

# Planning Approval Consistency Assessment Form

SM ES-FT-414

Sydney Metro Integrated Management System (IMS)

<b>Assessment Name:</b>	Defence Establishment Orchard Hills Detention Basin
<b>Prepared by:</b>	Sydney Metro
<b>Prepared for:</b>	Sydney Metro and the SCAW and SSTOM contracts
<b>Assessment number:</b>	SM-007
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Form information – do not alter

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## 1. Existing Approved Project

Planning approval reference details (Application/Document No. (including modifications)):

SSI\_10051 Sydney Metro – Western Sydney Airport

EPBC 2020/8687 – The EPBC approval is addressed in the *Environment Protection and Biodiversity Conservation Act 1999* Memo - Defence Establishment Orchard Hills (DEOH) and not considered further as part of this consistency assessment.

Date of determination:	Instrument of Approval dated 23 July 2021	Type of planning approval:	SSI_10051: Critical State Significant Infrastructure (SSI_10051) under <i>Environmental Planning and Assessment Act 1979</i> (NSW)
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Relevant background information (including EA, REF, Submissions Report, Director General's Report, MCoA):

- Sydney Metro – Western Sydney Airport Environmental Impact Statement, including accompanying technical papers (EIS) (October 2020)
- Sydney Metro – Western Sydney Airport Submissions Report (April 2021)
- Instrument of Approval (SSI\_10051) (dated 23 July 2021)

The above documents are available on the NSW planning portal here: [www.planningportal.nsw.gov.au/major-projects/project/35016](http://www.planningportal.nsw.gov.au/major-projects/project/35016)

The proposal identified in this assessment would be undertaken in accordance with the performance outcomes (POs) and Revised environmental mitigation measures (REMMs) identified in the EIS, Submissions Report, and the relevant conditions of approval.

Description of existing approved project you are assessing for consistency:

The off-airport construction footprint, including the DEOH area, for the Sydney Metro – Western Sydney Airport (SM-WSA) project has been assessed within the SM-WSA EIS and the Submissions Report.

### Environmental Impact Statement

#### Construction

#### Earthworks

Earthworks would also be required along the project alignment for drainage structures and water quality basins.

The general sequence for earthworks would be as follows:

- Ground stabilisation works as required
- Construction of bored pile wall or similar infrastructure where required
- Earthworks cut and fill to design levels



- Construction of retaining structures and drainage elements where required as the earthworks progress.

#### *Water quality and detention basins*

Construction stormwater detention basins and water quality basins would be located within the construction footprint as required. The basins would discharge treated water into nearby local watercourses subject to the relevant performance outcomes in Chapter 27 (Synthesis) or as revised.

The off-airport construction footprint for the DEOH area as shown in the EIS is provided in Figure 1 of Appendix A.

#### **Operation**

##### *On-site detention*

To manage stormwater and drainage flows along the project alignment, areas for on-site detention have been identified to collect and retain water falling within the project corridor (water from outside the project corridor would be diverted around, and in some instances directed through, the project corridor). The final number, size of, and need for, the proposed detention and water quality basins would be confirmed during design development. In some circumstances, it may be more feasible to provide new drainage, or augment existing drainage within surrounding areas, rather than construct the basins.

#### **Submissions Report**

As discussed in section 6.6 of the Submissions Report, land required for the off-airport construction footprint in the area to the south of Patons Lane as shown in the EIS would be reduced as a result of design development and removal of the proposed detention basin at this location.

One rural residential property (Lot 1 DP 1099147) would be removed from the construction footprint resulting in a reduction of one partial property acquisition compared to the EIS. This is a revised total of 32 partial property acquisitions compared to 33 partial property acquisitions in the EIS. Changes to the construction footprint and property acquisition provided in the Submissions Report are shown in Figure 2 of Appendix A.

## **2. Description of proposed change which is the subject of this assessment**

Following construction planning and design development, the off-airport construction footprint is proposed to be revised to include an additional expanse within the DEOH area, anticipated to be used as a detention basin for the SM-WSA project. The proposed detention basin would help manage stormwater runoff by storing it and releasing it gradually, to the Unnamed Creek to the north of the basin.

The assessment of the proposal assumes that:

- The construction methodology and activities within the proposal area would remain unchanged as described in the EIS
- The number of indicative permanent property acquisition and temporary leases would remain unchanged from what has been previously assessed in the SM-WSA Submissions Report, although the extent of the proposed acquisition has expanded for the proposal
- All access provisions required for ongoing maintenance and operations would be maintained.

