

## Schedule 13 – Planning Approval Conditions

(clauses 1.1, 7.2, 7.7, 7.9 and 22.1)

### 1. General

#### 1.1 The Principal's obligations in respect of approvals

OpCo must, in performing OpCo's Activities, comply with, and ensure that its OpCo Contractors comply with, all of the obligations, conditions and requirements of the Approvals except to the extent that this Schedule 13 (*Planning Approval Conditions*):

- (a) provides that the Principal will comply with the obligation, condition or requirement; or
- (b) limits OpCo's obligation in respect of that obligation, condition or requirement.

#### 1.2 Defined terms

Capitalised terms which are used in this Schedule 13 (*Planning Approval Conditions*) but not otherwise defined in this deed have the same meaning as in the Planning Approvals.

#### 1.3 Project Planning Approval

In relation to the Project Planning Approval, the Principal will:

- (a) in relation to Condition A5, make all submissions of documentation to the Planning Secretary;
- (b) in relation to Condition A6, make all submissions of evidence of the consultation undertaken to the Planning Secretary;
- (c) be responsible for Condition A7;
- (d) in relation to Condition A9, facilitate, and involve as necessary, OpCo in any negotiations with the Planning Secretary on extended timeframes for submissions for conditions and make all submissions to the Planning Secretary;
- (e) be responsible for Condition A10;
- (f) be responsible for Condition A11;
- (g) be responsible for Condition A12 and Condition A13, except OpCo will be responsible for compliance with these conditions to the extent required by the Staging Report;
- (h) be responsible for Condition A14;
- (i) be responsible for Condition A15;
- (j) in relation to Condition A16, make all submissions to the Planning Secretary;
- (k) in relation to Condition A19, make submissions of Site Establishment Management Plans to the Planning Secretary. OpCo must provide the Site Establishment Management Plan to the Principal 6 weeks before the establishment of any construction ancillary facility, and will otherwise comply with all requirements of this condition;
- (l) in relation to Condition A20, make submissions of Site Establishment Management Plans to the ER. OpCo must provide the Site Establishment Management Plan to the Principal 6 weeks before the establishment of any construction ancillary facility, and will otherwise comply with all requirements of this condition;
- (m) in relation to Condition A21, notify OpCo when the relevant CEMP, CEMP Sub-plans and Construction Monitoring Programs have been approved by the Planning Secretary.
- (n) be responsible for Condition A25;
- (o) in relation to Condition A26, make it a term of their engagement of an Independent Appointment that the Independent Appointment facilitate and assist the Planning Secretary in any such audit, except that OpCo must facilitate and assist the Planning

- Secretary in any such audit, and will otherwise comply with all requirements of this condition;
- (p) be responsible for Condition A27;
  - (q) in relation to Condition A28, notify OpCo when an Environmental Representative has been approved;
  - (r) be responsible for Condition A29;
  - (s) in relation to Condition A30, notify OpCo when an additional Environmental Representative has been approved;
  - (t) be responsible for Condition A31;
  - (u) in relation to Condition A32, facilitate the approved ER in undertaking their role. OpCo must comply with A32 to the extent that it applies to OpCo's obligation to comply with Condition A28;
  - (v) be responsible for Condition A34;
  - (w) be responsible for Condition A35;
  - (x) be responsible for Condition A36;
  - (y) in relation to Condition A37, arrange and pay for the Independent Audits. OpCo must participate in the Independent Audit process of the CSSI;
  - (z) be responsible for Condition A38;
  - (aa) in relation to Condition A39, arrange and pay for the Independent Audits. OpCo must participate in the Independent Audit process of the CSSI;
  - (bb) in relation to Condition A40, submit Independent Audit Reports to the Planning Secretary;
  - (cc) be responsible for Condition A41, except that the Principal will notify Planning Secretary via the phone and through the Major Projects website. OpCo must provide the Principal information immediately to allow the Principal to make notifications to the Planning Secretary under Condition A41;
  - (dd) be responsible for Condition A43, except that OpCo must provide information immediately to the Principal to allow the Principal to make notifications to the Planning Secretary under Condition A41;
  - (ee) be responsible for Condition A44, except that OpCo must provide the Principal with the written notification to allow for the Principal to report to the Planning Secretary;
  - (ff) be responsible for Condition A45, except that any investigation and actions must be carried out by OpCo;
  - (gg) in relation to Condition A46, approve the markings required on heavy vehicles;
  - (hh) in relation to Condition A47, approve signage to be placed on site boundary fencing / hoarding;
  - (ii) be responsible for Condition B1, except that OpCo must meet any obligation required by the Overarching Community Communication Strategy;
  - (jj) be responsible for Condition B2, except that OpCo must participate in the implementation of the Complaints Management System and provide the Principal with all information it requires to comply with this condition;
  - (kk) be responsible for Condition B3, except that OpCo must participate in the implementation of the Complaints Management System and provide the Principal with all information it requires to comply with this condition;
  - (ll) be responsible for Condition B4, except that OpCo must participate in the implementation of the Complaints Management System and provide the Principal with all information it requires to comply with this condition ;

