

Planning Approval Consistency Assessment Form

SM ES-FT-414

Sydney Metro Integrated Management System (IMS)

Assessment Name:	Luddenham South Basin Outlet Works
Prepared by:	CPBUI and Sydney Metro
Prepared for:	Sydney Metro – Western Sydney Airport, Surface and Civil Alignment Works
Assessment number:	CPBUI 002
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Version:	Draft (0.1)
Planning approval No. (where relevant):	SSI 10051 (SM-WSA) EPBC 2020/8687 (Cth).
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1. Existing Approved Project

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

- SSI_10051 Infrastructure approval (as modified by SSI-10051-MOD-1) – applies to this assessment.
- EPBC 2020/8687 – covers the area between St Marys to Elizabeth Drive and applies to this assessment
- Western Sydney Airport: Airport Plan (as varied September 2021) - does not apply to this assessment as the proposal would be undertaken outside of the Western Sydney Airport site.

Date of determination:	<ul style="list-style-type: none"> • SSI_10051 Infrastructure approval dated 23 July 2021 • EPBC 2020/8687 Approval dated 3 June 2021 • Western Sydney Airport: Airport Plan as varied 15 September 2021 - does not apply to this assessment 	Type of planning approval:	<ul style="list-style-type: none"> • SSI_10051: Critical State Significant Infrastructure (SSI_10051) under <i>Environmental Planning and Assessment Act 1979</i> (NSW) • EPBC 2020/8687: construct and operate a rail link from St Marys to Elizabeth Drive as a controlled action under <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) • Western Sydney Airport: Airport Plan (as varied September 2021): Variation to the Airport Plan under the <i>Airports Act 1996</i> (Cth) - does not apply to this assessment and is not considered further.
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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 (SM-WSA EIS) (October 2020)
- Sydney Metro – Western Sydney Airport Submissions Report (April 2021)
- Instrument of Approval (SSI_10051) (dated 23 July 2021) and modified 14 April 2022
- EPBC 2020/8687 Approval dated 3 June 2021

The above documents are available on the NSW planning portal here: www.planningportal.nsw.gov.au/major-projects/project/35016 and <http://epbcnotices.environment.gov.au/referralslist/#>

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 SM-WSA Submissions Report and the relevant conditions of approval (CoA).

Description of existing approved project you are assessing for consistency:

The approved project involves the construction and operation of a metro railway line around 23 kilometres in length between St Marys in the North and the Aerotropolis core precinct in the South. The off-airport construction footprint has been assessed within the SM-WSA EIS, the Submissions Report and the EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687). The proposed change relates to earthworks within a former dam required to support construction of the SM-WSA project at chainage ch28500 – 28540 (South of Luddenham Station) by creating a basin outlet and drainage line.

Environmental Impact Statement

Construction (SM-WSA EIS Chapter 8)

Earthworks

Earthworks is 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.

Submissions Report

As discussed in Section 5.3.7 of the Submissions Report, Penrith City Council requested further details regarding dam dewatering protocols to minimise harm to fauna, including whether any native vegetation or fauna habitat would be impacted. Two new mitigation measures (FF8 and FF9 in the Submissions Report) were including which outlined that Dewatering Plans would be prepared and implemented for the dewatering of rural dams that would be impacted as a result of the construction of the project.

As discussed in Section 5.5.2 of the Submissions Report, Department of Planning and Environment (Environment, Energy and Science) (EES) raised concerns regarding potential impacts on native fauna habitat as a result of the removal and/or relocation of farm dams. This would be mitigated by FF8 and FF9 discussed in Section 5.3.7 of the Submissions Report.

As discussed in Section 5.14.1 of the Submissions Report, the previous landowner provided a submission on the SM-WSA EIS, that raised concerns related to the justification and differentiation of land to be permanently acquired and land to be leased for construction purposes. The Submissions Report confirmed that the extent of and type of property acquisition required for the project would be confirmed during design development and in consultation with affected property owners.

EPBC Act Approval

The relevant controlling provisions for the EPBC controlled action relate to Commonwealth land and listed threatened species and communities. The subject construction footprint within the off-airport construction corridor is not identified as Commonwealth land. The nearest threatened ecological communities (TECs) identified were approximately 300 metres South-East of the ch28500 – 28540 work area. The EPBC approval is not considered further.

