

Planning Approval Consistency Assessment Form

SM ES-FT-414

Sydney Metro Integrated Management System (IMS)

Assessment Name:	Revised footprint on lands to the north of Elizabeth Drive
Prepared by:	Sydney Metro
Prepared for:	Sydney Metro, SCAW and SSTOM contracts
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Table of Contents

1. Existing Approved Project	3
2. Description of proposed change which is the subject of this assessment	5
3. Timeframe.....	5
4. Site description	5
5. Site Environmental Characteristics	6
6. Justification for the proposed change	6
7. Environmental Benefit	6
8. Control Measures.....	7
9. Conditions of approval	7
10. Impact Assessment – Construction.....	8
11. Impact Assessment – Operation.....	14
12. Consistency with the Approved Project	16
13. Other Environmental Approvals	17
14. Recommendation	17
Author certification	18
Appendix A – Figures	20

1. Existing Approved Project

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

- SSI_10051 Infrastructure approval – 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.

<p>Date of determination:</p>	<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 	<p>Type of planning approval:</p>	<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)
- EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687) (April 2021)
- Instrument of Approval (SSI_10051) (dated 23 July 2021)
- 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 EIS, Submissions Report, EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687) 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 construction of the SM-WSA project on land to the north of Elizabeth Drive, Badgerys Creek, 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 proposal relates to a change to the size of the leased area north of Elizabeth Drive. This land is required to support construction of the SM-WSA project.

Environmental Impact Statement

Construction

As discussed in Section 8.7.4 of the SM-WSA EIS, a range of rail corridor construction activities would be carried out for the project to the north of Elizabeth Drive and Western Sydney International (referred to as the off-airport construction corridor) for the surface and viaduct sections of the alignment.

The following key construction works would be carried out within the corridor:

- Construction and fitout of the surface sections of the rail alignment
- Construction and fitout of the bridge/viaduct sections of the rail alignment
- Earthworks and associated spoil handling, storage and transport.

The construction footprint for the off-airport construction corridor at this location is shown in Figure 1 of Appendix A.

Operation

The metro alignment along the off-airport construction corridor would predominantly be located at surface but with viaduct sections proposed over Luddenham Road and Cosgroves Creek and a bridge crossing over the proposed M12 Motorway corridor. There is no proposed change to the metro alignment and operation of the project as discussed in Chapter 7 of the EIS.

Submissions Report

As discussed in Section 5.14.1 of the Submissions Report, the previous landowner provided a submission on the 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 Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687)

The relevant controlling provisions for the EPBC controlled action relate to Commonwealth land and listed threatened species and communities.

The construction footprint for the off-airport construction corridor that is located on lands to the north of Elizabeth Drive, Badgerys Creek is not identified as Commonwealth land. No threatened ecological communities (TECs) and threatened flora and fauna species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) were recorded within this area. However, there is some limited habitat for threatened fauna species including potential foraging habitat for the Grey-headed flying fox which is listed as vulnerable under the EPBC Act.

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

Following design development and consultation with the affected landowner, the construction footprint of the off-airport construction corridor to the north of Elizabeth Drive, Badgerys Creek is proposed to be expanded. The assessment of the proposal assumes that:

- The construction methodology, duration of works, working hours, machinery, staffing levels and activities within the construction site would remain unchanged
- The number of indicative permanent property acquisition and temporary leases would remain unchanged, although the extent of the proposed acquisition and leasing (as identified in the SM-WSA EIS and consistency assessment SM003) has been revised
- 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 expanded construction footprint.

Off-airport construction corridor and construction access arrangements are shown in Figure 8-18 of the EIS and replicated in Figure 1 of Appendix A. This corridor is indicative only and subject to design development. The proposal is shown in Figure 2 of Appendix A.

3. Timeframe

There are no proposed changes to the construction program as outlined in the SM-WSA EIS as a result of the proposal.

4. Site description

The Deposited Plan for acquisition of Lots/DPs affected by the proposal has been registered with the NSW Land Registry Services. The proposal would be located within the newly registered Lot 71 DP1277011, Lot 72 DP1277011, Lot 73 DP1277011 and Lot PT74 DP1277011.

The proposal was previously located on lands owned by the University of Sydney. The permanent acquisition area for the proposal located on Lot 71 DP1277011 and Lot 73 DP1277011 has been acquired and is now owned by Sydney Metro. The temporary leased area for the proposal is located on portions of Lot 72 DP1277011 and Lot PT74 DP1277011 and would be leased from the landowner.

