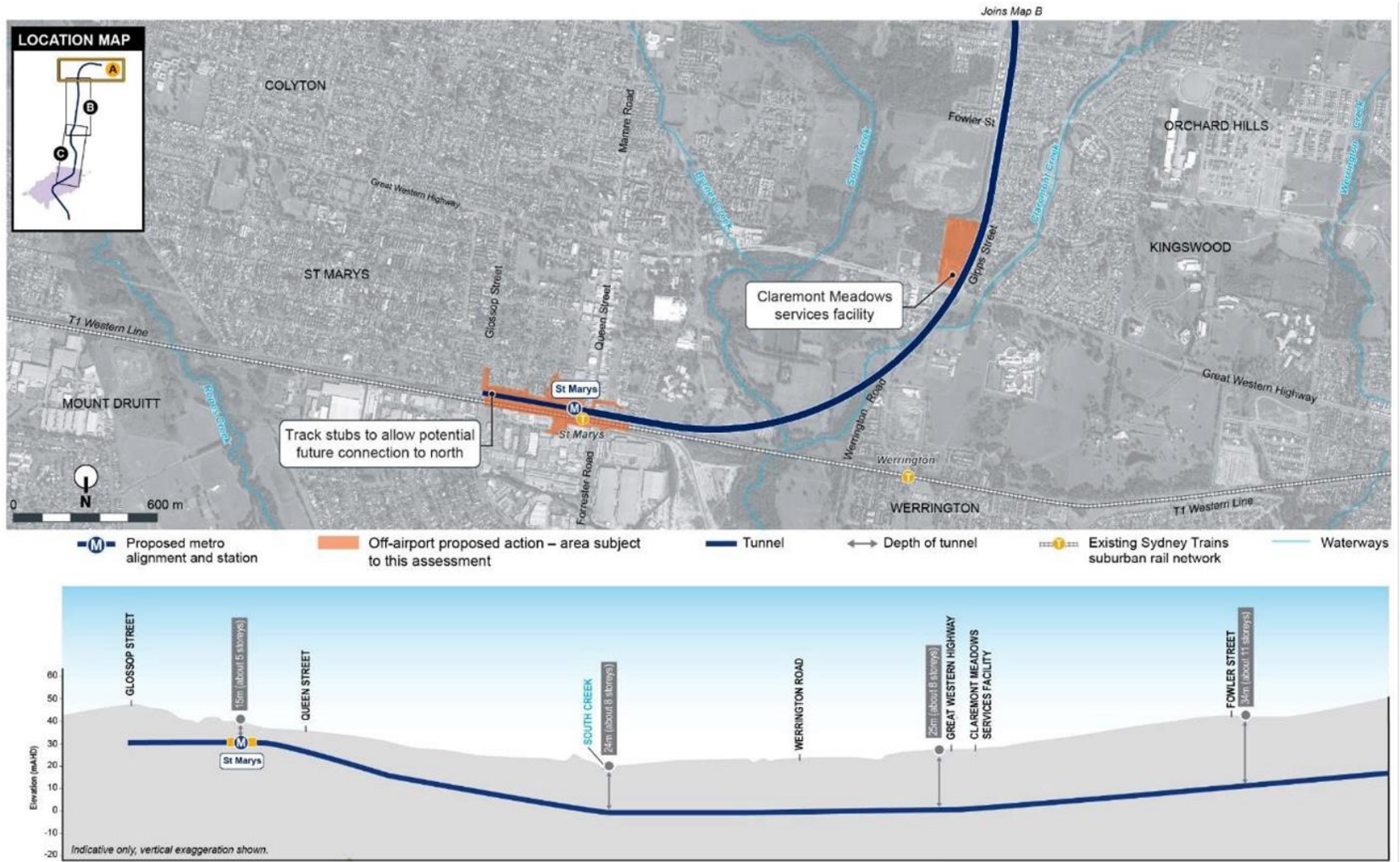


Figure 2: Location of the Project – St Marys to Claremont Meadows. Land to which this approval applies is shown in orange.

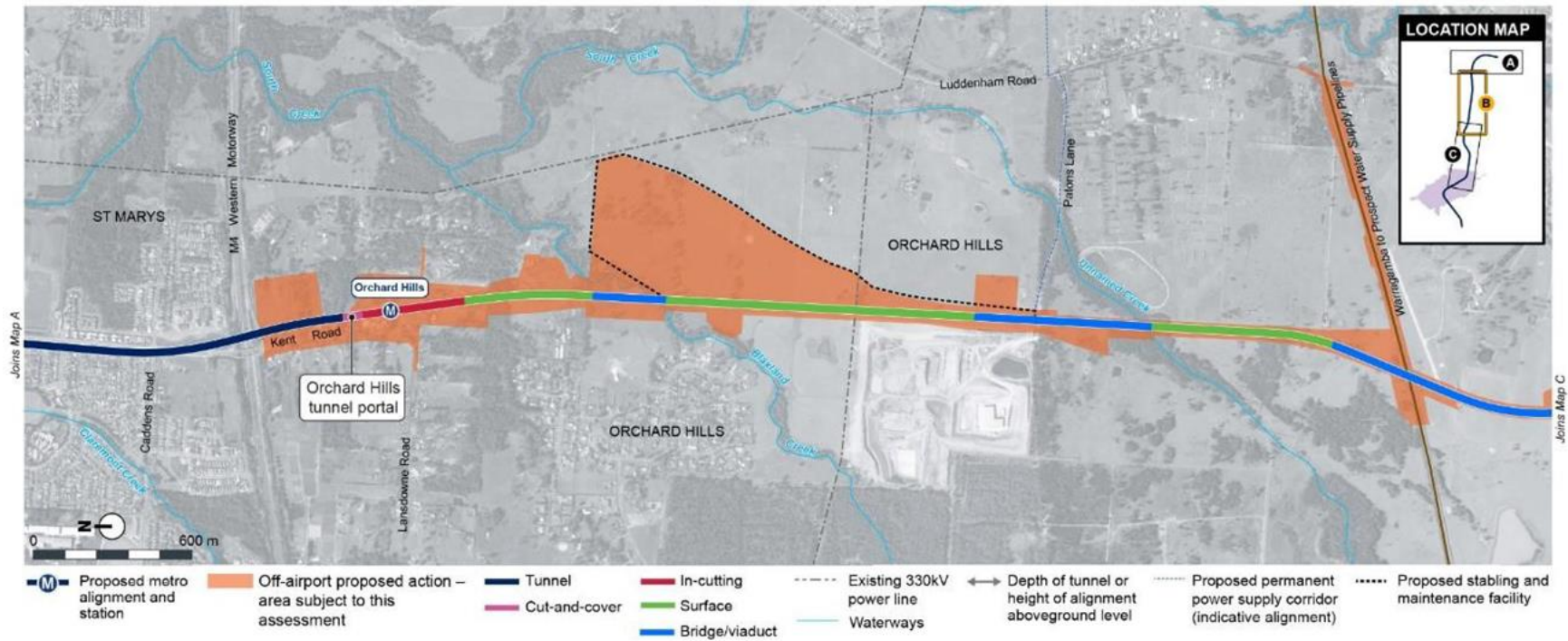


Figure 3: Location of the Project – Orchard Hills to Warragamba to Prospect Water Supply Pipeline. Land to which this approval applies is shown in orange.