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

Following design development and consultation with the affected landowners, the construction footprint of the off-airport construction boundary is proposed to be temporarily extended East of ch28500 – 28540 for approximately four weeks to allow earthworks activities which are required for the final design of the SM-WSA project. Following completion of the works, permanent boundary fencing will be installed along the original project boundary and the temporary works area relinquished back to the landowner.

The extended construction runs through the middle of a former farm dam. Dewatering works and backfill of the dam were completed under CPBUI CA 001 to support construction of the SM-WSA project. Further works are required to reshape land within the former dam footprint outside the construction boundary to accommodate a basin outlet and drainage line. This work will prevent runoff from the project and the adjacent property from pooling within the former dam area.

The assessment of the proposal assumes that:

- The construction methodology and activities within the proposal area would remain unchanged as described in the SM-WSA EIS
- All access provisions required for ongoing maintenance and operations would be maintained
- There are no changes to the operation of the project as a result of this temporary expanded construction footprint.

The extended construction footprint is shown in Appendix A.

3. Timeframe

The proposed works are expected to be undertaken over a duration of approximately four weeks (weather dependent).

4. Site description

The proposal would be located on Lot 23 DP1277418 in the off-airport part of the construction footprint approximately 150 metres south of Luddenham Road, 300 metres south of the Luddenham Station construction site. The proposal is currently located on land to be leased by Sydney Metro.

The location of the proposal is shown in Appendix A.

5. Site Environmental Characteristics

The existing environment of the Project alignment South of Luddenham Station (including the proposed construction boundary to be extended) consists of land which has been largely cleared with small remnant patches of native vegetation. No natural waterways are located within the proposal’s construction footprint. One remnant patch of scattered vegetation (scattered trees) located approximately 40 metres North-East of the proposal area is not expected to be impacted by the proposed works. No threatened animal species were recorded or considered to have potential habitat within the proposal area. No known Aboriginal or Historic Heritage items are located within the proposal area. The broader landscape is known as an area of Aboriginal archaeological sensitivity. An AHIMS search was undertaken which identified an Aboriginal site within 50m of the proposal location (see Appendix D and E). Under the Sydney Metro – Western Sydney Airport Critical State Significant Infrastructure Aboriginal Cultural Heritage Management Plan (ACHMP), this heritage item has been identified as wholly within the project footprint and no further impacts are expected beyond those already identified in the SM-WSA EIS.

6. Justification for the proposed change

The proposed change is required to facilitate earthworks activities as required by the project specifications and to establish a basin outlet and drainage line for project drainage into areas outside the current approved project boundary and to prevent water pooling in the former dam area.

7. Environmental Benefit

The proposed change would facilitate the construction of the designed project drainage and establishment of a drainage line therefore minimising the risk of soil and water or flora and fauna impacts associated with the project long term. The proposal is not expected to cause additional impacts to the environment beyond that considered in the SM-WSA EIS and Submissions Report.

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>The proposal area largely comprises of cleared land with small remnant patches of native vegetation, exotic grasses and cover crop. One remnant patch of scattered vegetation (scattered trees) is located approximately 40 metres North-East of the proposal area, however no vegetation removal is proposed and therefore no additional impacts to flora are anticipated.</p> <p>Dewatering of the dam has already occurred under a separate consistency assessment (CPBUI CA 001) and no additional impacts to fauna are anticipated.</p>	No additional measures required.	Y	Y	
Water	<p>The proposal area may be subject to minor flooding during a 5% AEP event associated with stormwater flow lines from Luddenham Road.</p> <p>Removal of dams and other farm infrastructure was considered within the SM-WSA EIS. Project hydrology and drainage has been designed to account for the dam removal. No additional impacts are expected beyond those assessed within the SM-WSA EIS.</p>	No additional measures required.	Y	Y	

(Uncontrolled when printed)