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 corridor consists of rural and semi-rural residential properties. The land on which the proposal is located is largely cleared with very small remnant patches of native vegetation. The proposal is located north of Elizabeth Drive and adjacent to Badgerys Creek (i.e. within 30 m). No natural waterways are located within the proposal's construction footprint. The proposal, including the construction access route, would be located on top and in proximity to multiple farm dams and waterbodies. The proposal would require, as necessary, the drainage of farm dams and waterbodies to mitigate potential overland flow paths and site inundation.

The land predominately contains areas of miscellaneous ecosystem with isolated fragments of native vegetation which comprise threatened ecological communities (TECs) listed under the NSW *Biodiversity Conservation Act 2016* (BC Act). No listed threatened flora species have been recorded within this area and surrounds. There is potential for limited habitat for listed threatened fauna species under the BC Act and EPBC Act.

Previous assessments undertaken identified areas of archaeological sensitivity identified along the flats of the lower slopes around Cosgroves Creek and the unnamed drainage lines and cultural heritage values within the surrounds of the site.

The proposal is partially located within the curtilage of the McGarvie Smith Farm, a locally significant heritage item listed under the Penrith Local Environmental Plan 2010. The proposal is also located in proximity (i.e. within 80 m) of the curtilage of the McMasters Farm, which is an item of potential local heritage significance.

6. Justification for the proposed change

The construction footprint has been expanded to better facilitate site access and site compound requirements, including:

- Early access to enable works that interface with the M12 project
- Re-location of the construction site compound to relatively flatter area
- The temporary construction access road to be located to better fit with the topography of the land and the requirements of the landowner for ongoing use after construction

Sydney Metro have committed to ongoing consultation with affected property owners to determine solutions to minimise the impacts of Sydney Metro works. Sydney Metro have also committed to co-ordination and consultation (as relevant) with projects under construction at the same time to manage the interface of the projects and cumulative impacts. All changes have been agreed with the landowner.

7. Environmental Benefit

The proposal would enable the temporary access road and construction site compound to be located on more suitable topographies and/or level ground, which would reduce the need for earthworks and associated impacts.

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

The proposal is not predicted to have a material impact to other environmental issues which were assessed in the EIS and as such, detailed environmental assessment is not provided.