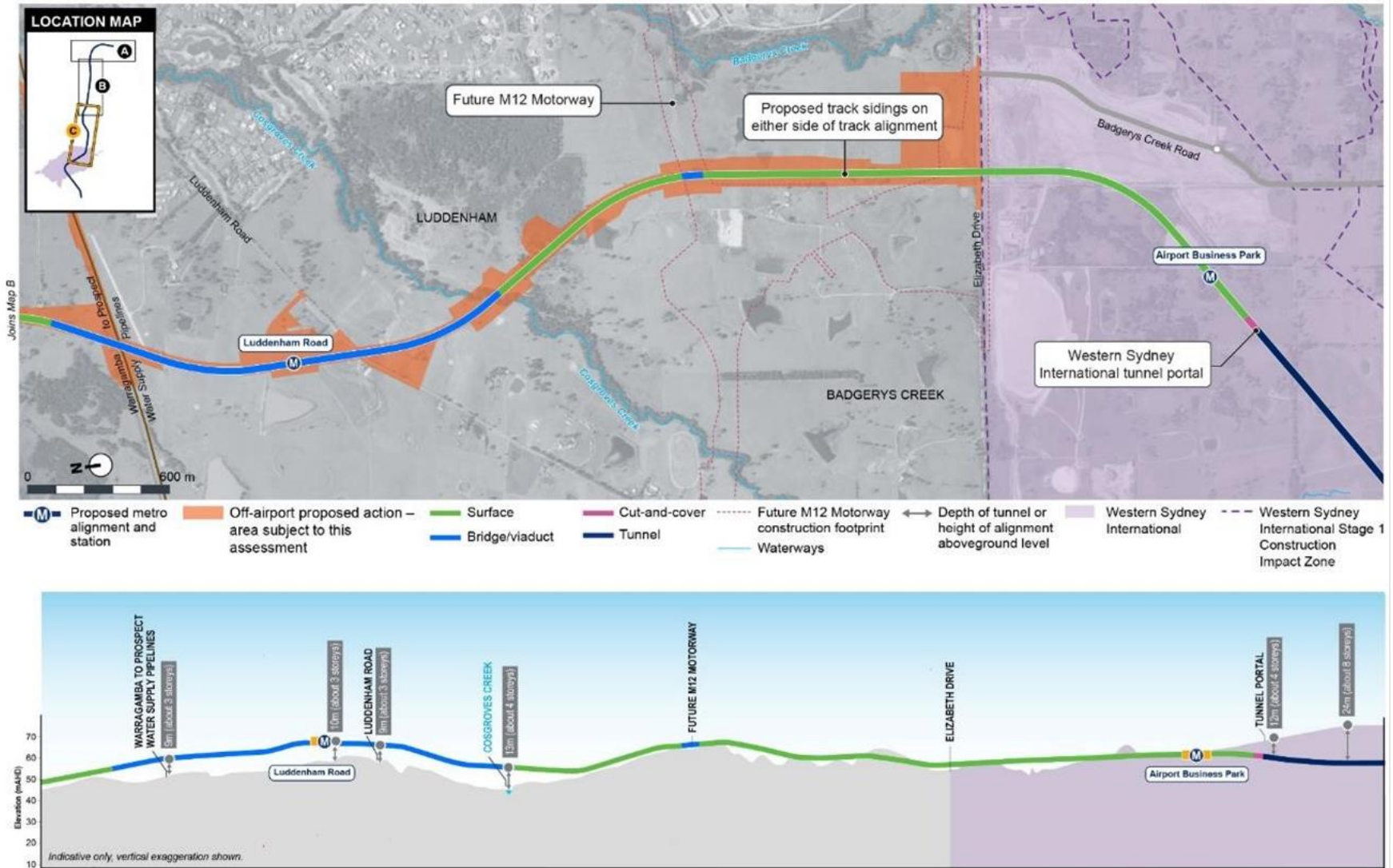


Figure 4: Location of the Project – Luddenham to Western Sydney International. Land to which this approval applies is shown in orange.

## 1.5 Activities undertaken during the reporting period

Construction works undertaken in the approval area during the 2023-2024 reporting period are summarised in Table 2. During the reporting period Sydney Metro has continued work on three contract packages and commenced work on one contract package:

1. **Advanced and Enabling Works (AEW):** The AEW package includes works that would establish key construction sites and facilitate construction activities. This may include items such as: preparatory works; site investigations; some demolition; provision of utilities to construction sites and adjustments/relocations; some ancillary facilities, and transport network adjustments including a pedestrian footbridge at St Marys Station.
2. **Station Box and Tunnelling (SBT):** The SBT package includes the construction of two sections of twin tunnels between St Marys and Orchard Hills stations. This package also includes all associated works including station box excavation, tunnel support activities, and clearing works at St Marys, Claremont Meadows and Orchard Hills.
3. **Surface and Civil Alignment Works (SCAW):** The SCAW package includes the construction of surface infrastructure including approximately 3.7 kilometres of viaduct structures in three sections, surface railway track, civil works for the stabling and maintenance facility and major earthworks for cuttings and embankments. The SCAW package also includes clearing works between Orchard Hills and Badgerys Creek.
4. **Stations, Systems, Trains, Operations and Maintenance (SSTOM):** The SSTOM package includes station fit out, precinct and transport integration works as well as finishing works, testing and commissioning. The SSTOM package is also responsible for the operation and maintenance of the Western Sydney Airport metro service. The majority of clearing would have been completed during earlier construction stages, but the SSTOM package may include some minor clearing works.

Table 2: Construction works undertaken by each package during the 2023-2024 reporting period.

Package	Activity	Description
<b>St Marys</b>		
AEW	Enabling works	<ul style="list-style-type: none"> <li>Construction and completion of the SSTOM site project office at St Marys</li> <li>Transport network adjustments including the new footbridge at St Marys station</li> </ul>
SBT	Surface works	<ul style="list-style-type: none"> <li>Maintained hoarding, fencing, environmental controls, concrete barriers and access gates</li> <li>Continued use of ancillary facilities and haul roads</li> <li>TBM breakthrough and retrieval</li> <li>Temporary Bus Interchange removal and reinstatement</li> <li>Water treatment plant operation</li> </ul>
	Tunnelling and associated works (Station box)	<ul style="list-style-type: none"> <li>Station Box excavation</li> <li>Tunnel spoil load out</li> <li>Spoil laydown bay operational</li> </ul>
	Tunnelling and associated works (Tunnelling)	<ul style="list-style-type: none"> <li>Tower Crane installation</li> <li>Cross passage excavation</li> <li>Stub tunnel excavation completed</li> </ul>
SSTOM	Site establishment	<ul style="list-style-type: none"> <li>Initial handover of site from SBT commencing September 2023</li> <li>Establishment of site amenities, environmental controls and site access</li> </ul>
	Structures (Station box)	<ul style="list-style-type: none"> <li>Temporary dewatering system</li> </ul>