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
Soils and contamination	<p>The proposal area is not located within an AEC identified in the SM-WSA EIS and the dam was previously filled in with clean fill as part of a separate piece of works (CPBUI CA 001)</p> <p>Earthworks would be required in a previously disturbed area within the adjacent property and within the approved construction footprint to reshape the land to create a drainage line. Drainage treatment and cover crop will be installed following completion of earthworks in accordance with the Soil and Water Management Plan.</p> <p>Unexpected finds of contamination may occur during works but are unlikely due to the previous earthworks in the area.</p> <p>Any impacts to soils and contamination can be appropriately managed through the projects existing Soil and Water Management Plan.</p>	No additional measures required.	Y	Y	
Air quality	No change from the approved project. The proposed construction areas would be stabilised following completion of earthworks.	No additional measures required.	Y	Y	
Noise and vibration	<p>The closest residential receiver to the proposal area is located about 450 metres southwest of the proposal on Luddenham Road. The proposal is located further away from the receiver than what has been assessed in the EIS. The proposal does not comprise works considered as high noise impact and no additional noise impacts are anticipated beyond what has already been assessed in the EIS.</p> <p>All vibratory works undertaken as part of the proposal would be outside the nominated safe working distances in the Noise and Vibration Management Plan and therefore no additional measures are required.</p>	No additional measures required.	Y	Y	

(Uncontrolled when printed)

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
Aboriginal heritage	The proposal is not located within an Aboriginal archaeological site as identified in the SM-WSA Critical State significant Infrastructure ACHMP. An AHIMS search was undertaken which identified an Aboriginal site located adjacent to the proposal area. This Aboriginal site has been identified in the ACHMP as wholly within the project footprint and no further impacts are expected beyond those already identified in the SM-WSA EIS.	No additional measures required.	Y	Y	
Historic heritage	The proposal area is located approximately 100 metres South-East of the nearest potential heritage item, Luddenham Road. No historic heritage impacts are expected beyond that considered in the SM-WSA EIS.	No additional measures required.	Y	Y	
Community and socio-economic	The proposal would extend the construction boundary, however there is no material change to the construction activities that would be undertaken. Consultation is to be undertaken with the relevant property owner in accordance with REMM LU2 to seek approval from the property owner for the works to be undertaken. This correspondence will be recorded in the relevant community management system.	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	No change from the approved project.	No additional measures required.	Y	Y	
Land use and property	The proposal requires expansion of the construction footprint and would result in a larger area of land being utilised temporarily for construction works for the project. Following completion of works, land would be returned to the relevant property owner in accordance with REMM LU2.	No additional measures required.	Y	Y	

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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
Hazard and risk	The minor change in the construction footprint would not result in any change to the overall risk ratings as assessed within the SM-WSA EIS.	No additional measures required.	Y	Y	
Management and mitigation measures	The relevant project CoA, performance outcomes (PO), and REMMs are appropriate to manage the potential impacts associated with the proposed works. No changes or additions to the CoA, PO and REMMs are required.	No additional measures required.	Y	Y	

11. Impact Assessment – Operation

The proposed earthworks are for the construction phase of the project only.

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.	N/A	Y	
Water	Minor positive change to drainage through adjacent property.	No additional measures required.	N/A	Y	
Soils and contamination	No change from the approved project.	No additional measures required.	N/A	Y	
Air quality	No change from the approved project.	No additional measures required.	N/A	Y	
Noise and vibration	No change from the approved project.	No additional measures required.	N/A	Y	
Aboriginal heritage	No change from the approved project.	No additional measures required.	N/A	Y	
Historic heritage	No change from the approved project.	No additional measures required.	N/A	Y	
Community and socio-economic	No change from the approved project.	No additional measures required.	N/A	Y	
Traffic and transport	No change from the approved project.	No additional measures required.	N/A	Y	
Waste and resource management	No change from the approved project.	No additional measures required.	N/A	Y	
Visual and urban design	No change from the approved project.	No additional measures required.	N/A	Y	

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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 proposed works would be undertaken over a short period and would be temporary and fully rehabilitated. There would be no ongoing operational impacts.	No additional measures required.	N/A	Y	
Hazard and risk	No change from the approved project.	No additional measures required.	N/A	Y	
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.	N/A	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 changes identified in this assessment are consistent with the objectives and functions of the elements of the approved project.
Are the environmental impacts of the proposed change consistent with the impacts of the approved project?	The proposed works would not result in any changes to environmental impacts as assessed in the project approval.
Is the change within the envelope of what has been approved?	The proposal requires a temporary change to the approved project construction footprint, however this document has assessed the environmental impacts of the proposal and determined that it is 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, Aboriginal and historic heritage, contamination, noise and vibration have been completed as part of the consistency assessment process and are summarised in section 10.
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 to avoid an adverse impact by implementing the project Construction Environmental Management Plan and procedures.
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
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14. Recommendation

Based on the above impact assessment, and with reference to the SM-WSA EIS, Submissions Report and the 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).	✓
The proposed change is not consistent with the Approved Project including the conditions of approval and would be subject to a separate modification application.	
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.	

