

M12 Motorway Minor Consistency Assessment

TO: [REDACTED], Transport Senior Manager Environment & Sustainability Manager
M12 West

FROM: [REDACTED], Senior Environmental and Sustainability Officer

DATE: 10/04/2024

SUBJECT: Minor consistency assessment for drainage changes at 765 Luddenham Road,
Luddenham

1 Introduction

1.1 Background

Transport for New South Wales (Transport) is in the process of constructing and in future operate, the M12 Motorway to provide direct access between the Western Sydney International Airport (WSIA) at Badgerys Creek and Sydney's motorway network. The M12 Motorway will run between the M7 Motorway at Cecil Hills and The Northern Road at Luddenham for about 16 kilometres (km) and is expected to be opened to traffic prior to opening of the WSIA.

M12 West

The M12 West package is six kilometres long and runs from The Northern Road at Luddenham to approximately 250 metres east of Badgerys Creek and features a grade separated interchange with the Airport Access Road connecting the M12 Motorway to the WSIA. The M12 West package will provide a dual carriageway with a narrow median and safety barrier running along the entire length and designed to integrate with the future Outer Sydney Orbital (OSO) project. The OSO eastbound carriageway will be built to the north of the M12 Motorway alignment and the M12 Motorway carriageway would become the westbound carriageway for OSO. Emergency stopping bays and emergency crossovers will be provided at regular intervals.

M12 Central and East

There are no proposed construction boundary changes for the M12 Central and East Packages considered within this consistency assessment.

2 Purpose

The purpose of this consistency assessment is to:

- Describe the proposed change relative to the Division 5.2 Approval and the EPBC Approval.
- Assess the environmental impacts associated with the proposed change relative to the Division 5.2 Approval and the EPBC Approval.
- Determine if the proposed change is consistent with the Division 5.2 Approval or whether further approval is required either for a modification application or a new project.

- Determine if the proposed change is consistent with the EPBC Approval. Or whether a variation to the conditions of approval / a conditioned action management plan or a new referral is required.

2.1 Proposed change

Minor change to the M12 Motorway project (SSI 9364) construction boundary to allow for drainage infrastructure scope (Figure 2-1).



Figure 2-1 Existing construction boundary (yellow/black dashed line) and the Proposed Change (orange)

Description of proposed change

Proposed minor change to the M12 Motorway Project (SSI-9364) boundary to allow for flooding mitigation (the Proposed Change) is required in M12 West. The Proposed Change requires a temporary amendment to the construction footprint to facilitate the construction of the drainage infrastructure scope at 765 Luddenham Road, Luddenham NSW (the Property).

As a result of additional flood modelling and assessment conducted in 2024 (Lyll & Associates, Dec 2024), it was identified that the Project would look at mitigating the impact of flood behaviour at the Property resulting from the project (a modelled increase in the depth of inundation along the property access road during storms with AEPs of 20% and 10%).

Through an iterative process, it was determined that to manage the impact of M12 West on flood behaviour along the property access road it would be necessary to provide an additional 525 mm diameter pipe thus increasing the capacity of the existing drainage culverts.

Property drainage work

The proposed works involve:

- Removal and reinstatement of existing driveway fence
- Installation of new 525mm diameter pipe culvert alongside the existing two 525mm pipes
- Installation of headwall for the new pipe
- Reinstatement of existing driveway

The location of the scope of civil works is shown in Appendix A. Only minor trenching would be required to install the new 525mm pipe.

The Proposed Change is scheduled for late-April 2025 and would take approximately 2 weeks subject to landowner approval.

3 Need for the proposed change

Construction of the drainage infrastructure scope is required to manage potential flood along the access road to the Property. Work would be limited to the required scope footprint only.

In addition, the installation of the new 525 mm diameter pipe culvert would:

1. Remove flood related impacts along the property access road associated with M12 West for storms up to 10% AEP in intensity, thereby maintaining the existing level of flood immunity to the property access road; and
2. Slightly reduce the impact of M12 West on flood behaviour for more intense storm events when compared to the 'as-designed' case presented in Section 6 of the Technical Note (Appendix 2).

3.1 Options considered

No change. This option is not viable as it would result in the Project causing an increase in the depth of inundation along the property access road during storms with AEPs of 20% and 10%, which is not consistent with the outcomes of the flood assessment undertaken by WSP as part of its detailed design. On this basis, if the 'no change' option was implemented, the project cannot conclude that the Project would not reduce the existing level of flood immunity to the property access road (Lyll & Associates). Therefore, this option was considered not suitable.