The proposal area would be utilised to manage stormwater and drainage flows through-out operation of the project as described in the EIS. The proposed revised off-airport construction footprint at DEOH is shown in Figure 3 of Appendix A.

### 3. Timeframe

There are no proposed changes to the construction program as outlined in the EIS.

### 4. Site description

The proposal would be located within Lot 2 DP242968 in the off-airport part of the construction footprint on land that is part of the DEOH area.

The off-airport construction footprint within the DEOH area, including the additional area required for the detention basin, is yet to be acquired and transferred to State-owned land. The DEOH site is currently owned by Australian Government Department of Defence.

The location of the proposal is shown in Figure 2 of Appendix A.

### 5. Site Environmental Characteristics

The existing environment within the off-airport construction footprint located within the DEOH site, consists of previously disturbed areas with patches of remnant native vegetation mainly associated with an unnamed tributary of South Creek. The land use within the DEOH site is limited to Defence activities including storage and distribution of munitions, firing ranges and explosive ordinance training. The land on which the proposal is located is highly disturbed with no or limited vegetation. No threatened plant or animal species were recorded or considered to have potential habitat within the proposal area. The proposal is located south of Patons Lane in Orchard Hills. The nearest natural water source is an un-named creek located 130 m north-east of the proposal. No drainage lines or waterbodies are located within the proposal area.

The broader landscape is known to have cultural heritage values and Aboriginal archaeological sensitivity identified along Blaxland Creek and associated unnamed tributaries. Previous assessments undertaken across this region have identified the presence of subsurface Aboriginal artefacts.

No non-Aboriginal items are located within or in proximity to the proposal.

### 6. Justification for the proposed change

The proposal is required to support the reduction of residential property acquisition compared to the SM-WSA EIS. The proposal would also allow the project to manage stormwater and drainage flows along the project alignment throughout operation in accordance with the REMMs and CoA.

## 7. Environmental Benefit

The proposed detention basin is required to enable the project to meet flooding and water quality criteria. The proposed basin would help manage stormwater runoff by storing it and releasing it gradually thereby reducing peak flow to Unnamed Creek during a flood event.

## 8. Control Measures

Will a project and site specific EMP be prepared?	<input checked="" type="checkbox"/> Yes	Are appropriate control measures already identified in an existing EMP?	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No		<input type="checkbox"/> No

## 9. Conditions of approval

Will the proposal be consistent with the conditions of approval?	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No



## 10. Impact Assessment – Construction

Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project CoA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
Flora and fauna	<p>No native vegetation Plant Community Types (PCTS) were ground-truthed or observed within the Defence Establishment Orchard Hills (DEOH) investigation area. Vegetation mapping identified the vegetation as miscellaneous ecosystem – highly disturbed areas with no or limited native vegetation.</p> <p>No plant or animal species were recorded within the DEOH investigation area or are considered to have potential habitat.</p> <p>No change from the approved project.</p>	No additional measures required.	Y	Y	
Water	<p>The DEOH investigation area and the proposed detention basin would be located on flood prone land subject to inundation in the probable maximum flood (PMF). The proposed basin would be located outside the 1% annual exceedance probability (AEP) flood event.</p> <p>The potential minor change in the construction footprint for the DEOH investigation area would not result in any change to flooding impacts as assessed within the EIS and Off-airport Final EIA and would be managed in accordance with the conditions of approval (CoA), revised environmental mitigation measures (REMMs) and the Sydney Metro construction environmental management framework (CEMF).</p>	No additional measures required.	Y	Y	
Soils and contamination	Potential contamination impacts include a high-risk area of environmental concern (AEC) located	No additional measures required.	Y	Y	

Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project CoA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
	<p>directly adjacent to the additional area. This AEC is likely to extend into the additional area as it is associated with sources of contamination from DEOH operations including potential unexploded ordnance (UXO), exploded ordnance (EO) waste, potential areas of buried waste, former hazardous building materials and potential historical use of aqueous fire-fighting foams. There is also a low probability of acid sulfate soils in the DEOH investigation area.</p> <p>The potential minor change in the construction footprint for the DEOH investigation area would not result in any change to contamination impacts and overall risk ratings as assessed within the SM-WSA EIS and Off-airport Final EIA and would be managed in accordance with CoA and REMMs.</p>				
Air quality	No change from the approved project.	No additional measures required.	Y	Y	
Noise and vibration	<p>The closest residential receivers to the DEOH investigation area are low density residential and rural residential properties located to the east along Luddenham Road. The nearest residential receiver is over 900 metres east from the works.</p> <p>The works are located to the west of the construction footprint and is further away from the closest sensitive receivers identified in the planning approvals.</p> <p>No change from the approved project.</p>	No additional measures required.	Y	Y	
Aboriginal heritage	Field survey and test excavation were undertaken in the DEOH investigation area in consultation with Registered Aboriginal Parties (RAPs). A total of seven artefacts were identified across six test	No additional measures required.	Y	Y	



Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project CoA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
	<p>pits. Identification of subsurface archaeological deposits in the additional area of DEOH were consistent with that identified within previously recorded artefact scatter SM-WSA-AS3 (i.e. in terms of artefact density, types and raw materials).</p> <p>The potential minor change in the construction footprint for the DEOH investigation area would not result in any change to impacts for Aboriginal heritage as assessed within the SM-WSA EIS and Off-airport Final EIA.</p> <p>The site area for the previously identified artefact scatter SM-WSA-AS3 has been expanded to incorporate the test pits where artefacts were found.</p> <p>The additional area of DEOH would be managed in accordance with the Environment Protection and Biodiversity Conservation (EPBC) Aboriginal cultural heritage management plan (ACHMP), which is consistent with the critical State significant infrastructure (CSSI) ACHMP.</p> <p>No change to the approved project.</p>				
Non-Aboriginal heritage	<p>No potential non-Aboriginal heritage items were identified within the DEOH investigation area.</p> <p>The potential minor change in the project footprint would be located closer to the boundary of the Commonwealth listed heritage item the Orchard Hills Cumberland Plain Woodland but a significant separation distance (over 400 metres) would be maintained. As a result, this Commonwealth heritage item would not be impacted directly or indirectly.</p>	No additional measures required.	Y	Y	

Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project CoA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
	Any unexpected heritage finds would be managed as per the Sydney Metro Unexpected Heritage Finds Procedure and Exhumation Management Procedure. No change from the approved project.				
Community and socio-economic	No change from the approved project.	No additional measures required.	Y	Y	
Traffic and transport	No change from the approved project.	No additional measures required.	Y	Y	
Waste and resource management	No change from the approved project.	No additional measures required.	Y	Y	
Visual	The works are located to the west of the construction footprint and is further away from the closest sensitive receivers identified in the SM-WSA EIS and Off-airport Final EIA. No change from the approved project.	No additional measures required.	Y	Y	
Land use and property	The number of indicative permanent property acquisition and temporary leases would remain unchanged from what has been previously assessed in the SM-WSA EIS and Off-airport Final EIA, although the extent of the proposed acquisition has expanded for the DEOH investigation area.	No additional measures required.	Y	Y	
Hazard and risk	Hazards and risks are associated with contamination from DEOH operations (refer to the soils and contamination section above). The potential minor change in the construction footprint for the DEOH investigation area would not result in any change to the overall risk ratings as assessed within the SM-WSA EIS and Off-	No additional measures required.	Y	Y	



Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project CoA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
	airport Final EIA and would be managed in accordance with CoA and REMMs				
Management and mitigation measures	The relevant project CoA, performance outcomes (PO), and REMMs are appropriate to manage the potential impacts associated with these works. No changes or additions to these CoA, POs and REMMs are required.	No additional measures required.	Y	Y	



## 11. Impact Assessment – Operation

Aspect	Nature and extent of impacts (negative and positive) during operation (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project COA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
Flora and fauna	No change from the approved project.	No additional measures required.	Y	Y	
Water	<p>The detention basin would discharge via a swale drain to the unnamed tributary located a short distance to the north.</p> <p>The proposed detention basin would help manage stormwater runoff by storing it and releasing it gradually thereby reducing peak flow to Unnamed Creek during a flood event.</p> <p>Operation of the detention basin within the DEOH investigation area would help mitigate flood impacts in this area.</p>	No additional measures required.	Y	Y	
Soils and contamination	No change from the approved project.	No additional measures required.	Y	Y	
Air quality	No change from the approved project.	No additional measures required.	Y	Y	
Noise and vibration	No change from the approved project.	No additional measures required.	Y	Y	
Aboriginal heritage	No change from the approved project.	No additional measures required.	Y	Y	
Non-Aboriginal heritage	No change from the approved project.	No additional measures required.	Y	Y	
Community and socio-economic	No change from the approved project.	No additional measures required.	Y	Y	
Traffic and transport	No change from the approved project.	No additional measures required.	Y	Y	
Waste and resource management	No change from the approved project.	No additional measures required.	Y	Y	
Visual and urban design	No change from the approved project.	No additional measures required.	Y	Y	