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>Additional site and desktop assessment has been undertaken to determine presence of native vegetation or other biodiversity values. There are no impacts predicted to threatened ecological communities as a result of the proposal.</p> <p>Remaining areas of vegetation within the proposal, comprised miscellaneous ecosystem with no, or limited, biodiversity values.</p> <p>No threatened flora or fauna species were identified during the site inspection or additional desktop assessment. No listed threatened flora species have been recorded within the proposal and surrounds. There is some limited habitat for listed threatened fauna species under the BC Act and EPBC Act identified to occur within the proposal. The limited habitat is associated with the remnant Plant Community Type (PCT) 849 Scattered Tree and PCT 1800 Thinned vegetation zones.</p> <p>Sydney Metro has committed to restricting construction works to highly disturbed areas within the proposal with the aim of avoiding the need for vegetation removal. This proposal has not identified the need for additional clearing of PCTs and threatened species habitat under both EPBC and CSSI approvals.</p> <p>Therefore, no change from the approved project.</p>	<p>C1 – Construction works undertaken within the proposal area (as identified in Figure 2 of Appendix A) must be restricted to highly disturbed areas with no clearing of native vegetation allowed outside of that documented in the EIS and Submissions Report.</p>	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
Water	<p>The proposal would not result in any material change to impacts on the local flooding regime and water quality of waterways during construction as assessed within the EIS. Flood events during construction also have the potential to temporarily impact on construction sites and construction activities.</p> <p>Changes to the flooding regime as a result of construction activities have the potential to temporarily impact nearby properties by increasing or reducing flood levels. The layout of the access road and the construction compound site within the proposal would need to consider the existing uses, condition and storage characteristics of the nearby farm dams to minimise potential downstream impacts during a rainfall event in accordance with REMM HYD1. Access to the site from Elizabeth Drive is via an access road which would be located downstream of nearby large farm dams.</p>	No additional measures required	Y	Y	
Soils and contamination	<p>The proposal would not result in any material change to impacts on the soils during construction as assessed within the EIS.</p> <p>The proposal would not result in any change to the location of areas of environmental concern, potential contamination sources and overall risk ratings, compared to the approved project.</p>	No additional measures required.	Y	Y	
Air quality	No change from the approved project.	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
Noise and vibration	<p>A qualitative assessment has been undertaken whereby the reduction in distance between the proposal and each identified receiver was estimated to calculate the potential increase in construction noise levels.</p> <p>A small number of residential and industrial receivers located to the east of the proposal are predicted to be impacted but only to a limited degree. The two residential receivers located to the east of the proposal are located over 700m from the proposal. These residential receivers have been identified as experiencing potential construction noise increases of >1dB. It is noted that increases in construction noise levels of <2dB are unlikely to be perceptible to the human ear. The proposal has no effect on the number of highly noise affected receivers predicted within noise catchment area (NCA) 10.</p> <p>A small number of industrial receivers located to the east of the proposal are also predicted to experience an increase in construction noise level of >1dB. However, no industrial receiver is predicted to exceed the relevant NMLs.</p> <p>In relation to construction vibration, the proposal would not result in any predicted increase in vibration impacts at the nearest receivers due to the distance between the works and the nearest receiver.</p> <p>No receivers located to the west of the proposal, including heritage receivers within McGarvie Smith Farm, are predicted to be impacted by increases in construction noise or vibration.</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
Aboriginal heritage	<p>Additional site and desktop assessment has been undertaken of the proposal. A total of 23 test pits were excavated, spaced on a 50 m grid across the proposal in accordance with the <i>Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales</i>. A total of 13 stone artefacts were identified across four test pits consistent with the previously recorded artefact scatter BWB (AHMIS #45-5-5298). BWB has been expanded to include areas of high archaeological potential near Badgerys Creek within its bounds as well as test pits 4, 8, 18 and 19. Further assessment of the northern and eastern extents of this site identified no Aboriginal objects. The management of BWB in relation to the proposal should occur in accordance with the Aboriginal Cultural Heritage Management Plan, and impacts have been managed via salvage excavation.</p> <p>The assessment also identified that no further archaeological work is required for the additional 30 metre area. Impacts to site BWB (45-5-5298) have been adequately mitigated as part of salvage excavations completed for the broader project.</p>	<p>C2 – Update the project's ACHMP to include the expanded construction footprint and the updated boundary of AHIMS site BWB (45-5-5298). Management of impacts to BWB should be undertaken in accordance with the CSSI ACHMP.</p>	Y	Y	
Non-Aboriginal heritage	<p>An inspection identified that no new elements of heritage significance would be located within, or immediately adjacent to, the proposal. The proposal would remove additional areas of the rural landscape of the McGarvie-Smith Farm property (a locally significant heritage item) but would not remove any additional elements of heritage significance of the item.</p>	<p>No additional measures required.</p>	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
	<p>Therefore, there would be no change to the level of impact identified in the EIS.</p> <p>The proposal does not involve areas within the curtilage of the McMaster Farm (a potential locally significant heritage item) and as a result there would be no change in the direct impacts to this item.</p> <p>No change from the approved project.</p>				
Community and socio-economic	<p>The proposal would increase the area on which construction works are undertaken including relocation of an access road and hardstand areas. There is no material change to the construction activities that would be undertaken within the proposal. Consultation has been undertaken with the landowner regarding expansion of the construction footprint.</p> <p>No change from the approved project.</p>	No additional measures required.	Y	Y	
Traffic and transport	<p>The proposed works would involve the relocation of a haulage road within the approved footprint. This change would not cause any additional impacts from those described in the approved project.</p> <p>No change from the approved project.</p>	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 temporary leased area and would result in a larger area of land being utilised for construction works for the project.	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
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 additional measures required.	Y	Y	

11. Impact Assessment – Operation

The proposal is not predicted to have a material impact to other environmental issues (including operational impacts) which were assessed in the EIS and as such, are not detailed within the desktop environmental assessment.