3.2 Consultation

Consultation with the owner of the Property is ongoing and is captured in Consultation Manager. Work is unable to commence until landowner consent or legal approval has been obtained for the Proposed Change.

Work can be conducted during standard construction hours. However, if required, any out of hours works, that are above the Rated Background Level (RBL), adjacent residences will be notified in accordance with EPL No. 21595.

4 Environment review

An assessment has been undertaken to compare the environmental impacts of the Proposed Change relative to the environmental impacts of the Project subject to the Division 5.2 Approval and the EPBC Approval. This includes reference to environmental impacts detailed in the Environmental Assessment Documentation (EAD) including:

- M12 Motorway – Environmental Impact Statement (EIS) (RMS, 2019).
- M12 Motorway – Amendment Report (TfNSW, 2020).
- M12 Motorway – Submissions Report (TfNSW, 2020).
- M12 Motorway – Amendment Report Submissions Report (TfNSW 2020).

- M12 Motorway – Amendment Report Submissions Report – Amendment (TfNSW, 2021).
- M12 Motorway – West Detailed Design Consistency Assessment (WSP, 2021).
- M12 Motorway - Design boundary changes (Arcadis, 2022).

4.1 Consistency assessment of potential environmental impacts

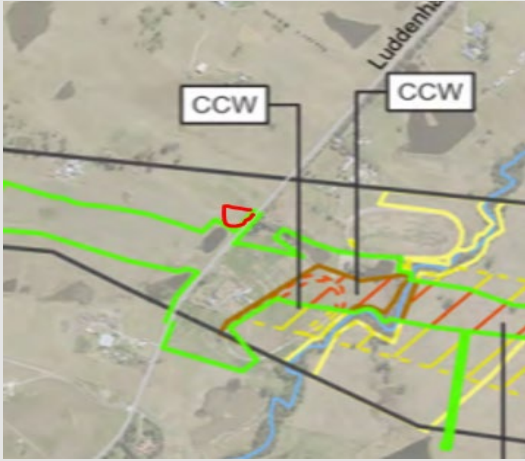
A comparative assessment of potential environmental impacts as a result of the Proposed Change is included in Table 4-1.

Table 4-1: Comparative environmental assessment

Environmental aspect	Comparative environmental assessment
Soil and contamination	<p><i>Assessment of potential impacts</i></p> <p>There are minor earthworks associated with the trenching of the new pipe and headwall. This will not increase the impacts over and above those described in the EAD. Proposed mitigation measures are detailed in the Environmental Management Plans.</p> <p>An existing Preliminary site investigation (JBS&G) and detailed site investigation (Sydney Environmental Group) for 765 Luddenham Road (for area within the construction boundary) identified the historical use of the site for grazing with contamination testing in existing stockpiles identifying special asbestos waste and general solid waste. Any contamination encountered the Construction Waste and Resources Management Sub-plan and the Unexpected Contaminated Land Finds Procedure would be followed.</p> <p>Soils and contamination impacts remain consistent with what is reported in the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for soil and contamination identified in the EAD are considered appropriate for the Proposed Change.</p>

Environmental aspect	Comparative environmental assessment
Waterways and water quality	<p data-bbox="520 181 981 219"><i>Assessment of potential impacts</i></p> <p data-bbox="520 230 1374 470"><i>Flooding</i> – The M12 EIS Section 6.2 identifies that a tributary of Cosgroves Creek runs through the Project alignment near Luddenham Road. The EIS (before the Project) describes Luddenham Road (valley) as being small compared to the catchments of the other waterways. Peak flows tend to occur with short duration, high intensity storms rather than the long duration, saturating storms that produce peak flows in the main waterways.</p> <p data-bbox="520 499 1374 600">The Proposed Change would have a positive impact on long term flooding at the Property. The Proposed Change would introduce a new culvert which would:</p> <ol data-bbox="520 629 1406 869" style="list-style-type: none"> <li data-bbox="520 629 1406 763">1. Remove flood related impacts along the property access road associated with M12 West for storms up to 10% AEP in intensity thereby, maintaining the existing level of flood immunity to the property access road <li data-bbox="520 768 1406 869">2. Slightly reduce the impact of M12 West on flood behaviour for more intense storm events when compared to the ‘as-designed’ case presented in Section 6 of this Technical Note (Appendix B). <p data-bbox="520 884 1417 1019">Any constructability changes are expected to be localised and will be managed through the implementation of management measures detailed in the Construction Flooding Management Plan (CFMP) and the Construction Soil and Water Management Plan (CSWMP).</p> <p data-bbox="520 1048 1401 1120">Due to the Project and Proposed Change, there would be a positive reduction to flood risk in the Proposed Change area.</p> <p data-bbox="520 1149 1417 1451"><i>Surface water</i> – The scope of work associated with the Proposed Change is consistent with that envisaged within the EAD. The greatest risk to surface water and hydrology is considered to be earthworks and ground disturbance which may result in erosion of soil and sedimentation of waterways if not managed effectively. Notwithstanding, given the nature of the Proposed Change activities, surface water and hydrology will be effectively managed through the implementation of the CSWMP. Impacts to soil and water are considered consistent with those described within the EAD.</p> <p data-bbox="520 1467 1406 1637"><i>Groundwater</i> – According to The M12 EIS groundwater is anticipated to be at 47-75 m AHD below ground level (BH 112 & BH 202 – Appendix N). Groundwater is not expected to be encountered during construction of the Proposed Change. Groundwater impacts remain consistent with what is reported in the EAD.</p> <p data-bbox="520 1653 1061 1691"><i>Environmental management measures</i></p> <p data-bbox="520 1702 1406 1771">Management measures for waterways and water quality identified in the EAD are considered appropriate for the Proposed Change.</p>