Aspect	Nature and extent of impacts (negative and positive) during operation (if control measures implemented) of the proposed change, relative to the relevant impact in the Approved Project	Proposed Control Measures in addition to project COA and REMMs	Minimal Impact Y/N	Endorsed	
				Y/N	Comments
Land use and property	The land use in this area would change during operation from a Defence site to a rail corridor containing a detention basin. The additional land is on the edge of the existing DEOH site and would not cause additional property severance or land fragmentation.	No additional measures required.	Y	Y	
Hazard and risk	No change from the approved project.	No additional measures required.	Y	Y	
Management and mitigation measures	The relevant project CoA, POs, and REMMs are appropriate to manage the potential impacts associated with these works. No changes or additions to these CoA, POs and REMMs are required.	No additional measures required.	Y	Y	



## 12. Consistency with the Approved Project

Question	Consider the following:
Is the project as modified consistent with the conditions of approval?	The proposed works would be consistent with the conditions of approval (CoA).
Is the project (including the proposed changes) consistent with the objectives and functions of elements of the Approved Project?	The proposal would be consistent with the objectives and functions of elements of the Approved Project as it would capture and store water during times of heavy rainfall and discharge it slowly to Unnamed Creek. This would assist the SM-WSA project to meet the flood impact criteria as specified in the CSSI CoA as well as the project's flood performance outcomes.
Are the environmental impacts of the proposed change consistent with the impacts of the approved project?	<p>The assessment has concluded that the potential minor change in the construction and operational footprint at the DEOH investigation area would not result in any material change to the potential construction and operational impacts for noise and vibration, biodiversity, non-Aboriginal heritage, Aboriginal heritage, flooding hydrology and water quality, and soils and contamination that were assessed in the EIS.</p> <p>The relevant performance outcomes and mitigation as detailed in Chapter 7 of the Submissions Report are considered appropriate to manage the potential impacts associated with the minor change in the construction and operational footprint at the DEOH investigation area. No changes to these performance outcomes and mitigation measures are required.</p>
Is the change within the envelope of what has been approved?	The proposal requires a change to the approved project construction footprint however this document has assessed the environmental impacts of the proposal and determined that it is generally consistent with the impacts originally assessed.
Are there any new environmental impacts as a result of the proposed works/project changes?	There would be no new environmental impacts as a result of the proposal.
Are the impacts of the proposed activity/works known and understood?	The impacts of the proposal are known and understood. An environmental assessment, including biodiversity, heritage, contamination, hydrology and noise and vibration assessments have been completed as part of the consistency assessment process and are summarised in section 9.
Are the impacts of the proposed activity/works able to be managed so as not to have an adverse impact?	The impacts of the proposed works would be managed so as to avoid an adverse impact by implementing the project CoA, POs, procedures, and REMMs.
Is the proposed change/s consistent with the approval (having regard to the above assessment)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



## 13. Other Environmental Approvals

Identify all other approvals required for the proposed works:

N/A

## 14. Recommendation

Based on the above impact assessment, and with reference to the SM-WSA EIS, Submissions Report and EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687), including the conditions of approval, it is recommended that:

Tick relevant box	
The proposed change has negligible or more than negligible impacts on the environment or community however is consistent with the Approval, including the conditions of approval. The proposed impacts are consistent with those assessed for the Approved Project (i.e., does not trigger a change to the conditions of approval).	<input checked="" type="checkbox"/>
The proposed change is not consistent with the Approved Project including the conditions of approval and would be subject to a separate modification application.	<input type="checkbox"/>
The proposed change is not substantially the same as the Approved Project and is considered a radical transformation. A new planning pathway should be considered.	<input type="checkbox"/>

## Author certification

I certify that to the best of my knowledge this Consistency Checklist:

- Examines and takes into account the fullest extent possible all matters affecting or likely to affect the environment as a result of activities associated with the proposed change; and
- Examines the consistency of the proposed change with the Approved Project; is accurate in all material respects and does not omit any material information.