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	No change from the approved project.	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	The access road from Elizabeth Drive would not form part of the permanent acquisition area. Sydney Metro would still need to negotiate a right of access across privately owned lands to gain access to Sydney Metro's permanent infrastructure once arrangements have been confirmed.	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	No change from the approved project.	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.
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. The Approved Project would continue to provide a new metro rail line between St Marys and Aerotropolis Core, supporting the success of Western Sydney International and the Western Parkland City.
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 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 in the EIS and Submissions Report.
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 and additional biodiversity, heritage, contamination, hydrology, and noise and vibration assessments have been completed as part of the consistency assessment process and are summarised in section 10 and 11.
Are the impacts of the proposed activity/works able to be managed so as not to have an adverse impact?	<p>The impacts of the proposed works are able to be managed in order to avoid an adverse impact by implementing the project CoA, POs, procedures, and REMMs.</p> <p>An additional control measure would be required to manage any potential impacts to biodiversity during construction of the proposal. The control measure requires that:</p> <ul style="list-style-type: none"> - Construction works to be undertaken within the proposed expanded construction footprint (as identified in Figure 2 of Appendix A) must be restricted to highly disturbed areas with no clearing of vegetation allowed outside of that documented in the EIS and Submissions Report - Update the project’s ACHMP to include the expanded construction footprint and the updated boundary of AHIMS site BWB (45-5-5298). Management of impacts to BWB (45-5-5298) should be undertaken in accordance with the CSSI ACHMP.
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, the 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).	<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:	27/09/2022
Title:	Associate Director Planning	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

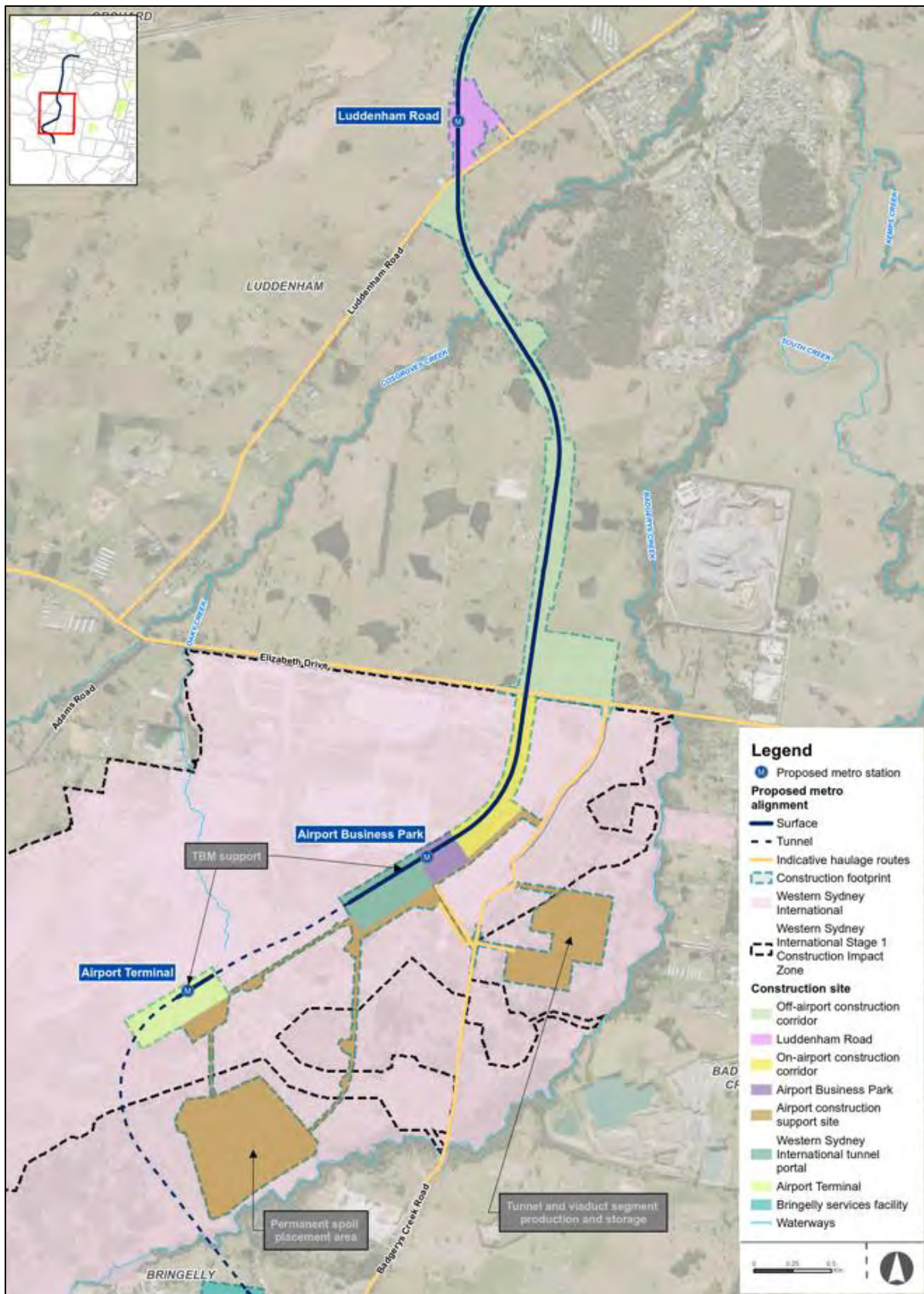


Figure 1: Construction corridor footprint – Approved Project (SMWSA EIS, 2020)

