

Planning Approval Consistency Assessment Form

SM ES-FT-414

Sydney Metro Integrated Management System (IMS)

Assessment Name:	SM008: Alternative access road for the Luddenham Road construction site
Prepared by:	Sydney Metro
Prepared for:	Sydney Metro and SCAW contractors
Applicable to:	Sydney Metro and SCAW contractors
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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.

Date of determination:	<ul style="list-style-type: none">• SSI_10051 Infrastructure approval dated 23 July 2021 and modified 14 April 2022• 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:	SSI_10051: Critical State Significant Infrastructure (SSI_10051) under Environmental Planning and Assessment Act 1979 (NSW) EPBC 2020/8687: construct and operate a rail link from St Marys to Elizabeth Drive as a controlled action under Environment Protection and Biodiversity Conservation Act 1999 (Cth) Western Sydney Airport: Airport Plan (as varied September 2021): Variation to the Airport Plan under the Airports Act 1996 (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)
- 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.

Description of existing approved project you are assessing for consistency:

The Luddenham Road construction site for the Sydney Metro – Western Sydney Airport (SM-WSA) project has been assessed within the Environmental Impact Statement (EIS), the Submissions Report and the EPBC Act Final Environmental Impact Assessment of the off-airport proposed action (EPBC 2020/8687).

Environmental Impact Statement

Construction

The Luddenham Road construction site would be located north of Luddenham Road at Luddenham. The construction site would support the construction of Luddenham Road Station and the viaduct section of the rail alignment in this location. Key construction works would include:

- Construction of Luddenham Road Station, station structures and finishes
- Construction of the viaduct section of the rail alignment
- Station precinct works which includes a bus layover area and park and ride facility with 200 spaces (with the potential for a future expansion to a multi-deck facility).

The Luddenham Road construction site is shown in Figure 1 of Appendix A.

As discussed in section 8.9.7 of the EIS, localised upgrade of Luddenham Road is proposed to support provision of construction access and subsequent permanent access arrangements into the Luddenham Road Station precinct. Temporary road network adjustments would include road modifications and traffic signal works to facilitate the movement of construction vehicles and measures to ensure the ongoing function and safety of existing transport networks. The modifications are subject to further design development and construction planning and would also be reviewed and confirmed by the construction contractor(s) through the Construction Traffic Management Plans.

Sydney Metro have also committed to maintaining safe access to properties and businesses during construction, unless alternatives are agreed with property owners and businesses.

Submissions Report

As identified in section 4.7.5 of the Submissions Report, an organisation provided a submission on the EIS that raised concerns about maintaining access from Luddenham Road to the Sydney Science Park which is currently under construction. The organisation recommended that further consultation be undertaken regarding access impacts to the Sydney Science Park via Luddenham Road.

The Submissions Report noted that the road alignment was indicative only and subject to design development. The Submissions Report also identified that this design development would be undertaken in consult with key stakeholders to manage potential access impacts. Mitigation measure (OT2) requires the project to be designed such that access to properties and existing infrastructure neighbouring the proposed stations would be maintained.

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 Luddenham Road construction site is not identified as Commonwealth land. No threatened ecological communities (TECs) and threatened flora and fauna species listed under the 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

Sydney Metro intend to use an existing access road to gain entry to the Luddenham Road construction site however, this would impact existing property access. Following design development and consultation with the affected property owner, an alternative access road off the existing entrance road is proposed (refer Figure 2 of Appendix A). The assessment of the proposal assumes that:

- The construction methodology and activities within the alternative construction access road 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 EIS) has been revised
- There are no changes to the operation of the project as a result of this alternative construction access road.

The proposed alternative construction access road is shown in Figure 2 of Appendix A. The road would be approximately 7m wide with two 3m lanes and 0.5m shoulder. The road would be spray sealed to prevent erosion and air quality impacts.

3. Timeframe

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

4. Site description

The proposal has been located within Lot 206 DP1280188. The land required for the proposed alternative construction access road has been acquired and is now owned by Sydney Metro. An executed Access License Deed exists between both parties to formalise the access rights.