Environmental aspect	Comparative environmental assessment
Noise and vibration	<p><i>Assessment of potential impacts</i></p> <p>No additional noise or vibration impacts to receivers other than what was previously reported in the EAD are anticipated for the Proposed Change.</p> <p>Noise and vibration impacts will be managed through the implementation of the existing stage specific Construction Noise and Vibration Management Plan and Out of Hours Protocol by the Construction Contractor.</p> <p><i>Environmental management measures</i></p> <p>Management measures for noise and vibration identified in the EAD are considered appropriate for the Proposed Change.</p>
Air quality	<p><i>Assessment of potential impacts</i></p> <p>Air quality impacts associated with the Proposed Change will be relatively minor and likely caused by construction activities such as trenching and track out of vehicles causing dust emissions. This is consistent with the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for air quality identified in the EAD are considered appropriate for the Proposed Change.</p>

Environmental aspect	Comparative environmental assessment
Aboriginal heritage	<p><i>Assessment of potential impacts</i></p> <p>The Proposed Change area is located at 765 Luddenham Road. Part of this property is within the existing Project boundary. The EAD identified this area as being outside Aboriginal sensitive areas – with the closest potential aboriginal deposit being at Cosgroves Creek West (CCW).</p>  <p>Figure 4-1 The Cosgroves Creek West PADs (CCW) and the Proposed Change area (red circle)</p> <p>An AHIMS search was also conducted for the Property with a 50m radius with zero Aboriginal sites or places identified within the area.</p> <p>It is unlikely that Aboriginal heritage will be identified, if potential heritage items are encountered, additional to those documented in the EAD the Unexpected Heritage Finds Procedure will be followed.</p> <p><i>Environmental management measures</i></p> <p>Management measures for Aboriginal heritage identified in the EAD are considered appropriate for the Proposed Change.</p>
Non-Aboriginal heritage	<p><i>Assessment of potential impacts</i></p> <p>The EAD does not identify non-Aboriginal heritage items within the Proposed Change area.</p> <p>It is unlikely that non-Aboriginal heritage will be identified, if potential heritage items are encountered, additional to those documented in the EAD the Unexpected Heritage Finds Procedure will be followed.</p> <p><i>Environmental management measures</i></p> <p>Management measures for non-Aboriginal heritage identified in the EAD are considered appropriate for the Proposed Change.</p>

Environmental aspect	Comparative environmental assessment
Biodiversity	<p><i>Assessment of potential impacts</i></p> <p>The Proposed Change would occur in a grassed area with no trees. The EAD identified area nearby as mapped Cumberland Plain Woodland in the Sydney Basin Bioregion however this has since been cleared.</p> <p>No Threatened Ecological Communities: no threatened species or threatened fauna habitat have been identified within the Proposed Change area. Sensitive biodiversity areas have been avoided so therefore no additional will result from the Proposed Change.</p> <p>Impacts are considered to be consistent with the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for biodiversity identified in the EAD are considered appropriate for the Proposed Change.</p>
Traffic and transport	<p><i>Assessment of potential impacts</i></p> <p>The Proposed Change will not impact upon the number of construction vehicles or construction traffic utilising local road networks (Luddenham Road, Elizabeth Drive, Mamre Road).</p> <p>Construction traffic associated with the Proposed Change will be localised and impacts will be minimised through the implementation of the existing Construction Transport and Traffic Management Plan (CTTMP)</p> <p>The traffic and transport impacts are considered consistent with the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for traffic and transport identified in the EAD are considered appropriate for the Proposed Change.</p>
Socio-economic	<p><i>Assessment of potential impacts</i></p> <p>The Proposed Change would be located on land owned by the owners of 765 Luddenham Road (lot 3/ DP 1270586). Landowners consent or legal approval would be obtained prior to completing the Proposed Change work.</p> <p>Access would be maintained for the resident during construction.</p> <p>The overall socio-economic, land use and property impacts of the Proposed Change remains consistent with the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for socio-economic, land use and property identified in the EAD are considered appropriate for the Proposed Change.</p>