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:	Environment Manager		
Company:	CPBUI	Date:	23/01/2024

Assessment Supporting Signature

This section is for Sydney Metro only.

Application supported and submitted by			
Name:	██████████	Date:	23/01/2024
Title:	Environmental Coordinator	Comments:	N/A
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:	23/01/2024
Title:	A/Senior Manager Planning Approvals	Comments:	N/A
Signature:	██████████		

Appendix A – Location of the proposal

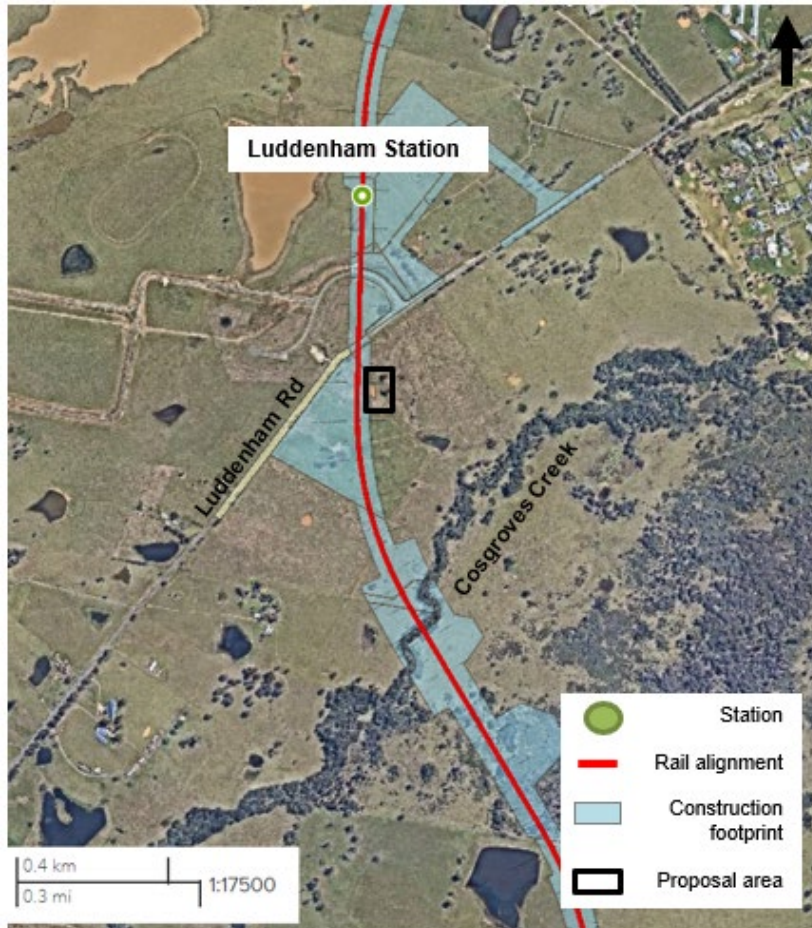


Figure A1: General location of the proposal south of Luddenham Road

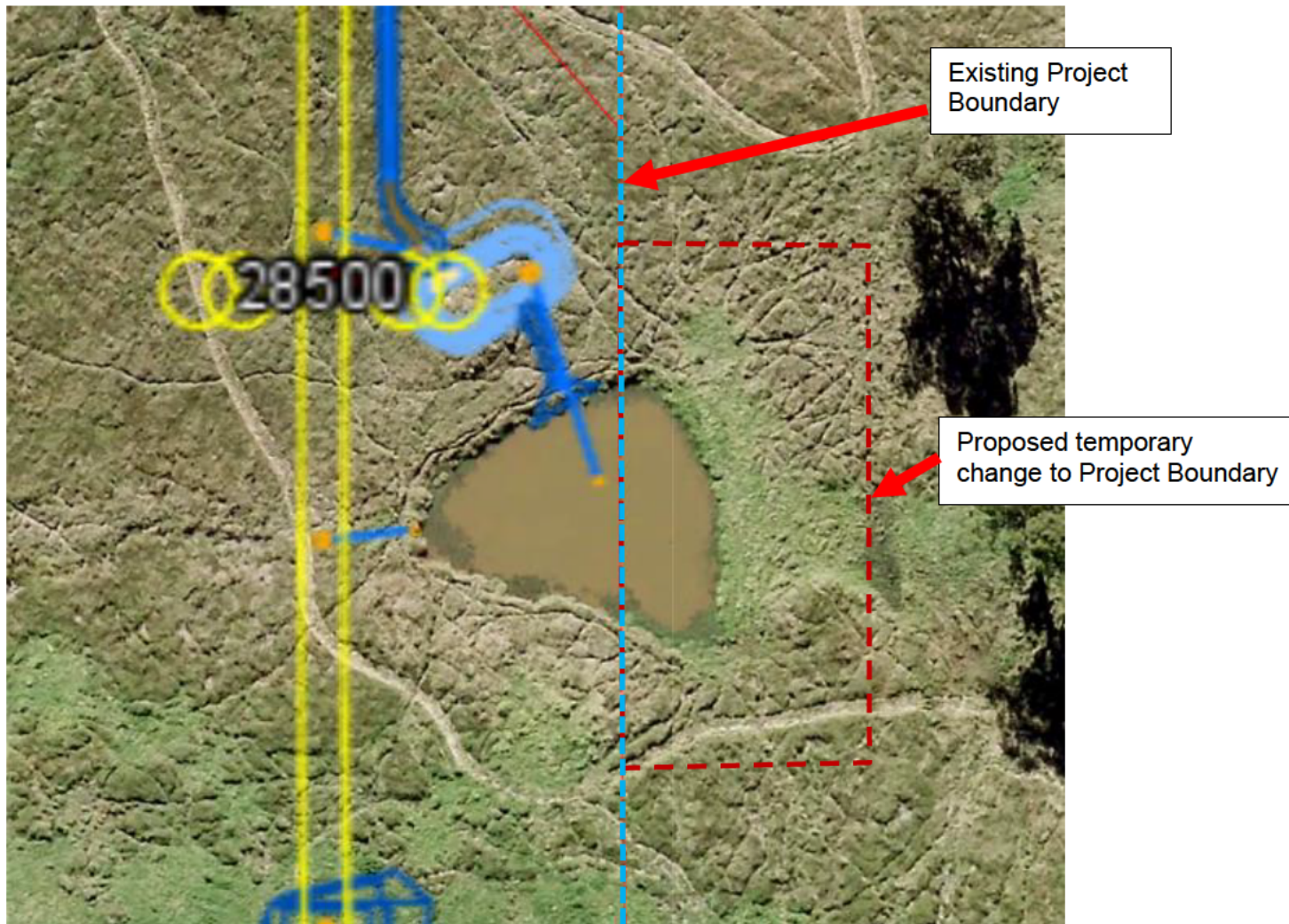
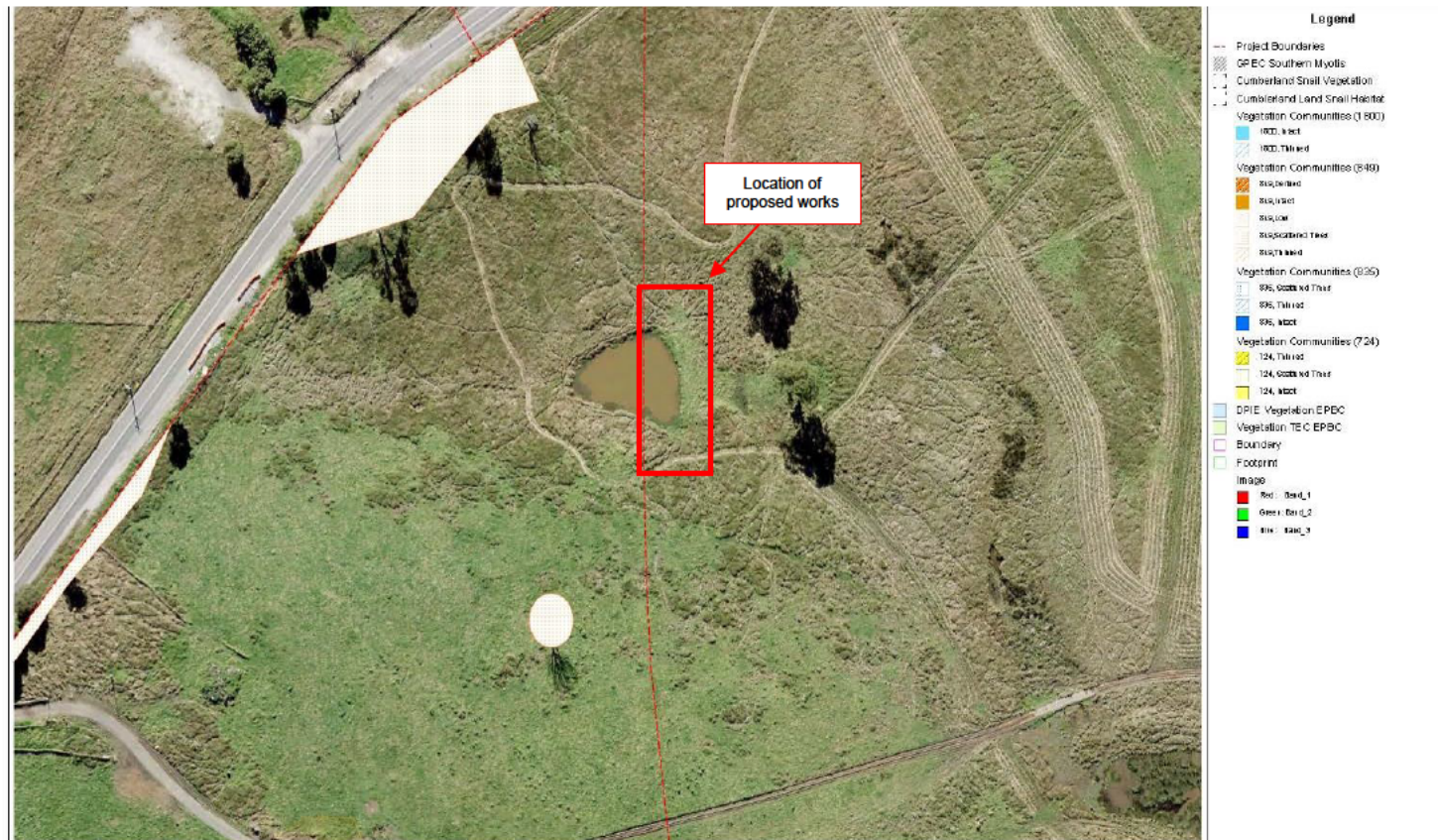
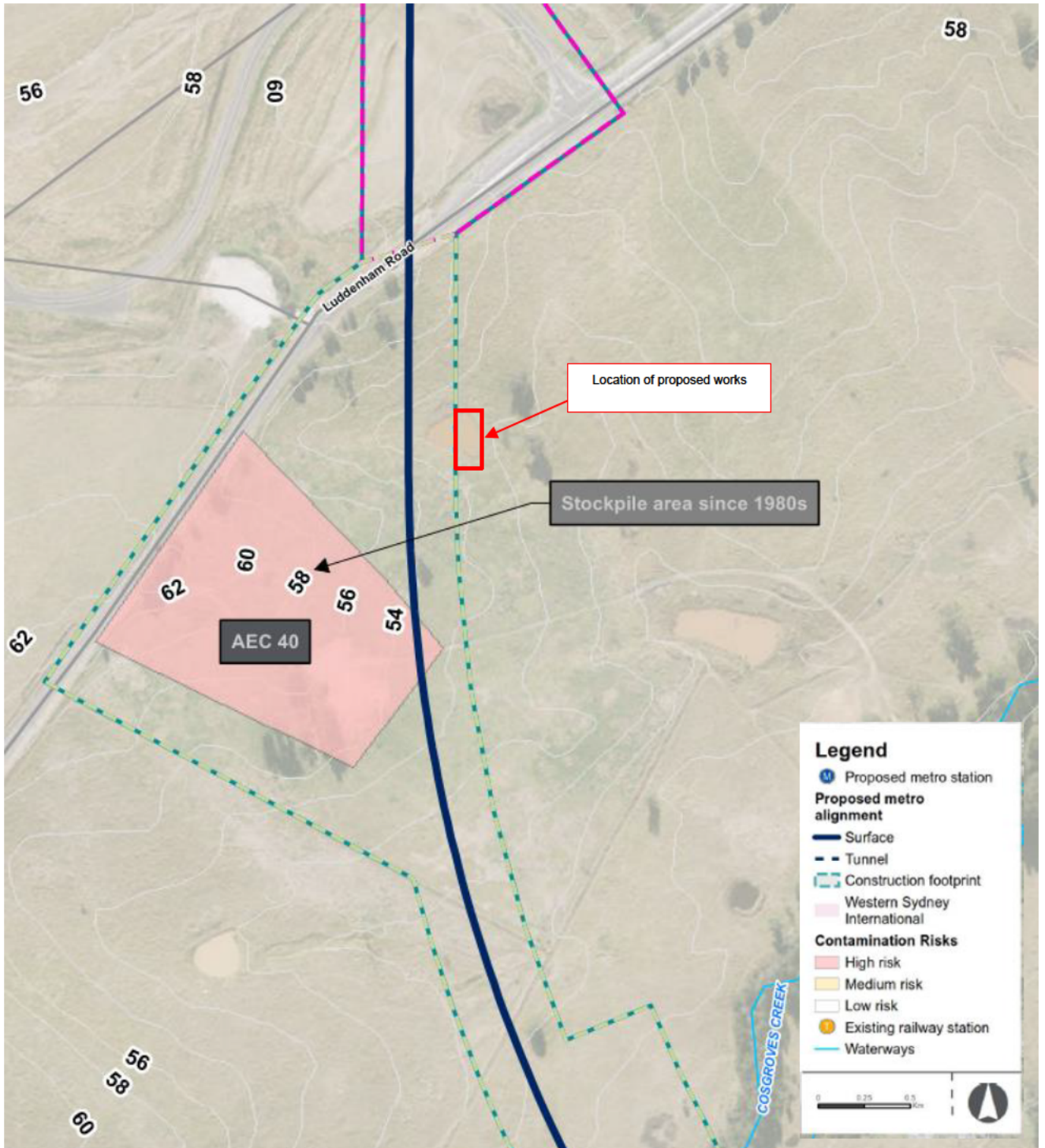