Package	Activity	Description
		<ul style="list-style-type: none"> <li>Piling works within station box</li> <li>Formwork and reinforcement for base slab construction.</li> <li>Tower crane installation</li> <li>Water proofing in station box commenced</li> <li>base slab and wall pours ongoing</li> </ul>
<b>Alignment between St Marys Station to Claremont Meadows and to Orchard Hills Station</b>		
SBT	Tunnelling and associated works (Tunnelling)	<ul style="list-style-type: none"> <li>Two TBMs tunnelling from Orchard Hills towards Claremont, and towards St Marys</li> </ul>
<b>Claremont Meadows</b>		
SBT	Surface works	<ul style="list-style-type: none"> <li>Maintained hoarding, fencing, environmental controls, concrete barriers and access gates</li> <li>Continued use of ancillary facilities and haul roads</li> <li>Top soil stripping</li> <li>Storage of tunnelling supplies including segments</li> <li>Tunnel spoil load out</li> <li>Water treatment plant operation</li> </ul>
	Intermediate service facility shaft excavation, tunnelling and associated works	<ul style="list-style-type: none"> <li>TBM Breakthrough and relaunch</li> <li>Cross passage excavation</li> <li>Shaft excavation</li> </ul>
<b>Orchard Hills</b>		
SBT	Surface works	<ul style="list-style-type: none"> <li>Maintained hoarding, fencing, environmental controls, concrete barriers and access gates; installation of boundary fencing</li> <li>Continued use of ancillary facilities and haul roads</li> <li>Storage of tunnelling supplies including segments</li> <li>Tunnel spoil load out</li> <li>Spoil and top soil management including testing and removal</li> <li>Continued use of TBM support equipment installed (including acoustic covering, conveyor)</li> <li>Concreting internal haul roads</li> <li>Water treatment plant operation</li> <li>Tunnel segment deliveries</li> </ul>
	Tunnelling and associated works (Station box)	<ul style="list-style-type: none"> <li>Station box excavation</li> <li>Lansdowne Road Bridge operation</li> </ul>
	Tunnelling and associated works (Tunnelling)	<ul style="list-style-type: none"> <li>Cross passage excavation</li> </ul>
SSTOM	Site establishment	<ul style="list-style-type: none"> <li>Initial progressive handover from SBT commencing August 2023</li> <li>Establishment of site amenities, environmental controls and site access</li> <li>Earthworks and drainage for site compound</li> <li>Site stabilisation and chip seal</li> </ul>
	Structures (Station box)	<ul style="list-style-type: none"> <li>Temporary dewatering system</li> </ul>

Package	Activity	Description
		<ul style="list-style-type: none"> <li>Piling works within station box</li> <li>Formwork and reinforcement for base slab construction.</li> <li>Water proofing in station box commenced</li> <li>Preparation for concrete batch plant commenced</li> <li>Base slab pours ongoing</li> </ul>
<b>Lansdowne Road to Patons Lane main alignment (excluding Stabling and Maintenance Facility)</b>		
SCAW	Site establishment	<ul style="list-style-type: none"> <li>Topsoil stripping, site clearing, grubbing and tree clearing.</li> <li>Installation of fencing, environmental controls and access gates.</li> <li>Establishment of main haul roads with imported sandstone.</li> <li>Dewatering and clearing of farm dams, prior to filling.</li> <li>Ecological survey and pre-clearing inspections.</li> </ul>
	Earthworks	<ul style="list-style-type: none"> <li>Cut/fill within main alignment and temporary areas.</li> <li>Importation of sandstone and filling to final formation height.</li> <li>Drainage works.</li> <li>Installation of box culvert and fauna culvert.</li> <li>Establishment of piling pads.</li> <li>Placement of topsoil and progressive revegetation.</li> <li>Placement of material at PS105 stockpile area</li> <li>Backfill of viaduct abutment</li> </ul>
	Structures	<ul style="list-style-type: none"> <li>Piling and form, reinforcement and concrete pour of viaduct piers.</li> <li>Installation of viaduct segments at Blaxland Viaduct.</li> </ul>
SSTOM	Site establishment	<ul style="list-style-type: none"> <li>Installation of fencing and access gates</li> </ul>
<b>Stabling and Maintenance Facility</b>		
SCAW	Surface works	<ul style="list-style-type: none"> <li>Nest box monitoring</li> <li>Farm dam dewatering – fauna management</li> <li>Dust and site management as part of transitional arrangements</li> </ul>
SSTOM	Site establishment	<ul style="list-style-type: none"> <li>Initial handover from SCAW commencing September 2023</li> <li>Establishment of site amenities, environmental controls and site access</li> </ul>
	Earthworks	<ul style="list-style-type: none"> <li>Earthworks including material import for site formation</li> <li>Drainage works commenced</li> </ul>
	Structures	<ul style="list-style-type: none"> <li>Utility services work including electricity substation</li> </ul>
<b>Patons Lane to Luddenham Station</b>		
SCAW	Site establishment	<ul style="list-style-type: none"> <li>Ecological survey and pre-clearing inspections.</li> <li>Topsoil stripping, site clearing, grubbing and tree clearing.</li> <li>Installation of fencing, environmental controls and access gates.</li> <li>Establishment of main haul roads with imported sandstone.</li> <li>Ecological survey and pre-clearing inspections.</li> <li>Dust and site management as part of transitional arrangements</li> </ul>
	Earthworks	<ul style="list-style-type: none"> <li>Cut/fill within main alignment and temporary areas.</li> <li>Importation of sandstone and filling to final formation height.</li> <li>Drainage works.</li> </ul>



Package	Activity	Description
		<ul style="list-style-type: none"> <li>• Installation of fauna culvert.</li> <li>• Establishment of piling pads.</li> <li>• Placement of topsoil and progressive revegetation.</li> </ul>
	Structures	<ul style="list-style-type: none"> <li>• Piling and form, reinforcement and concrete pour of viaduct piers.</li> <li>• Installation of viaduct segments at Unnamed Viaduct.</li> </ul>
<b>Luddenham Station</b>		
SSTOM	Site establishment	<ul style="list-style-type: none"> <li>• Initial handover from SCAW commencing September 2023</li> <li>• Establishment of site amenities, environmental controls and site access</li> </ul>
	Structures (Station box)	<ul style="list-style-type: none"> <li>• Temporary stockpiling activities to support spoil management</li> <li>• Detailed excavation works undergoing for in-ground service installation</li> <li>• Piling work for station structure</li> </ul>
<b>Alignment between Luddenham Station and Elizabeth Drive</b>		
SCAW	Site establishment	<ul style="list-style-type: none"> <li>• Topsoil stripping, site clearing, grubbing and tree clearing.</li> <li>• Installation of fencing, environmental controls and access gates.</li> <li>• Dewatering and clearing of farm dams, prior to filling.</li> <li>• Establishment of main haul roads with imported sandstone.</li> <li>• Ecological survey and pre-clearing inspections.</li> <li>• Dust and site management as part of transitional arrangements</li> </ul>
	Earthworks	<ul style="list-style-type: none"> <li>• Cut/fill within main alignment and temporary areas.</li> <li>• Importation of sandstone and filling to final formation height.</li> <li>• Construction of Cosgrove creek temporary crossing.</li> <li>• Drainage works.</li> <li>• Establishment of piling pads.</li> <li>• Placement of topsoil and progressive revegetation</li> <li>• Backfill of bridge and viaduct abutments</li> <li>• Installation of Cosgrove Creek haul road crossing.</li> </ul>
	Structures	<ul style="list-style-type: none"> <li>• Construction of bridge crossing M12 alignment.</li> <li>• Piling and form, reinforcement and concrete pour of viaduct piers.</li> <li>• Installation of Warragamba Viaduct segments.</li> </ul>

## 2. Compliance with Conditions of Approval

The EPBC (2020/8687) Approval contains 40 conditions of approval. Table 3 replicates the conditions, comments on compliance with the condition requirements during the reporting period and provides supporting documents to confirm findings. A summary of compliance is provided in section 3.