Environmental aspect	Comparative environmental assessment
Landscape character and visual amenity	<p><i>Assessment of potential impacts</i></p> <p>Landscape character and visual impacts are anticipated to be minor in nature as construction activities will be temporary for the Proposed Change.</p> <p>The operation of the Proposed Change would have a negligible impact as would be located underground. Any ground disturbance following construction would be revegetated like-for-like.</p> <p>The visual impact of the Proposed Change remains consistent with the EAD.</p> <p><i>Environmental management measures</i></p> <p>Management measures for landscape character and visual amenity identified in the EAD are considered appropriate for the Proposed Change.</p>
Waste	<p><i>Assessment of potential impacts</i></p> <p>All construction waste will be appropriately disposed of and will be managed in accordance with the POEO Act and Waste Regulation. Waste impacts associated with the Proposed Change will be minor in nature due to the temporary and short construction period. The EAD does not identify an AEI for the Proposed Change area, however as mentioned in 'Soil and Contamination' section, there is a potential for unknown contamination associated with grazing activities to be found.</p> <p><i>Environmental management measures</i></p> <p>Management measures for waste identified in the EAD are considered appropriate for the Proposed Change.</p>
Cumulative impacts	<p>There is concurrent construction of various projects within the vicinity of the M12 Project that gives rise to the potential for cumulative impacts. Luddenham Road itself has work associated with Metro with the M12 Project overpassing via bridge. As the majority of the concurrent works are occurring on private property with short construction duration, the Proposed Change would not impact other projects in regard to traffic. The Metro work is over 2 kilometres and therefore noise and vibration cumulative impact is unlikely to occur for nearby residents. The environmental aspects assessed as part of this report are consistent with the cumulative impacts discussed in the EAD.</p> <p>Continuous consultation will be undertaken with other Construction Contractors in the area and community notification will be sent to residents if any out of hour work was to occur. Personnel who will be undertaking work on behalf of the M12 Motorway construction are to ensure they are aware of any exclusion zones or sensitive areas identified for the Project.</p>

5 Consistency assessment – the Division 5.2 Approval

5.1 Minister's Conditions of Approval (CoA)

The proposed change has been assessed in Table 5-1:Consistency against relevant Minister's conditions of approval for the project in relation to the relevant conditions of approval.

Table 5-1:Consistency against relevant Minister's conditions of approval for the project

No.	Condition of Approval (CoA)	Discussion	Consistent
A1	The Proponent must carry out the CSSI in accordance with the terms of approval and generally in accordance with: (a) M12 Motorway Environmental Impact Statement (dated October 2019); (b) M12 Motorway Submissions Report (dated October 2020); (c) M12 Motorway Amendment Report (dated October 2020); (d) M12 Motorway Amendment Report - Submissions Report (dated December 2020); and (e) M12 Motorway Amendment Report -Submissions Report -Amendment (dated 8 March 2021).	The Proposed Change. As described in Section 2.1, can be carried out in accordance with the EAD and is in accordance with the description of the CSSI provided in Condition A1	Yes
A2	The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	The Proposed Change can be carried out in accordance with all procedures, commitments, preventative actions, performance outcomes and mitigation measures set out in the EAD including the EIS, amendment report and submission report listed in Condition A1.	Yes
A3	In the event of an inconsistency between: (a) the conditions of this approval and any document listed in Condition A1 , the conditions of this approval will prevail to the extent of the inconsistency; and (b) any document listed in Condition A1 , the most recent document will prevail to the extent of the inconsistency. Note: For the purpose of this condition, there will be an inconsistency between a term of	The Proposed Change will not impact upon compliance of this condition	Yes