The location of the proposal is shown in Figure 1 and 2 of Appendix A.

5. Site Environmental Characteristics

The existing environment within the Luddenham Road construction site consists of cleared land used for agriculture. The land on which the proposal is located has been previously cleared. The proposal is located north of Luddenham Road in the suburb of Luddenham. An un-named tributary of Cosgroves Creek is located approx. 500m south of the proposal and a large waterbody is located approximately 160m north of the proposal. No drainage lines or waterbodies are located within the proposal area.

The land uses in this area include large rural properties with some semi-rural residential properties bordering Luddenham Road within an open, rural landscape. The area also includes a number of agricultural uses including equine and poultry facilities and market gardens.

The surrounding land is predominately cleared with exotic grasslands and small 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.

There are no areas of Aboriginal heritage sensitivity identified within the proposal. The Luddenham Road construction site and surrounds have been subject to impacts under Aboriginal Heritage Impact Permit (AHIP) C0003861 and archaeological values have been removed in accordance with the conditions of the AHIP (refer to Appendix B).

The proposal is located in proximity to the Luddenham Road which is an item of local heritage significance under the *Penrith Local Environmental Plan 2010*.

6. Justification for the proposed change

Mitigation measure (OT2) requires the project to be designed such that access to properties and existing infrastructure neighbouring the proposed stations would be maintained. Additionally, the project conditions of approval require the following:

- CSSI CoA E110: Access to all utilities and properties must be maintained during works, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- CSSI CoA E11: The Proponent must maintain access to properties during the entirety of works unless an alternative access is agreed in writing with the landowner(s) whose access is impacted by the CSSI works.
- CSSI CoA E112: Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed road decided through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner

The proposal is required to ensure ongoing access to the property during construction of the SM-WSA project. The proposal has been developed in consultation with the land owner.

7. Environmental Benefit

The primary benefit of the proposal to ensure ongoing access to the property during construction whilst allowing the construction contractor entry into the site.