- (mm) be responsible for Condition B5, except that OpCo must participate in the implementation of the Complaints Management System and provide the Principal with all information it requires to comply with Condition B5;
- (nn) be responsible for Condition B6, except that OpCo must participate in the implementation of the Complaints Management System and provide the Principal with all information it requires to comply with Condition B6;
- (oo) be responsible for Condition B7;
- (pp) be responsible for Condition B8, except that OpCo must facilitate the Community Complaints Mediation process and provide the Community Complaints Mediator with any information or documentation they require to meet their obligations under the Planning Approval;
- (qq) be responsible for Condition B9, except that OpCo must facilitate the Community Complaints Mediation process and provide the Community Complaints Mediator with any information or documentation they require to meet their obligations under the Planning Approval;
- (rr) be responsible for Condition B10;
- (ss) be responsible for Condition B11(a)-(c) and provide a link on the Principal's website to OpCo's website where OpCo's documents, as required by this Condition B11, are uploaded or linked;
- (tt) in relation to Condition C3, submit the CEMP to the ER and confirm the ER's endorsement to OpCo;
- (uu) in relation to Condition C4, submit the CEMP to the Planning Secretary and confirm the ER's endorsement and Planning Secretary's approval to OpCo;
- (vv) in relation to Condition C5, submit the CEMP sub-plans to the Planning Secretary/ER (whichever is applicable) and confirm their approval/endorsement to OpCo;
- (ww) in relation to Condition C8, submit the CEMP sub-plans to the ER and confirm the ER's endorsement to OpCo;
- (xx) in relation to Condition C9, submit the CEMP sub-plans to the Planning Secretary and confirm the Planning Secretary's approval to OpCo;
- (yy) in relation to Condition C10, confirm the Planning Secretary's approval or ER's endorsement to OpCo;
- (zz) in relation to Condition C17, submit Construction Monitoring Programs to the Planning Secretary and confirm the Planning Secretary's approval to OpCo;
- (aaa) in relation to Condition C18, submit Construction Monitoring Programs to the ER and confirm the ER's endorsement to OpCo;
- (bbb) in relation to Condition C19, submit Construction Monitoring Programs to the Planning Secretary and confirm the Planning Secretary's approval to OpCo;
- (ccc) in relation to Condition C20, confirm the Planning Secretary's approval to OpCo;
- (ddd) in relation to Condition C22, submit Construction Monitoring Reports to the Planning Secretary;
- (eee) in relation to Condition D2, confirm the Planning Secretary's satisfaction to OpCo;
- (fff) in relation to Condition D6, submit OEMP Sub-plans to the Planning Secretary;
- (ggg) in relation to Condition D7, submit the OEMP or EMS or equivalent to the Planning Secretary;
- (hhh) in relation to Condition E3, submit all requests to the Planning Secretary under this condition, except that OpCo must provide the Principal with any assessments of additional impacts to plant community types and updated ecosystem and/or species credit requirements, and will otherwise comply with all requirements of this condition;
- (iii) be responsible for Condition E4;