Table 3: EPBC (2020/8687) Conditions of Approval compliance table

No.	Condition	Status	Comments	Supporting evidence
1	The approval holder must not clear protected matters outside the study area.	Compliant	<p>During this reporting period no further clearing was undertaken by AEW.</p> <p>Clearing undertaken by SCAW and SSTOM during this reporting period show that Sydney Metro has not cleared any protected matters outside the study area.</p> <p>The SSTOM clearing relates to a small area south of Lansdowne Road that was required for SSTOM fencing. The work itself was undertaken by the SBT contractor on behalf of SSTOM and is within the SBT contract area.</p>	<p>Clearing boundaries by contract:</p> <ul style="list-style-type: none"> <li>Western Sydney Airport Metro SBT Project – Post-clearing Summary – Revised Final (Oct 2024)</li> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing Summary – Revised Final (October 2024).</li> </ul>
2	To minimise the impacts of the action on protected matters, the approval holder must not clear more than the following specified amounts within the study area:	Overall condition 2 is compliant. The sections of this condition have been separated out below.	<p>Please note: There are some discrepancies between the 22-23 reporting period and this reporting period. The 22-23 numbers are based on the clearing and grubbing footprints and what the contractors had requested to clear. Since this point the project has been able to refine the clearing footprint and reduce their impacts further. The post-clearing report is an accurate record of what has been cleared to October 2024 for both the SBT and SCAW contracts.</p> <p>The AEW contract removed an area of PCT 835 (scattered trees) in the previous reporting period however the vegetation was not-commensurate with the EPBC-listing and has not been included in the calculations below.</p> <p>Refer below.</p>	The following is for the total cleared amounts since the project commenced.
	a. 5.87 hectares of Cumberland Plain Woodlands and Shale-Gravel Transition Forest threatened ecological community (TEC).	Compliant	Sydney Metro has not cleared more than the amounts specified in Condition 2(a) within the study area.	<ul style="list-style-type: none"> <li>Western Sydney Airport Metro SBT Project – Post-clearing Summary – Revised Final (Oct 2024)</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			As of October 2024 the contractors have cleared 4.53 hectares of the allowed 5.87 hectares of EPBC listed Cumberland Plain Woodlands and Shale-Gravel Transition Forest TEC.	<ul style="list-style-type: none"> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing Summary – Revised Final (October 2024).</li> <li>Memo CoA 2</li> </ul>
	b. 4.94 hectares of Coastal Swamp Oak ( <i>Casuarina glauca</i> ) Forest of New South Wales and South East Queensland TEC.	Compliant	<p>Sydney Metro has not cleared more than the amounts specified in Condition 2(b) within the study area.</p> <p>As of October 2024 the contractors have cleared 2.40 hectares of the allowed 4.94 hectares of EPBC listed Coastal Swamp Oak (<i>Casuarina glauca</i>) Forest of New South Wales and South-East Queensland TEC.</p>	<ul style="list-style-type: none"> <li>Western Sydney Airport Metro SBT Project – Post-clearing Summary – Revised Final (Oct 2024)</li> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing Summary – Revised Final (October 2024).</li> <li>Memo CoA 2</li> </ul>
	c. 24.79 hectares of Grey-headed Flying-fox foraging habitat.	Compliant	<p>Sydney Metro has not cleared more than the amounts specified in Condition 2(c) within the study area.</p> <p>As of 20 July 2024 the contractors have cleared 14.92 hectares of the allowed 24.79 hectares of Grey-headed Flying-fox foraging habitat.</p>	<ul style="list-style-type: none"> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing Summary – Revised Final (October 2024).</li> <li>Memo CoA 2</li> </ul>
	d. 7.3 hectares of native vegetation on the Defence Establishment Orchard Hills site (which may include threatened ecological communities in conditions 2a and 2b).	Compliant	<p>Sydney Metro has not cleared more than the amount specified in Condition 2(d) within the study area on the Defence Establishment Orchard Hills (DEOH).</p> <p>The total native vegetation cleared within DEOH is 3.967 hectares which is less than the 7.3 hectares permitted.</p>	<ul style="list-style-type: none"> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing Summary – Revised Final (October 2024).</li> <li>Memo CoA 2</li> </ul>
	e. 335 identified individuals of <i>Grevillea juniperina</i> subsp. <i>juniperina</i> on the Defence Establishment Orchard Hills site (Lot 1 DP 629326 and Lot 2 DP 242968).	Compliant	Sydney Metro has not cleared more than the amount specified in Condition 2(e) within the study	<ul style="list-style-type: none"> <li>Sydney Metro Western Sydney Airport SCAW Project – Post Clearing</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			<p>area Lot 1 DP 629326 and Lot 2 DP 242968 on the Defence Establishment Orchard Hills (DEOH).</p> <p>The total <i>Grevillea juniperina</i> cleared in the grubbing footprint within Lot 1 DP 629326 and Lot 2 DP 242968 on the DEOH is calculated to be 273 individuals which is less than the 335 individuals permitted.</p>	<p>Summary – Revised Final (October 2024).</p> <ul style="list-style-type: none"> <li>• Memo CoA 2</li> </ul>
	f. The number of individuals identified by pre-clearance surveys, undertaken in accordance with conditions 3-5.	Compliant	<p>As part of the SBT pre-clearance inspections, 38 individuals of <i>Pultenaea parviflora</i> were located within the final cleared footprint aligning with the species polygons presented in the Revised BDAR and pre-clearing surveys completed under the EPBC conditions 3-5. 20 of these individuals were rooted in native vegetation and were managed in accordance with the Unexpected Finds Protocol in accordance with the EPBC BMP and the contractors Flora and Fauna Management Plan (FFMP). Offsets were retired in accordance with the EPBC Biodiversity Offset Strategy and reported to Department under EPBC Condition 17.</p> <p>Impacts to the 18 plants that were rooted in exotic grassland were defined as Prescribed Impacts in the Project Revised BDAR and did not generate a species polygon and therefore did not generate a species credit liability. These individuals that were not required to be offset were not reported as an unexpected find.</p>	<ul style="list-style-type: none"> <li>• SM-WSA EPBC CoA Pre clearance survey memo Nov 2021</li> <li>• Western Sydney Airport Metro SBT Project – Post-clearing Summary – Revised Final (Oct 2024)</li> <li>• Memo CoA 2</li> </ul>
3	To inform the preparation of the Biodiversity Management Plan required under conditions 8 and the Biodiversity Offset Strategy required under conditions 18, the	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western	<ul style="list-style-type: none"> <li>• Please refer to the Sydney Metro – Western Sydney Airport EPBC</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
	<p>approval holder must undertake pre-clearance surveys in areas not yet surveyed for the following species:</p> <p>a. Bynoe's Wattle.</p> <p>b. Downy Wattle.</p> <p>c. <i>Allocasuarina glareicola</i>.</p> <p>d. White-flowered Wax Plant.</p> <p>e. Small-flower Grevillea.</p> <p>f. <i>Micromyrtus minutiflora</i>.</p> <p>g. <i>Pimelea curviflora</i> var. <i>curviflora</i>.</p> <p>h. Spiked Rice-flower.</p> <p>i. <i>Pultenaea parviflora</i>.</p>		Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.	2020/8687 2022-2023 Annual Compliance Report for further details.
4	Pre-clearance surveys in areas not yet surveyed must be undertaken in accordance with the NSW Biodiversity Assessment Method, or another methodology agreed to by the Department in writing.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> </ul>
5	<p>The results of the pre-clearance surveys in areas not yet surveyed must be submitted to the Department in writing prior to, or with, the submission of:</p> <p>a. The Biodiversity Management Plan required under condition 8; and</p> <p>b. The Biodiversity Offset Strategy required under condition 18.</p>	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> </ul>
6	<p>To minimise the impacts of the action on heritage values of the Defence Establishment Orchard Hills, the approval holder must prepare an Aboriginal Cultural Heritage Management Plan in consultation with the Registered Aboriginal Parties and Heritage NSW, prior to the commencement of the action.</p> <p>To demonstrate compliance with this condition, the approval holder must keep appropriate records to demonstrate that consultation has taken place, and how</p>	Not applicable	<p>This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</p> <p>During this reporting period, an annual review of the EPBC ACHMP was completed in October 2023. The review identified potential minor updates to reflect</p>	<p>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</p> <ul style="list-style-type: none"> <li>SM-WSA EPBC Off-airport Aboriginal Cultural Heritage Management Plan, Rev 5, 5 September 2023</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
	comments received during consultation have been taken into account in the Aboriginal Cultural Heritage Management Plan.		the status of the Aboriginal archaeological salvage of AS3 completion, noting no new discoveries, unexpected finds, incidents, or non-compliances.  An update to the EPBC ACHMP was deferred until the next scheduled review when the Aboriginal Cultural Heritage Excavation Report documenting the results of the archaeological program would be finalised.	
7	The approval holder must not remove or disturb any Aboriginal archaeological heritage artefacts or sites on the Defence Establishment Orchard Hills, including unexpected finds, except in accordance with an Aboriginal Cultural Heritage Management Plan prepared under condition 6.	Compliant	Removal of two Aboriginal archaeological sites on the Defence Establishment Orchard Hills (SMWSA-AS3 and SMWSA-AS4) was completed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.  No Aboriginal archaeological heritage artefacts or sites on the Defence Establishment Orchard Hills have been removed or disturbed during this reporting period.  The Aboriginal Cultural Heritage Excavation Report which documented the results of the archaeological program was finalised in March 2024 and submitted to Heritage New South Wales as part of the Sydney Metro Western Sydney Airport CSSI 10051 conditions of approval.	<ul style="list-style-type: none"> <li>SM-WSA EPBC Off-airport Aboriginal Cultural Heritage Management Plan, Rev 5, 5 October 2023</li> <li>Sydney Metro – Western Sydney Airport – Aboriginal Cultural Excavation Report, Rev C, 07 March 2024</li> </ul>
8	For the protection of protected matters, the approval holder must submit to the Minister for approval a Biodiversity Management Plan that sets out requirements for Flora and Fauna Management Plans prepared under the project's Construction Environmental Management Framework.	Compliant	During this reporting period, on 21 December 2023 Sydney Metro submitted a revised Biodiversity Management Plan (Rev 7) for information only, which included minor updates as part of the annual review commitments.  Whether the BMP can be revised under CoA 35 has been discussed with Department (CR -23-003129).	<ul style="list-style-type: none"> <li>SM-WSA EPBC Approval 2020/8687 – Off-airport Biodiversity Management Plan, Rev 7, 21 December 2023</li> <li>Email from Department dated 5 June 2024 regarding a notice of Intent - Condition 11 and direction on BMP use.</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			<p>An email from Department on 5 June 2024 directed Sydney Metro to continue to use the most recent version of the BMP (Rev 7) and advised that the Department would not take compliance action against the approval holder for implementing aspects of the BMP where discrepancies exist between the version last approved under condition 8 (Rev 5) and the version last endorsed under condition 35 (Rev 7).</p> <p>Refer to condition 35 and 36 for evidence of BMP revisions and notifications to the Department.</p>	<ul style="list-style-type: none"> <li>CR-23-003129 – Notice of Intent</li> <li>Refer to condition 35 for evidence of submission of the revised BMP.</li> </ul>
9	<p>The Biodiversity Management Plan must be consistent with the Department's <i>Environmental Management Plan Guidelines (2014)</i>, and must include:</p> <ol style="list-style-type: none"> <li>Environmental objectives, relevant protected matters, and a reference to EPBC Act approval conditions to which the Biodiversity Management Plan refers;</li> <li>A table of commitments made in the Biodiversity Management Plan to achieve the objectives, and a reference to where the commitments are detailed in the Biodiversity Management Plan;</li> <li>Reporting and review mechanisms, and documentation standards, to demonstrate compliance with the Biodiversity Management Plan;</li> <li>An assessment of risks to achieving Biodiversity Management Plan environmental objectives and risk management strategies that will be applied;</li> <li>Impact avoidance, mitigation and repair measures, and their timing;</li> <li>A monitoring program, which must include: <ol style="list-style-type: none"> <li>measurable performance indicators;</li> <li>trigger values for corrective actions;</li> <li>the timing and frequency of monitoring to detect trigger values and changes in the performance indicators; and</li> <li>proposed corrective actions, if trigger values are reached.</li> </ol> </li> <li>Provide any links to other plans or conditions of approval for the action.</li> </ol>	Compliant	<p>The BMP was developed consistent with the Department's <i>Environmental Management Plan Guidelines (2014)</i>.</p> <p>Table 1-4 of the BMP outlines where within the BMP the EPBC conditions have been addressed including condition 9.</p> <p>Subsequent revisions have retained these requirements.</p>	<ul style="list-style-type: none"> <li>SM-WSA EPBC Approval 2020/8687 – Off-airport Biodiversity Management Plan, Rev 7, 21 December 2023</li> </ul>