Figure A2: Location of the proposal

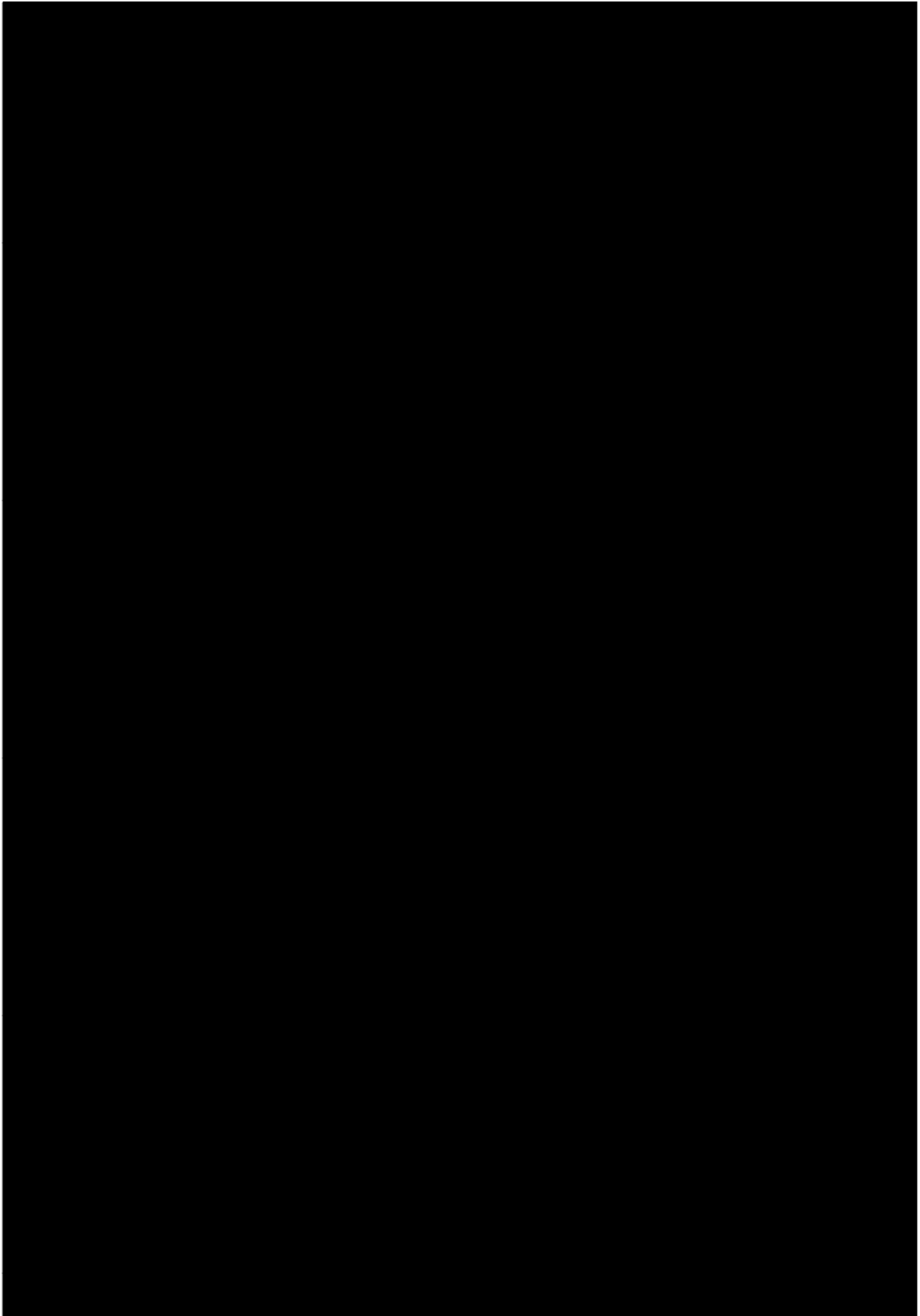
Appendix B – Threatened ecological communities