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>The majority of the proposal area comprises cleared land with patches of exotic grasses. There is no remnant native vegetation mapped within the proposal area. The nearest area of remnant native vegetation is located approximately 20 m south of the proposal. There are no impacts predicted to TECs as a result of the proposal.</p> <p>No listed threatened flora or fauna species have been recorded within the proposal and surrounds. There is no potential habitat identified within the proposal area.</p> <p>No change from the approved project.</p>	No additional measures required.	Y	Y	
Water	<p>The proposal is located outside the five per cent Annual Exceedance Probability (AEP) flood event. 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. There may be a minor change associated with an increase in the area of the construction footprint for the Luddenham Road construction site which would increase the volume of runoff. Any flood impact is likely to be minimal and would be managed in accordance with existing measures.</p> <p>The alternative access road would be spray sealed to mitigate erosion and associated water quality impacts.</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
	No change from the approved project.				
Soils and contamination	<p>The proposal is located directly adjacent to a medium risk area of environmental concern (AEC) located between 565 to 581 Luddenham Road. Potential contamination sources include potential asbestos containing pipelines, isolated asbestos containing materials in soil from former buildings and isolated zinc exceedance in soil.</p> <p>The proposal would not result in any change to the potential contamination sources and overall risk ratings, compared to the approved project. However, the AEC may extend to additional areas required for the proposal and would be subject to the same assessment and management requirements.</p> <p>The Soil and Water Management Plan would incorporate detailed site inspections and review of further available information for medium risk AECs prior to the start of construction. If the medium risk rating is maintained or upgraded for the AEC including the proposal area, investigation of potential contamination would be undertaken as per CoA D71, and if contamination is identified managed in accordance with the subsequent conditions, or the Soil and Water Management Plan as appropriate.</p> <p>The alternative access road would be spray sealed and would have ERSED controls in place during construction as detailed in the Soil and Water Management Plan.</p> <p>No change from the approved project.</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
Air quality	No change from the approved project. The alternative access road would be spray sealed to prevent erosion and associated air quality impacts.	No additional measures required.	Y	Y	
Noise and vibration	<p>There are no sensitive receivers located in proximity to the proposal. The nearest sensitive receiver is located approximately 430 m south-west of the proposal. The receiver comprises a residential building located on Luddenham Road. The proposal would move closer to some receivers along Luddenham Road but would not result in any material change to the potential construction noise impacts assessed in the EIS due to the setback distance to sensitive receivers. The proposal may marginally increase predicted construction noise impacts for some residential receivers along Luddenham Road. These impacts would be minor, temporary in nature, and continue to be managed in accordance with the Construction Noise and Vibration Standard.</p> <p>In relation to construction vibration, the proposal would not result in any predicted increase in vibration impacts at the nearest receivers.</p>	No additional measures required.	Y	Y	
Aboriginal heritage	The proposal is wholly located within Aboriginal Heritage Impact Permit (AHIP) C0003861 for Sydney Science Park, granted 23 July 2018. The permit authorised impacts to Aboriginal Heritage Information Management System (AHIMS) sites 45-5-4189, 45-5-4707, 45-5-4709 and 45-5-4922. The surface collection and archaeological salvage required under the conditions of the AHIP was completed by 17 March 2020 and the entire AHIP	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>area has been cleared for construction (refer to Appendix B).</p> <p>No impacts to Aboriginal heritage are anticipated. Any unexpected finds would be managed as per the Sydney Metro Unexpected Heritage Finds Procedure and Exhumation Management Procedure and the CSSI Aboriginal Cultural Heritage Management Plan.</p> <p>No change from the approved project.</p>				
Non-Aboriginal heritage	<p>There are no heritage items or areas of historical archaeological potential within the proposal. The Luddenham Road Alignment as an item of local heritage significance under the <i>Penrith Local Environmental Plan 2010</i> (item no.843) is located approximately 25 m south of the proposal.</p> <p>The significance of Luddenham Road Alignment is related to the alignment of the road and its landscape setting. The proposal would not result in any change to predicted construction impacts for the Luddenham Road Alignment beyond those assessed in the EIS.</p> <p>Any unexpected finds would be managed as per the Sydney Metro Unexpected Heritage Finds Procedure and Exhumation Management Procedure.</p> <p>No change from the approved project.</p>	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 proposal would result in access road modification and may result in temporary delays due to construction traffic.	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
	Potential temporary impacts to traffic performance on the road network due to the temporary addition of construction vehicles as a result of the project have been assessed within the EIS. The proposal would not result in any material change to the temporary road network impacts identified and there is no proposed increase in construction vehicles as a result of the proposal. No change from the approved project.				
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 would ensure ongoing access to the property during construction of the project in accordance with REMM OT2 and relevant project CoAs (refer section 6).	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, 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

The proposed alternative construction access road is only for the construction phase of a project. It would be constructed by Sydney Metro but operated by the former land owner as per the agreement.

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	No change from the approved project.	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	
Non-Aboriginal 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	
Land use and property	Upon completion of construction, the proposal would be handed over to the Sydney Science Park proponent for ongoing maintenance.	No additional measures required.	N/A	Y	
Hazard and risk	No change from the approved project.	No additional measures required.	N/A	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
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.	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.
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 the Approved Project. The proposal would ensure ongoing access to the affected property during construction of the project in accordance with REMM OT2 and relevant project CoA.
Are the environmental impacts of the proposed change consistent with the impacts of the approved project?	The proposed works would not result in any major 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 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. The general proposed methodologies for construction of the Luddenham Road site as assessed within the EIS and Submissions Report would remain unchanged.
Are the impacts of the proposed activity/works able to be managed so as not to have an adverse impact?	The impacts of the proposal 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
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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:	[REDACTED]	Signature:	[REDACTED]
Title:	Planning Approvals Officer		
Company:	Sydney Metro	Date:	22/12/2022

Assessment Supporting Signature

Application supported and submitted by

Name:	[REDACTED]	Date:	22/12/2022
Title:	Associate Director, Planning Approvals	Comments:	
Signature:	[REDACTED]		