No.	Condition	Status	Comments	Supporting evidence
10	The approval holder must not commence the action unless the Minister has approved the Biodiversity Management Plan in writing.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.  The BMP (Rev 5) was approved on 29 March 2022 before the action commenced on 21 July 2022.	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> </ul>
11	If the Minister approves the Biodiversity Management Plan then the Biodiversity Management Plan must be implemented	Compliant	A revised BMP (Rev 7) was submitted for information only to the Department on 21 December 2023. Whether the BMP can be revised under CoA 35 has been discussed with Department (CR -23-003129). An email from Department on 5 June 2024 directed Sydney Metro to continue to use the most recent version of the BMP (Rev 7) and advised that the Department would not take compliance action against the approval holder for implementing aspects of the BMP where discrepancies exist between the version last approved under condition 8 (Rev 5) and the version last endorsed under condition 35 (Rev 7).  The latest version of the BMP (Rev 7) has been implemented. No non-compliances with the BMP have been identified.	<ul style="list-style-type: none"> <li>Email from Department dated 5 June 2024 regarding a notice of Intent - Condition 11 and direction on BMP use.</li> <li>Various information provided by the contractors in relation to weed management, clearing, nest box monitoring, dam dewatering etc</li> </ul>
12	The approval holder must submit to the Minister, for approval, a Staging Plan in relation to the construction of the action, prior to commencement of the action.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.  The Biodiversity Staging Plan was submitted and approved prior to commencement of the action.	Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.
13	The approval holder must implement the Staging Plan approved by the Minister.	Compliant	No non-compliances have been raised against the implementation of the Biodiversity Staging Plan.	<ul style="list-style-type: none"> <li>SM-WSA Off- Airport Biodiversity Staging Plan, Rev 6, May 2022</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			Commencement of the SSTOM package has not triggered implementation of the Staging Plan during this reporting period as clearing works needed for the SSTOM stage have been undertaken by previous stages.	<ul style="list-style-type: none"> <li>• SBT – construction access plan</li> <li>• SCAW – site access schedule</li> <li>• AEW site access documents– <ul style="list-style-type: none"> <li>○ Harris St SPO SEMP</li> <li>○ Footbridge St Marys – Exhibit E in TfNSW Contract</li> </ul> </li> </ul>
14	<p>The Staging Plan must set out:</p> <p>a. how the construction of the action will be staged, including details of clearing and other activities to be carried out in each stage;</p> <p>b. mapping and delineation of the spatial location of each stage; and</p> <p>c. the planned timing of when construction of each stage will commence and finish.</p>	Compliant	<p>Section 1.3, Table 1 of the SM-WSA off-airport Biodiversity Staging Plan outlines where within the staging plan the EPBC conditions have been addressed.</p> <p>The Staging Plan was revised (Rev 6) on 30 June 2022 under Condition 35 and implemented from 13 July 2022 onwards.</p>	<ul style="list-style-type: none"> <li>• SM-WSA Off- Airport Biodiversity Staging Plan, Rev 6, May 2022</li> </ul>
15	<p>Prior to the commencement of clearing of protected matters identified in condition 2 in each stage, as defined in the Staging Plan required under condition 12, the approval holder must:</p> <p>a. determine the offset requirement for protected matters identified in condition 2 to be cleared in that stage in accordance with the NSW Biodiversity Assessment Method and the process set out in the Biodiversity Offset Strategy required under condition 18.</p> <p>b. secure the required offsets for that stage.</p>	Compliant	<p>The Sydney Metro – Western Sydney Airport EPBC Biodiversity Offset Strategy for off-airport lands (BOS) provides a summary of offset requirements for protected matters per construction stage, Table 5-1 gives ecosystem credits and Table 5-2 gives species credits. Offset requirement were calculated in accordance with the NSW Biodiversity Assessment Method (BAM).</p> <p>The offsets have been secured and allocated to construction stages on a progressive basis. Letters have been provided to Department under condition 17 which append evidence of payments and retirements.</p> <p>The latest letter within this reporting period detailing all the credits purchased and retired for the Project was sent to Department on 09 August 2024, as an update to the previous letter dated 13 August</p>	<ul style="list-style-type: none"> <li>• Letter to Department regarding SM-WSA (EPBC 2020/8687) Conditions of Approval 17: Evidence of the retirement of credits or payment to secure offsets to the Department, 8 August 2024.</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			2023, and relates to credits allocated to the project during the reporting period (13 May 2024).	
16	The offsets must be secured in accordance with the NSW Biodiversity Offset Scheme	Compliant	<p>Under the Biodiversity Offset Scheme, applications for development or clearing approvals must set out how impacts on biodiversity will be avoided and minimised. The remaining residual impacts can be offset by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund.</p> <p>Evidence of purchase and/or retirement of credits or payment into the Biodiversity Conservation Fund has been provided to Department on a progressive basis. The latest letter within the reporting period detailing all of the credits purchased and retired for the Project was sent on 09 August 2024, as an update to the previous letter dated 13 August 2023, and relates to credits purchased in the reporting period (13 May 2024).</p>	<ul style="list-style-type: none"> <li>Letter to Department regarding SM-WSA (EPBC 2020/8687) Conditions of Approval 17: Evidence of the retirement of credits or payment to secure offsets to the Department, 8 August 2024.</li> </ul>
17	Within 3 months of retiring credits or making a payment to secure offsets, the approval holder must submit evidence of the retirement or payment the Department.	Compliant	<p>Evidence of purchase and/or retirement of credits has been provided to Department on a progressive basis. The latest letter within the reporting period detailing all of the credits purchased and retired for the Project was sent on 09 August 2024, as an update to the previous letter dated 13 August 2023, and relates to credits allocated during the reporting period (13 May 2024).</p> <p>All letters have been sent within three months of making a new retirement or payment.</p>	<ul style="list-style-type: none"> <li>Letter to Department in regard to SM-WSA (EPBC 2020/8687) Conditions of Approval 17: Evidence of the retirement of credits or payment to secure offsets to the Department, 8 August 2024.</li> </ul>
18	The approval holder must submit a Biodiversity Offset Strategy for the Minister's approval, prior to clearing of protected matters identified in condition 2.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			Sydney Airport EPBC 2020/8687 2022-23 Annual Compliance Report for further details. The SM-WSA off-airport Biodiversity Offset Strategy was approved by the Minister prior to the commencement of clearing activities.	2020/8687 2022-2023 Annual Compliance Report for further details.
19	<p>The Biodiversity Offset Strategy must:</p> <p>a. Be prepared by a suitably qualified ecologist;</p> <p>b. Be prepared in accordance with the NSW Biodiversity Assessment Method;</p> <p>c. Be based on and consistent with the Biodiversity Development Assessment Report at Appendix A of the EIA;</p> <p>d. Be consistent with the principles of the Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (October 2012); and</p> <p>e. Provide for the number of individuals identified in accordance with condition 3; and</p> <p>f. Set out:</p> <p>i. The process used for quantifying the impacts to protected matters based on the final design of the action, with quantification of the final number and class of biodiversity credits required to offset the residual impacts of action on protected matters;</p> <p>ii. Details of how the credit requirement to offset the impacts from each stage of construction (defined in the Staging Plan) will be determined and reported; and</p> <p>iii. How offset requirements will be satisfied, including the timeframes by which offsets must be secured in relation to each stage of construction as defined within the Staging Plan.</p>	Not applicable	<p>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</p> <p>No updates to the SM-WSA off-airport Biodiversity Offset Strategy have occurred during the reporting period.</p>	Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.
20	The approval holder must not commence the action unless the Minister has approved the Biodiversity Offset Strategy in writing.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			The Biodiversity Offset Strategy was submitted and approved prior to the commencement of the action.	