Name:		Signature:	
Title:	Manager Planning Approvals		
Company:	Sydney Metro	Date:	27/09/2022

## Assessment Supporting Signature

Application supported and submitted by

Name:		Date:	28/09/2022
Title:	Associate Director, Planning Approvals	Comments:	
Signature:			

## Assessment Endorsement

Based on the above assessment, are the impacts and scope of the proposed change consistent with the existing Approved Project?

Yes ☒ The proposed change is consistent with the Approved Project and no further assessment is required.

No ☐ The proposed change is not consistent with the Approved Project.

A modification or a new activity approval/ consent is required. Advise Senior Project Manager of appropriate alternative planning approvals pathway to be undertaken.

Endorsed by			
Name:	██████████	Date:	5 October 2022
Title:	A/ Director ESP, Western Sydney Airport	Comments:	
Signature:	██████████		



## Appendix A – Figures

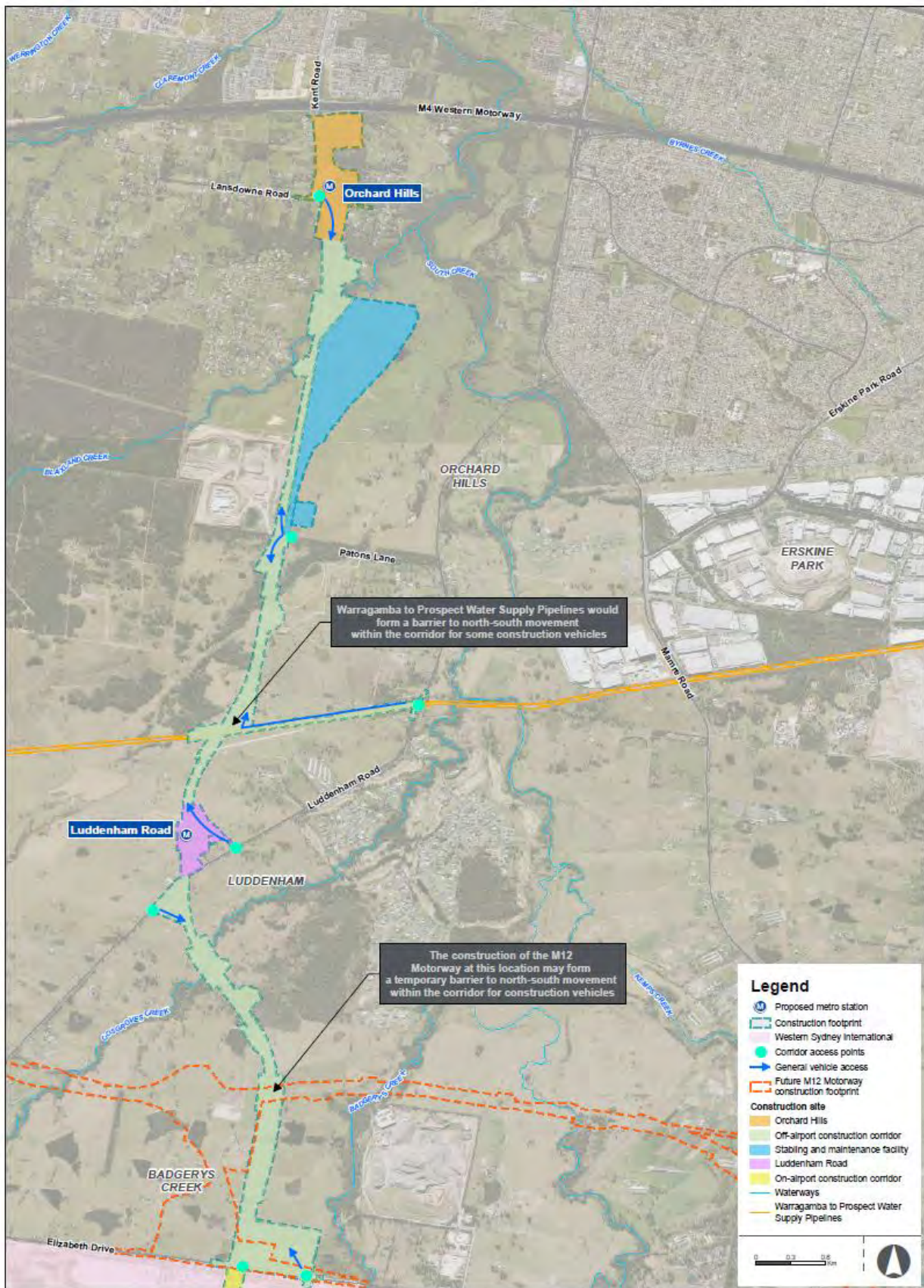


Figure 1: EIS Off-airport construction corridor.