- (jjj) be responsible for Condition E5;
- (kkk) be responsible for Condition E6;
- (lll) be responsible for Condition E7;
- (mmm) in relation to Condition E13, provide OpCo with Tree Surveys undertaken as part of clearing activities;
- (nnn) in relation to Condition E14, be responsible for paragraph (a);
- (ooo) in relation to Condition E17, undertake the consultation with the affected landowners with the assistance of OpCo;
- (ppp) in relation to Condition E18, submit the required information to DPIE;
- (qqq) in relation to Condition E22, provide the Archaeological Research Design Report (**ARD**);
- (rrr) in relation to Condition E23, provide the Excavation Methodologies identified in the documents in Condition A1 and consult with Heritage NSW and nominate the Excavation Director to the Planning Secretary for approval;
- (sss) in relation to Condition E25, submit the Archival Recording Report to the Planning Secretary, relevant councils and Heritage NSW;
- (ttt) in relation to Condition E27, submit the non-Aboriginal Archaeological Excavation Report to the Planning Secretary and Heritage NSW;
- (uuu) be responsible for Condition E30;
- (vvv) be responsible for Condition E32;
- (www) in relation to Condition E35, submit the Unexpected Heritage Finds and Human Remains Procedure to the Planning Secretary;
- (xxx) in relation to Condition E41, on becoming aware of the need for emergency works provide notification to the Planning Secretary;
- (yyy) in relation to Condition E42, submit the Protocol to the Planning Secretary for approval;
- (zzz) in relation to Condition E49, submit request for agreement to the Planning Secretary;
- (aaaa) in relation to Condition E57, submit the outcomes of community consultation to the Planning Secretary;
- (bbbb) in relation to Condition E58, submit the ONVR to the Planning Secretary;
- (cccc) in relation to Condition E59, submit the required documentation to the Planning Secretary;
- (dddd) in relation to Condition E60, submit the ONCVR to the Planning Secretary;
- (eeee) be responsible for Conditions E67 to E74;
- (ffff) in relation to Condition E80, advise the Planning Secretary prior to the transfer of the asset(s) to the relevant Authority;
- (gggg) in relation to Condition E88, establish the IPIAP and notify the Planning Secretary of the members of the IPIAP, except that OpCo must provide the IPIAP with any information or documentation it requires to meet its obligations under this Planning Approval;
- (hhhh) in relation to Condition E89, pay all costs incurred in the establishing and implementing of the IPIAP;
- (iiii) in relation to Condition E90, provide results of monitoring to the Planning Secretary except that OpCo must provide the results to the Principal;
- (jjjj) in relation to Condition E91, submit the plan(s) to the Planning Secretary;
- (kkkk) in relation to Condition E96, submit documents to the Planning Secretary;
- (llll) in relation to Condition E97, submit documents to the Planning Secretary;
- (mmmm) in relation to E100, be responsible for preparation of the Sustainability Plan and OpCo be responsible for Sustainability Management Plan relevant to SSTOM Works;

- (nnnn) be responsible for E101, except OpCo must be responsible for implementing the Sustainability Plan within the scope of OpCo's Activities;
- (oooo) in relation to E103, submit the plan(s) to the Planning Secretary;
- (pppp) in relation to E104, make available heavy vehicle monitoring records electronically to the Planning Secretary;
- (qqqq) in relation to E105, submit proposed heavy vehicle routes on local roads for approval to the Planning Secretary;
- (rrrr) be responsible for Condition E116, except that OpCo will participate as part of the TTLG and provide the TTLG with any information or documentation it requires to meet its obligations under this Planning Approval;
- (ssss) in relation Condition E119, provide OpCo's safety audits to the Planning Secretary (if requested); and
- (tttt) in relation to Condition E134, submit the Report to the Planning Secretary.