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:	9th January 2023
Title:	Director Environment, Sustainability and Planning, SM-WSA	Comments:	
Signature:			

Appendix A – Figures

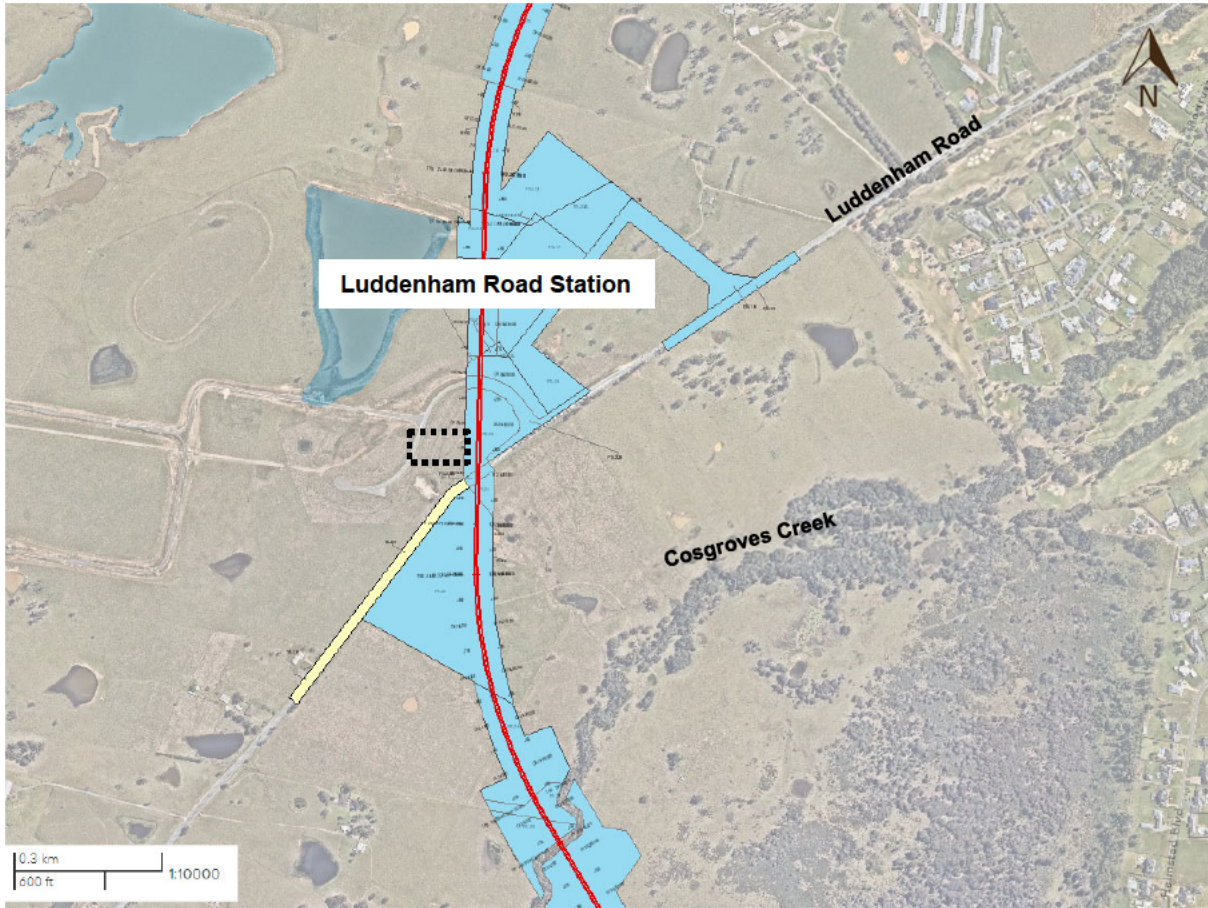


Figure 1: Site of the proposal is marked by a black dashed line in relation to the approved construction footprint marked in blue with temporary areas marked in yellow.