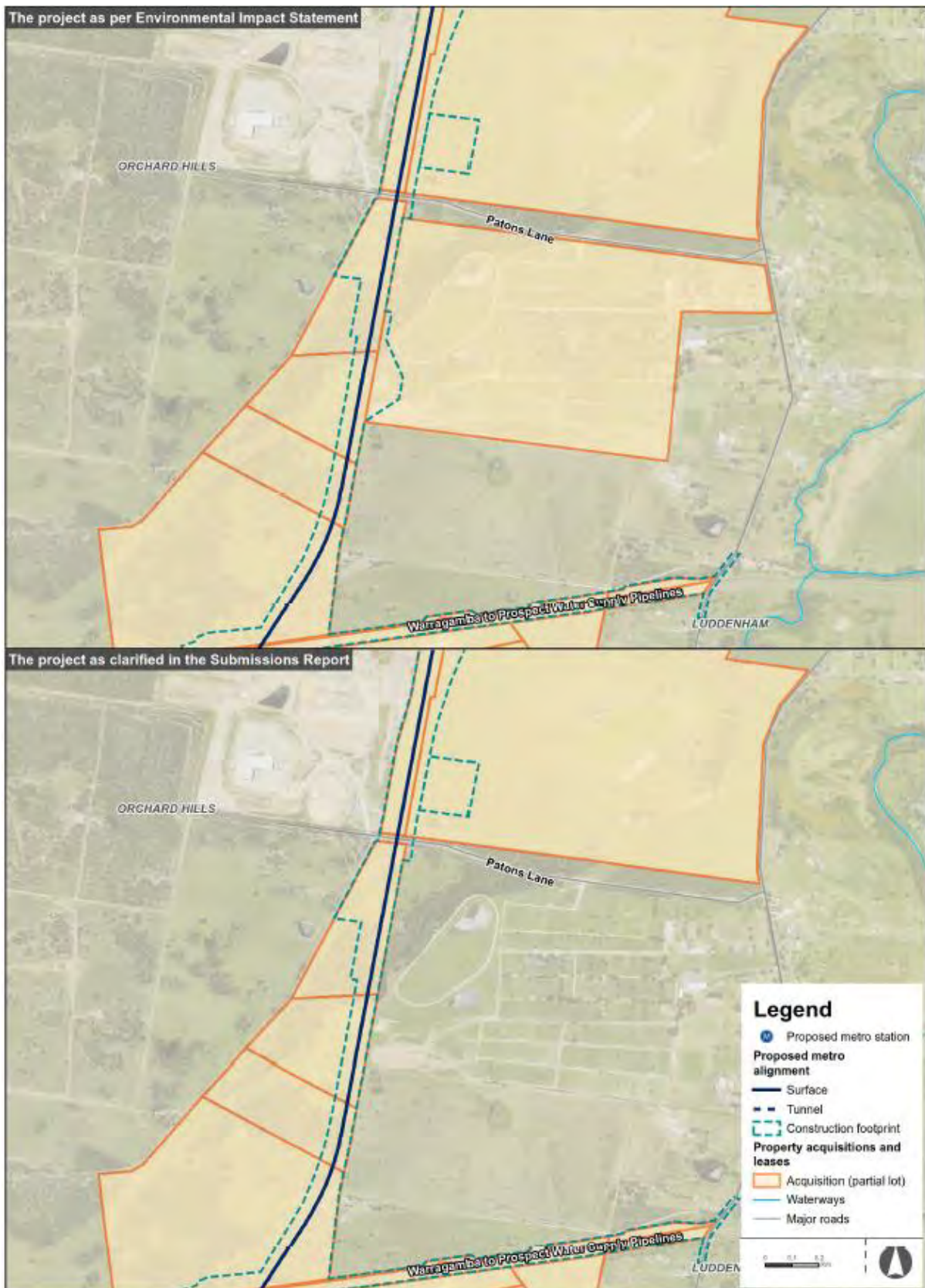


Figure 2: Property acquisitions and lease requirements – south of Patons Lane