21	If the Minister approves the Biodiversity Offset Strategy then the Biodiversity Offset Strategy must be implemented.	Compliant	<p>No non-compliances have been raised against the implementation of the Biodiversity Offset Strategy in this reporting period.</p> <p>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</p> <p>Evidence of retirements or payment is provided in condition 16.</p> <p>Offsets have been purchased or retired on a progressive basis in accordance with the construction stages presented in the document.</p> <p>Reporting of purchase or retirement has been undertaken in accordance with condition 17, which satisfies the reporting requirements of the Biodiversity Offset Strategy.</p>	<ul style="list-style-type: none"> <li>Refer condition 16 and 17.</li> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report.</li> </ul>
22	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.	Not applicable	This condition was addressed in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> </ul>
23	The approval holder must notify the Department in writing of the date of commencement of each stage of the action, as specified in the Staging Plan required under condition 12, within 10 business days after the date of commencement of the relevant stage of the action.	Compliant	<p>During this reporting period three stages of the action continued, and one additional stage of the action was commenced.</p> <p>The SSTOM stage commenced on 06 October 2023. Sydney Metro notified the Department on the same date of the commencement, which was within the</p>	<ul style="list-style-type: none"> <li>Email with letter attachment to the Department in regard to <i>Notification of Commencement of Construction under Conditions of Approval 22 and 23: Stations, Systems, Trains,</i></li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			<p>required 10 business day timeframe from commencement of the action. Confirmation from the Department of the notification was received on 31 October 2023.</p> <p>Areas of the AEW, SBT and SCAW contracts are progressively being handed over to SSTOM.</p>	<p><i>Operations and Maintenance (SSTOM)</i>, October 2023.</p> <ul style="list-style-type: none"> <li>Correspondence from Department, <i>Sydney Metro – Western Sydney Airport (SM-WSA) (EPBC 2020/8687) - Commencement of Stage notification</i>, October 2023.</li> </ul>
24	The approval holder must maintain accurate and complete compliance records.	Compliant	<p>This Report and the previous Annual Compliance Report for reporting period 20 July 2022 – 20 July 2023.</p> <p>Sydney Metro document management system and record keeping.</p> <p>Internal compliance review that was completed in the lead-up to the preparation of the annual report.</p>	<ul style="list-style-type: none"> <li>SM-WSA EPBC 2020/8687 Annual Compliance Report, October 2024.</li> <li>SM-WSA EPBC 2020/8687 Annual Compliance Report, October 2023.</li> <li>Sydney Metros internal document control systems.</li> </ul>
25	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.	Not applicable	The Department has not made a request under Condition 25 in the reporting period.	Not applicable.
26	<p>The approval holder must:</p> <ol style="list-style-type: none"> <li>submit plans electronically to the Department</li> <li>publish each plan on the website within 3 month of the date the plan is approved by the Minister or the date a revised action management plan is submitted to the Minister or the Department, unless otherwise agreed in writing by the Minister</li> <li>exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public</li> <li>keep plans published on the website until 24 months after the completion of the action, or as otherwise agreed by the Department in writing.</li> </ol>	Compliant	<p>The majority of plans were completed and submitted in the last reporting period. Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</p> <p>The BMP is the only plan that has been updated during the reporting period. Please refer to condition 11 and 35 for evidence that the plan was submitted to Department.</p> <p>a. Plans have been provided to Department in electronic format (PDF).</p>	<ul style="list-style-type: none"> <li>Please refer to the Sydney Metro – Western Sydney Airport EPBC 2020/8687 2022-2023 Annual Compliance Report for further details.</li> <li>Screenshots of plans available on the Sydney Metro website.</li> <li>Refer to conditions 11 and 35.</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			<p>b. Whether the BMP can be revised under CoA 35 has been discussed with Department (CR -23-003129). The latest version of the BMP (Rev 7) has been published on the Sydney Metro website.</p> <p>c. Sensitive information has been redacted from the plans as required, for example redactions included details of registered Aboriginal parties and locations of Aboriginal heritage sites in the EPBC ACHMP.</p> <p>d. Part d of the condition is not applicable as the action has not been completed. However the BMP, ACHMP, BOS, Staging Plan remain published on the Sydney Metro Document Library.</p>	
27	<p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the Biodiversity Management Plan, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plan.</p>	Compliant	<p>The BMP requires the following monitoring data where related to management of Commonwealth biodiversity protected matters or Commonwealth land:</p> <ul style="list-style-type: none"> <li>• Vegetation clearing and retention</li> <li>• Nest box monitoring</li> <li>• Pre-dewatering assessment</li> <li>• Fauna relocation and euthanasia of pest species</li> <li>• Water quality and dissolved oxygen during draining of the dams</li> <li>• Weed mapping of certain species, weed treatment, monitoring of effectiveness of weed treatment and monitoring of weed and pathogen management during rehabilitation, if rehabilitation is required.</li> </ul> <p>Works within this reporting period have only triggered monitoring requirements for vegetation clearing, nest boxes and weed and pathogen</p>	<ul style="list-style-type: none"> <li>• Email to Department, Sydney Metro – Wester Sydney Airport (SM-WSA) (EPBC 2020/8687), dated 2 February 2024</li> <li>• Email to Department, Sydney Metro – Wester Sydney Airport (SM-WSA) (EPBC 2020/8687), dated 7 March 2024.</li> <li>• SCAW dam dewatering results</li> <li>• SCAW nest box monitoring</li> <li>• Various site diaries (from 250 to 887) and daily works forms relating to weed management activities</li> <li>• Maps of weeds and where weed spraying has occurred</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
			<p>monitoring. Dam dewatering and fauna relocation did not occur on Commonwealth land or impact Commonwealth listed species. This data will be submitted to the Department in accordance with the above.</p> <p>The BMP required monitoring data undertaken within the reporting period (including associated surveys, maps, and other spatial data and metadata) and applicable to EPBC-listed species and non-listed species on Commonwealth land within the Project footprint, will be provided to the Department in the required format via email to <a href="mailto:speciesmetadata@environment.gov.au">speciesmetadata@environment.gov.au</a> in accordance with the <i>Department's Guidelines for biological survey and mapped data</i> (2018).</p>	
28	<p>The approval holder must prepare a compliance report addressing each condition of this approval 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:</p> <ol style="list-style-type: none"> <li>publish each compliance report on the website within 3 months following the relevant 12- month period;</li> <li>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;</li> <li>keep all compliance reports publicly available on the website until 24 months after the completion of the action, or as otherwise agreed by the department in writing;</li> <li>exclude or redact sensitive ecological data from compliance reports published on the website; and</li> </ol>	Compliant	<p>This report, and the Sydney Metro – Western Sydney Airport EPBC 2020/8687 Annual Compliance Report, October 2023.</p> <p>This report is the second compliance report completed by Sydney Metro for the Sydney Metro – Western Sydney Airport project.</p> <p>Compliance with the notification, publishing, and redaction requirements will be audited during the following reporting period.</p> <p>Sydney Metro had prepared the Sydney Metro – Western Sydney Airport EPB 2020/8687 Annual Compliance Report, October 2023, for the reporting period 20 July 2022 – 20 July 2023.</p> <p>A redacted version was published to the Sydney Metro website on 17 October 2023.</p>	<ul style="list-style-type: none"> <li>Sydney Metro – Western Sydney Airport EPBC 2020/8687 Annual Compliance Report, October 2023.</li> <li>Screenshot of Sydney Metro website showing publication of the Sydney Metro – Western Sydney Airport EPBC 2020/8687 Annual Compliance Report, October 2023 on 17 October 2023.</li> <li>Email to Department, Sydney Metro – Wester Sydney Airport (SM-WSA) (EPBC 2020/8687) – Condition of Approval 28: Annual Compliance Reporting, dated 19 October 2023</li> <li>Email from Department dated 23 October 2023 acknowledging receipt</li> </ul>