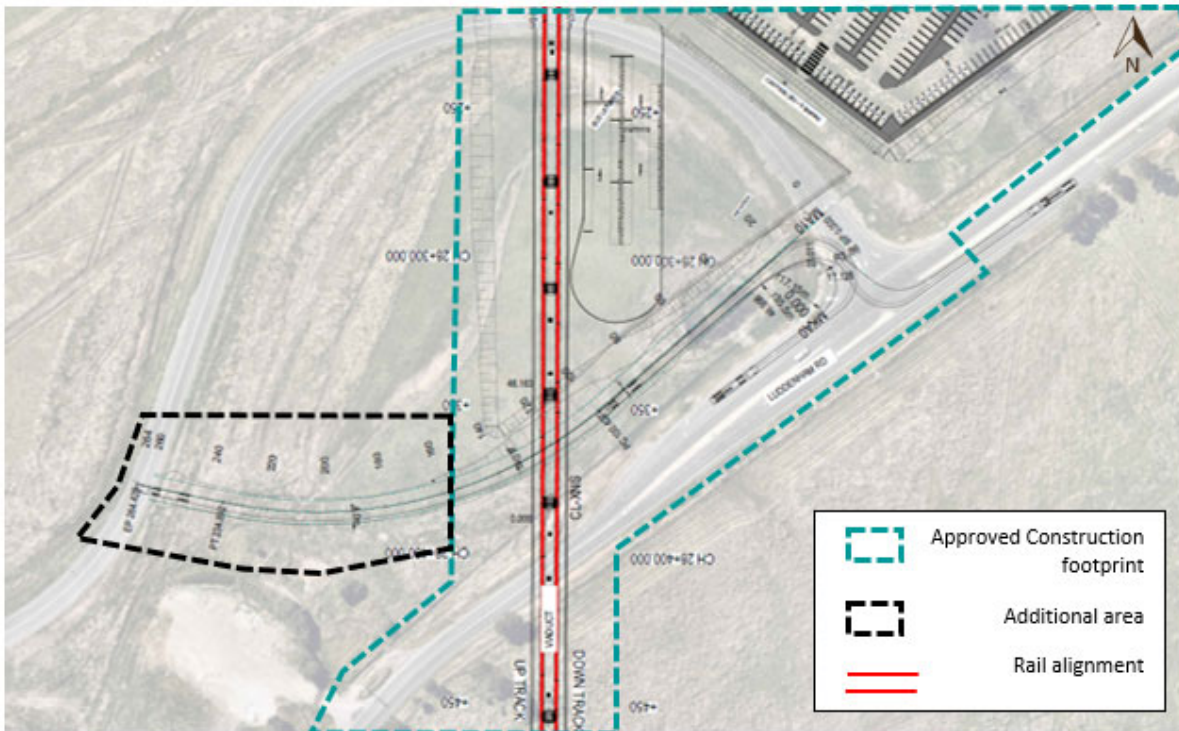


Figure 2: Proposed alternative construction access road for the Luddenham Road construction site

(Uncontrolled when printed)

Appendix B - Completion of Archaeological Fieldwork Sydney Science Park Aboriginal Heritage Impact Permit C0003861



**Kelleher
Nightingale** Consulting Pty Ltd
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17 March 2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

**RE. Completion of Archaeological Fieldwork
Sydney Science Park
Aboriginal Heritage Impact Permit C0003861**

Kelleher Nightingale Consulting confirms that all archaeological fieldwork is complete for archaeological sites

[REDACTED]

All conditions related to the excavation of Aboriginal objects within sites RPS LTPAS01, SSP 1, SSP 3 and SSP 4 within the AHIP boundary are satisfied. No further mitigation is required for sites RPS LTPAS01, SSP 1, SSP 3 and SSP 4 within the AHIP boundary.

If you have any questions, please do not hesitate to contact me on 02 9232 5373.

Yours sincerely

[REDACTED]

[REDACTED]
Director/Archaeologist
Kelleher Nightingale Consulting Pty Ltd

Note: Locations identified under the AHIP are not present in the public version of this document



Figure 1. Area cleared of Aboriginal heritage (AHIP C0003861 Area)