#### 1.4 Airport Plan

In relation to the Airport Plan, the Principal will:

- (a) be responsible for Conditions 1 to 36;
- (b) be responsible for Condition 37.1;
- (c) in relation to Condition 38.1, develop and obtain approval of the Construction (Rail) Plan;
- (d) be responsible for Condition 38.2;
- (e) be responsible for Condition 38.3;
- (f) be responsible for Condition 38.5;
- (g) in relation to Condition 39.1, develop and obtain approval of the on-airport CEMPs;
- (h) be responsible for Condition 39.2;
- (i) be responsible for Condition 39.3;
- (j) be responsible for Condition 39.4;
- (k) in relation to Condition 40.1, develop and obtain approval of the Community Communications Strategy;
- (l) be responsible for Condition 40.2;
- (m) be responsible for Condition 40.3;
- (n) be responsible for Condition 40.4;
- (o) be responsible for Condition 40.5;
- (p) be responsible for Condition 40.6;
- (q) in relation to Condition 41.1, develop and obtain approval of the Sustainability Plan;
- (r) be responsible for Condition 41.2;
- (s) be responsible for Condition 41.3;
- (t) in relation to Condition 42.1, develop and obtain approval of the Cumulative Impacts Plan;
- (u) be responsible for Condition 42.2;
- (v) be responsible for Condition 42.3;
- (w) in relation to Condition 43.1, submit the Staging Report and inform OpCo of Staging Report's approval;
- (x) be responsible for Condition 43.3;
- (y) be responsible for Condition 43.4;

- (z) in relation to Condition 43.5, develop and obtain approval of the Biodiversity Offset Strategy;
- (aa) be responsible for Condition 43.6;
- (bb) be responsible for Condition 43.7;
- (cc) be responsible for Condition 43.9;
- (dd) be responsible for Condition 43.10, except that OpCo will provide the Principal with any information or documentation it requires to comply with this condition;
- (ee) be responsible for Condition 43.11;
- (ff) be responsible for Condition 45.1;
- (gg) be responsible for Condition 45.2;
- (hh) in relation to Condition 46, submit any documentation to the Infrastructure Department;
- (ii) be responsible for Condition 47.1;
- (jj) be responsible for Condition 47.2;
- (kk) be responsible for Condition 47.3;
- (ll) in relation to Condition 47.4, prepare the annual compliance report, except that OpCo will provide the Principal with any information or documentation it requires to comply with this condition;
- (mm) be responsible for Condition 47.5;
- (nn) be responsible for Condition 48.1;
- (oo) be responsible for Condition 48.2;
- (pp) be responsible for Condition 48.3;
- (qq) in relation to Condition 48.4, engage the Independent Auditor, except that OpCo is required to facilitate and assist with any audit;
- (rr) be responsible for Condition 48.5, except that OpCo will provide the Principal with any information or documentation it requires to comply with this condition;
- (ss) be responsible for Condition 48.6;
- (tt) be responsible for Condition 49.1;
- (uu) be responsible for Condition 49.2;
- (vv) be responsible for Condition 49.3, and will advise OpCo of any varied plans;
- (ww) be responsible for Condition 49.4;
- (xx) be responsible for Condition 49.5;
- (yy) be responsible for Condition 49.6;
- (zz) be responsible for Condition 49.7;
- (aaa) be responsible for Condition 49.8;
- (bbb) be responsible for Condition 49.9;
- (ccc) be responsible for Condition 50.1;
- (ddd) be responsible for Condition 50.2; and
- (eee) be responsible for Condition 50.3

## 1.5 Revised Environmental Mitigation Measures

In relation to the Revised Environmental Mitigation Measures in the 'Sydney Metro – Western Sydney Airport – Submissions Report', the Principal will:

- (a) be responsible for REMM T3, except that OpCo will participate as part of the TTLG and provide the TTLG with any information or documentation it requires to meet its obligations under the Planning Approval;
- (b) be responsible for REMM T8;
- (c) in relation to REMM FF1, prepare the On-airport Biodiversity Construction Environmental Management Plan;
- (d) in relation to REMM FF11, be responsible for undertaking the seed collection and OpCo responsible for propagation (as per the requirements of the Particular Specification 02 (*Built Environment*));
- (e) be responsible for REMM OFF2;
- (f) be responsible for REMM NAH8;
- (g) in relation to REMM ONAH4, prepare the heritage interpretation strategy;
- (h) in relation to REMM AH2, prepare the Aboriginal Cultural Heritage Management Plan;
- (i) in relation to REMM OAH1, prepare the heritage interpretation strategy in consultation with the Aboriginal knowledge holders;
- (j) be responsible for REMM OHYD4;
- (k) be responsible for REMM OWQ4;
- (l) in relation to REMM SUS1, be responsible for the Sustainability Plan and OpCo be responsible for the preparation of a Sustainability Management Plan for Off Airport SSTOM Works;
- (m) be responsible for REMM OLU1, except that OpCo shall undertake works in these areas in accordance with measures agreed with property owners;
- (n) in relation to REMM SE3, lead consultation with property owners, except that OpCo must provide information to assist in consultation and minimise disruption; and
- (o) in relation to REMM CL1, develop and obtain approval of the Cumulative Impacts Plan.

## 1.6 EPBC Act Approval

In relation to the EPBC Act Approval, the Principal will:

- (a) be responsible for Condition EPBC3;
- (b) be responsible for Condition EPBC4;
- (c) be responsible for Condition EPBC5;
- (d) be responsible for Condition EPBC6;
- (e) in relation to Condition EPBC8, prepare and submit the Biodiversity Management Plan to the Department;
- (f) be responsible for Condition EPBC9;
- (g) in relation to Condition EPBC10, notify OpCo when the Biodiversity Management Plan has been approved;
- (h) be responsible for Condition EPBC12;
- (i) be responsible for Condition EPBC14;
- (j) be responsible for Condition EPBC15;
- (k) be responsible for Condition EPBC16;
- (l) be responsible for Condition EPBC17;
- (m) be responsible for Condition EPBC18;
- (n) be responsible for Condition EPBC19;

- (o) in relation to Condition EPBC20, notify OpCo when the Biodiversity Offset Strategy Plan has been approved;
- (p) be responsible for Condition EPBC22;
- (q) be responsible for Condition EPBC23;
- (r) be responsible for Condition EPBC24, except that OpCo must provide the Principal with all information required to demonstrate compliance;
- (s) in relation to Condition EPBC25, prepare and submit response to the Department, except that OpCo must inform the request and provide compliance records to the Principal;
- (t) be responsible for Condition EPBC26;
- (u) in relation to Condition EPBC27, prepare and submit response to the Department, except that OpCo must inform the request and provide monitoring data to the Principal;
- (v) in relation to Condition EPBC28, prepare and submit response to the Department, except that OpCo must inform the request and provide compliance records to the Principal;
- (w) in relation to Condition EPBC29, prepare and submit response to the Department, except that OpCo must notify the Principal immediately on becoming aware of an incident;
- (x) in relation to Condition EPBC30, prepare and submit response to the Department, except that OpCo must inform the request and provide incident details to the Principal;
- (y) in relation to Condition EPBC31, arrange and pay for the Independent Audits, except that OpCo must participate in the Independent Audit process;
- (z) be responsible for Condition EPBC32;
- (aa) be responsible for Condition EPBC33;
- (bb) be responsible for Condition EPBC34;
- (cc) be responsible for Condition EPBC35;
- (dd) be responsible for Condition EPBC36;
- (ee) be responsible for Condition EPBC37;
- (ff) be responsible for Condition EPBC38, except that OpCo must implement the action plan;
- (gg) be responsible for Condition EPBC39; and
- (hh) be responsible for Condition EPBC40, except that OpCo must inform the report and provide compliance records to the Principal..

### **1.7 On-Airport Part 13 Permit under the Environmental Protection and Biodiversity Conservation Act**

In relation to the On-Airport Part 13 Permit under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth), the Principal will:

- (a) be responsible for Permit Condition 4;
- (b) in relation to Permit Condition 5, prepare and submit compliance report with detailed information provided by OpCo in relation to compliance with the permit; and
- (c) in relation to Permit Condition 6, inform the Department of OpCo's authorised activity. OpCo is to provide the Principal with qualifications and experience details of experience and competence of persons carrying out the activities of this permit.