Appendix C – Soils and contamination – Areas of Environmental concern



Appendix D – Aboriginal heritage



Appendix E – AHIMS Search results



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : nil

[Redacted]

Date: 21 March 2023

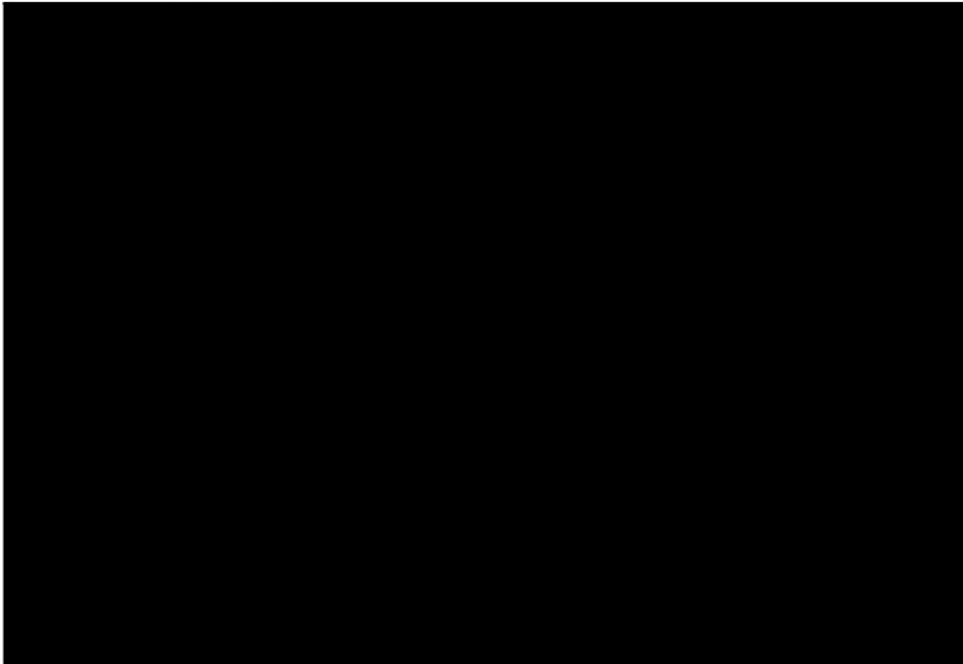
Suite 117, 25 Solent Circuit
Norwest New South Wales 2153

[Redacted]

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 23, DP:DP1277418, Section: - with a Buffer of 50 meters, conducted by Joshua Jenkins on 21 March 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix F – Historic heritage