No.	Condition	Status	Comments	Supporting evidence
	<p>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.</p>		<p>The report was submitted to the Department via email on 19 October 2023, along with letters dated 17 October 2023 for submission in accordance with Condition 28 and notification of publication to the website with link.</p> <p>This current Annual Compliance Report is the second completed by Sydney Metro for the Sydney Metro-Western Sydney Airport project. Compliance with the notification, publishing, and redaction requirements will be audited during the following reporting period.</p>	<p>of the 2023 Annual Compliance Report.</p> <ul style="list-style-type: none"> <li>Submission Letter, Sydney Metro – Wester Sydney Airport (SM-WSA) (EPBC 2020/8687) – Condition of Approval 28: Annual Compliance Reporting, dated 17 October 2023</li> <li>Notification Letter, Sydney Metro – Wester Sydney Airport (SM-WSA) (EPBC 2020/8687) – Condition of Approval 28: Annual Compliance Reporting – notification of website publication, dated 17 October 2023</li> </ul>
29	<p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ol style="list-style-type: none"> <li>any condition which is or may be in breach</li> <li>a short description of the incident and/or non-compliance</li> <li>the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</li> </ol>	Compliant	No non-conformances have been identified during the reporting period.	N/A
30	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ol style="list-style-type: none"> <li>any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future</li> <li>the potential impacts of the incident or non-compliance</li> </ol>	Compliant	No non-conformances or incidents have been identified during the reporting period.	N/A