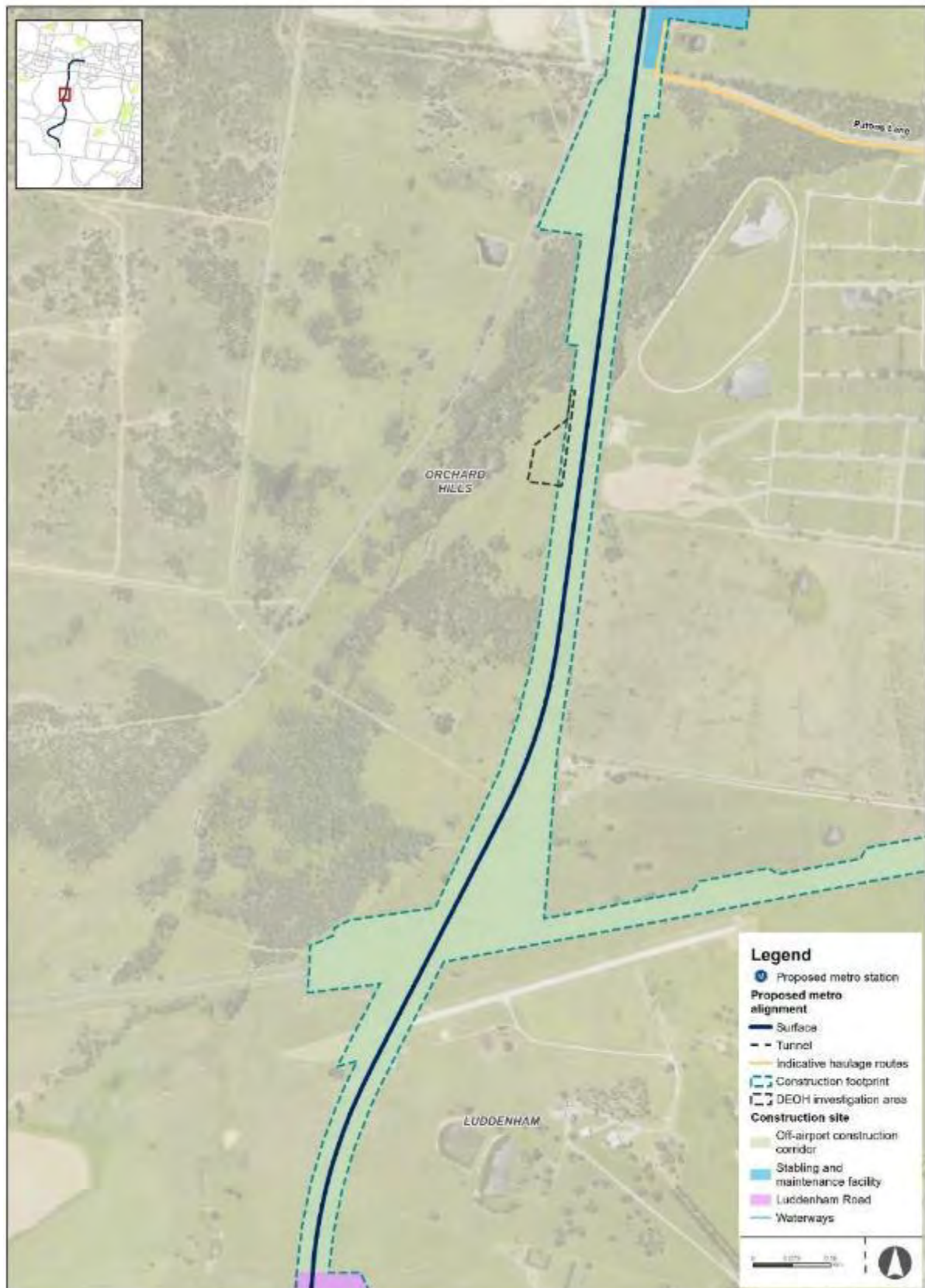


Figure 3: Proposed revised off-airport construction footprint at DEOH lands