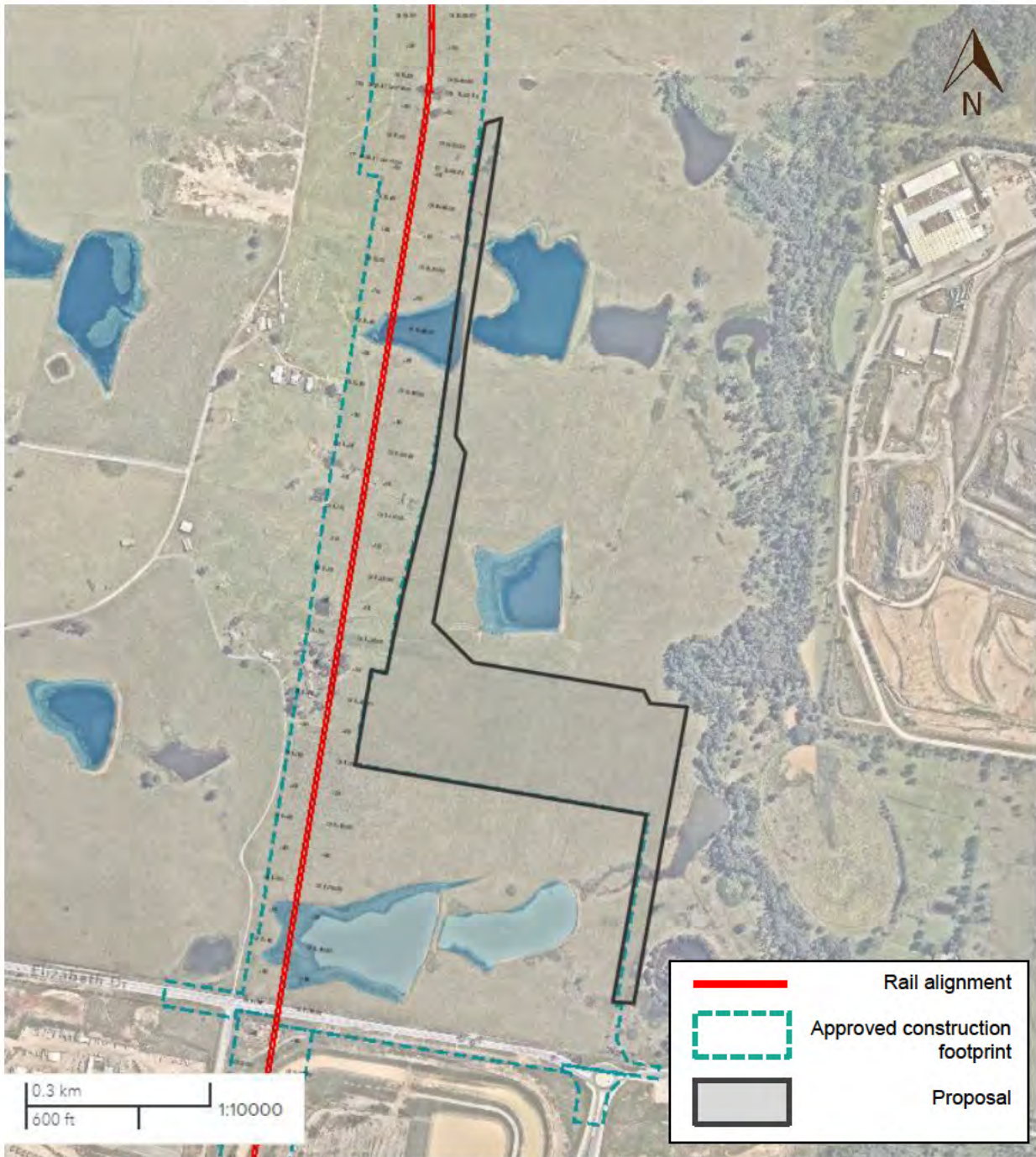


Figure 2: Proposed expanded construction footprint - off-airport construction corridor