No.	Condition	Status	Comments	Supporting evidence
	c. the method and timing of any remedial action that will be undertaken by the approval holder.			
31	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	An independent audit has not been undertaken during the reporting period. No requests for an independent audit have been received from the Minister during the reporting period.	Not applicable.
32	For each independent audit, the approval holder must: a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department b. only commence the independent audit once the independent auditor and audit criteria have been approved in writing by the Department c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not applicable	An independent audit has not been undertaken during the reporting period. No requests for an independent audit have been received from the Minister during the reporting period.	Not applicable.
33	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 24 months after the completion of the action, or as otherwise agreed by the department in writing.	Not applicable	An independent audit has not been undertaken during the reporting period. No requests for an independent audit have been received from the Minister during the reporting period.	Not applicable.
34	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 8 and 15, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	Not applicable	Sydney Metro has not submitted a revised action management plan during this reporting period for approval by the Minister. Minor updates to the Biodiversity Management Plan were provided for information under Condition 35 (see below).	Not applicable.

No.	Condition	Status	Comments	Supporting evidence
35	<p>The approval holder may choose to revise an action management plan approved by the Minister under conditions 18 and 15, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>	Compliant	<p>On 21 December 2023 the Department was notified in accordance with Condition 35 of the revised Biodiversity Management Plan (revision 7). The updates were minor in nature with the review being undertaken by a suitably qualified biodiversity specialist and would not likely have new or increased impacts.</p> <p>Sydney Metro received an automated email response from the Department on 21 December 2023 noting the email had been received.</p> <p>Whether the BMP can be revised under CoA 35 has been discussed with Department (CR 23-003129). An email from Department on 5 June 2024 directed Sydney Metro to continue to use the most recent version of the BMP (Rev 7) and advised that the Department would not take compliance action against the approval holder for implementing aspects of the BMP where discrepancies exist between the version last approved under condition 8 (Rev 5) and the version last endorsed under condition 35 (Rev 7).</p>	<ul style="list-style-type: none"> <li>Email correspondence with attached letter date 20 December 2023 - SM-WSA: EPBC CoA 11 and 35 (Updated BMP), 21 December 2023.</li> <li>Email from Department dated 5 June 2024 regarding a notice of Intent - Condition 11 and direction on BMP use.</li> </ul>
36	<p>If the approval holder makes the choice under condition 35 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ol style="list-style-type: none"> <li>notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> <li>an electronic copy of the RAMP</li> <li>an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP</li> <li>an explanation of the differences between the approved action management plan and the RAMP</li> </ol> </li> </ol>	Compliant	<p>On 21 December 2023 Sydney Metro submitted a revised Biodiversity Management Plan, to the Department. The updates were minor in nature and provided for information only.</p> <p>The documents were submitted as electronic copies, in two versions (track changes to show the updates and a clean version). The covering letter provided a brief explanation of the differences between the approved action management plans and the RAMPs and why Sydney Metro considers that the RAMPs are considered not likely to have a new or increased</p>	<ul style="list-style-type: none"> <li>Refer to Condition 11</li> <li>Email correspondence with attached letter date 20 December 2023 - SM-WSA: EPBC CoA 11 and 35 (Updated BMP), 21 December 2023.</li> <li>SM-WSA EPBC Approval 2020/8687 – Off-airport Biodiversity Management Plan, Rev 7, 21 December 2023</li> </ul>

No.	Condition	Status	Comments	Supporting evidence
	<p>iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact</p> <p>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department.</p> <p>b. subject to condition 38, implement the RAMP from the RAMP implementation date.</p>		<p>impact. Sydney Metro proposed to implement the revised plans from 5 February 2024 onwards. Implementation of the Biodiversity Management Plan is covered by condition 11.</p>	
37	The approval holder may revoke their choice to implement a RAMP under condition 35 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 35, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 35.	Not applicable	Sydney Metro did not revoke their choice to implement any of the RAMPs requested.	Not applicable
38	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <p>a. condition 35 does not apply, or ceases to apply, in relation to the RAMP</p> <p>b. the approval holder must implement the action management plan specified by the Minister in the notice.</p>	Not applicable	The Minister has not given this notice during the reporting period.	Not applicable
39	At the time of giving the notice under condition 38, the Minister may also notify that for a specified period, condition 35 does not apply for one or more specified action management plans.	Not applicable	This direction was not received by the Minister during the reporting period.	Not applicable.
40	Within 20 business days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable	The approved action is not yet complete.	Not applicable

## 3. Summary of Compliance

This section summarises the findings of the annual compliance report for this reporting period and provides an update on compliance identified from the previous reporting period.

### 3.1 Summary of compliance report findings

There are 40 conditions of approval; during the reporting period 21 conditions were considered to be compliant, 19 conditions were considered not applicable, and no non-compliances were identified. The majority of the “not applicable” conditions were due to requirements either not being triggered or because the requirements of the condition fell outside the scope of the current reporting period.

### 3.2 Previous Non-Compliance progress update

In the previous reporting period three non-compliances were identified during the preparation of the Annual Compliance Report, in relation to Conditions 11, 23 and 26(b).

Condition 11 – reported to the Department on 27 September 2023:

- The Biodiversity Management Plan (BMP) was approved by the Minister and a subsequent revision (revision 6) was provided to the Department in accordance with condition 36. Endorsement for implementation was obtained on 13 July 2022. The annual review timeframe nominated in Condition 11 for the BMP, being by 13 July 2023, had lapsed. Identified during the 2022-2023 Annual Compliance Report, a review of the BMP (revision 7) was subsequently undertaken and completed with notification to the Department on 21 December 2023, and additional safeguards implemented to prevent re-occurrence.
- Baseline mapping of listed Priority Weeds and pathogens within the construction area for some work packages was not undertaken directly in accordance with the revised BMP and was identified during the 2022-2023 Annual Compliance Report. The Principal Contractor was directed to undertake mapping utilising six-monthly monitoring of effectiveness of treated areas, noting that weeds had already been fully cleared as part of clearing works for the construction sites, or were being progressively cleared having been identified during pre-clearing surveys already. The BMP requirements for mapping and monitoring were then clarified and incorporated into the BMP review subsequently undertaken and notified to the Department on 21 December 2023.

On review of the submitted non-compliances the Department undertook an investigation which led to the following outcomes:

- Correspondence from Department on the 22 March 2024 invited Sydney Metro to provide further information of the identified BMP non-compliances.
- Sydney Metro provided an additional response to Department on 11 April 2024.
- The Department provided a notice of intent to Sydney Metro on the 30 April 2024 to inform Sydney Metro how Department intended to respond to the matter.
- An email from Department on 5 June 2024 directed Sydney Metro to continue to use the most recent version of the BMP (Rev 7) and advised that the Department would not take compliance action against the approval holder for implementing aspects of the BMP where discrepancies exist between the version last approved under condition 8 (Rev 5) and the version last endorsed under condition 35 (Rev 7).
- On the 16 August 2024 the Department prepared a variation notice in accordance with section 143(1)(a) of the EPBC Act for the approval, in response to findings of non-compliance with conditions of the EPBC Act

approval. Sydney Metro responded to this variation notice on 26 August 2024 and suggested some amendments to the varied conditions proposed by Department.

- On the 12 September 2024 the approval was varied and the Department closed the non-compliance of condition 11 with no further action.
- The engagement with the Department on the variation and the subsequent internal management measures to ensure the Conditions are regularly monitored has resulted to more timely reporting and greater compliance.

Conditions 23 and 26(b) were considered closed in the 22-23 Annual Compliance Report but are summarised below:

#### Condition 23

- Correspondence from Department on 15 August 2023 noted the action taken by Sydney Metro and the safe guards put in place to prevent a reoccurrence of a non-compliance against condition 23. Department closed the matter with no further action.
- The measures and safeguards implemented to correct this non-compliance have been successful and Department has been notified of the date of commencement of each subsequent stage of the action.

#### Condition 26(b)

- Correspondence from Department on the 22 March 2024 noted that the wording of condition 26 may lead to ambiguity concerning the time-frame for publishing of the EPBC Aboriginal Cultural Heritage Management Plan on the approval holder's website, as this management plan is not required to be approved by the Minister.
- The Department did not take any further action against the approval holder for the potential non-compliance of condition 26 and considered the matter closed.
- The measures and safeguards implemented to correct this non-compliance have been successful and the current version of the EPBC ACHMP is publicly accessible via the Sydney Metro website.

## 4. New environmental risks

No new environmental risks have been identified during the reporting period.

As the project advances, Sydney Metro and its contractors will continue to monitor and manage environmental risks through the Sydney Metro and our contractor's ISO 14001-compliant environmental management systems.

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