No.	Condition of Approval (CoA)	Discussion	Consistent
	this approval and any document if it is not possible to comply with both the term and the document.		
A15	<p>Construction ancillary facilities (excluding minor construction ancillary facilities established under Condition A20) that are not identified by description and location in the documents listed in Condition A1 may only be established and used in each case if:</p> <p>(a) they are located within or immediately adjacent to the construction boundary; and</p> <p>(b) they are not located next to a sensitive receiver(s) (including where an access road is between the facility and the receiver(s)), unless the sensitive receiver(s) (both the landowner(s) and occupier(s)²) have given written acceptance to the carrying out of the relevant facility in the proposed location; and</p> <p>(c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and</p> <p>(d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.</p> <p>² For the purposes of this condition, the term “occupier(s)” refers to residents that occupy a premises or a tenant in a building.</p>	No construction ancillary facilities are required for the construction of the Proposed Change	Yes
A16	<p>Before establishment of a construction ancillary facility(ies) (excluding minor construction ancillary facilities established under Condition A20), the Proponent must prepare a Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facility(ies). The Site Establishment Management Plan must be prepared in consultation with the relevant council(s) and relevant State government agencies. The Plan must be endorsed by the ER and then submitted to the Planning Secretary for <u>approval</u> one (1) month before the establishment of the construction ancillary facility(ies). The Site Establishment Management Plan must detail the management of the construction ancillary facility(ies) and include:</p> <p>(a) a description of activities to be undertaken during establishment of the construction</p>	No construction ancillary facilities are required for the construction of the Proposed Change	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
	<p>ancillary facility(ies) (including scheduling and duration of work to be undertaken at the site);</p> <p>(b) figures illustrating the proposed site layout and the location of the closest sensitive receiver(s);</p> <p>(c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of site establishment work;</p> <p>(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:</p> <p>(i) meet the performance outcomes stated in the documents listed in Condition A1, and</p> <p>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and</p> <p>(e) a program for monitoring the performance outcomes, including a program for noise monitoring consistent with the requirements of Condition C14.</p> <p>The Site Establishment Management Plan must be approved before the establishment of a construction ancillary facility(ies) (excluding minor construction ancillary facilities established under Condition A20).</p> <p>Nothing in this condition prevents the Proponent from preparing individual Site Establishment Management Plans for each construction ancillary facility.</p> <p>Note: Condition A16 does not apply to minor construction ancillary facilities established under Condition A20.</p>		
A20	<p>Lunch sheds, office sheds, portable toilet facilities and the like, can be established and used where they have been assessed in the documents listed in Condition A1 or satisfy the following criteria:</p> <p>(a) are located within or adjacent to the Construction Boundary; and</p> <p>(b) have been assessed by the ER to have -</p> <p>(i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the ICNG, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and</p> <p>(ii) minimal environmental impact with respect to waste management and flooding, and</p>	<p>No minor construction ancillary facilities are proposed for the construction of the Proposed. If portable toilet facilities were required a Minor Construction Ancillary Facility checklist would be completing prior to the installation of the facilities. The Minor Construction Ancillary</p>	Yes

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	(iii) no impacts on biodiversity, soil and water, and Heritage items beyond those already approved under other terms of this approval.	Facility would be consistent with the EAD.	
A35	The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in Condition A34 (including preparation of the ER monthly report), as well as: (a) the complaints register for any complaints received (on the day they are received); and (b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the ER before the commencement of the subject Work).	If required, a copy of the Minor Consistency Assessment will be provided by TfNSW.	Yes
A49	All heavy vehicles used for construction spoil haulage must be <u>clearly marked on the sides and rear with the CSSI name (or where the CSSI is staged, the name of that stage)</u> to enable immediate identification by a person viewing the heavy vehicle. Details of the CSSI identification markings must be submitted to the Planning Secretary for approval and approved prior to the heavy vehicles being used for construction spoil haulage. There must only be one CSSI form of signage on a heavy vehicle at any one time.	No spoil haulage will be required offsite for the works covered under this minor consistency assessment	Yes
C2	The CEMP must provide: (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1 ; and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this	The Proposed Change will be incorporated into the CEMP if required	Yes

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	<p>condition;</p> <p>(e) an inspection program detailing the activities to be inspected and frequency of inspections;</p> <p>(f) a protocol for managing and reporting any:</p> <p>(i) incidents; and</p> <p>(ii) non-compliances with this approval or statutory requirements;</p> <p>(g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;</p> <p>(h) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C4. Where staged construction of the CSSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction;</p> <p>(i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER;</p> <p>(j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;</p> <p>(k) for periodic review and update of the CEMP and all associated plans and programs; and</p> <p>(l) the outcomes of consultation with government agencies in accordance with Condition A5.</p>		
C10	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved, unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been endorsed by the ER and approved by the Planning Secretary.	The existing CEMP would be reviewed to ensure adequate for the Proposed Change. If a minor amendment is required for the Proposed Change, any updates will be approved by the ER prior to the Proposed Change construction.	Yes
C17	The Construction Monitoring Programs, as approved by the Planning Secretary, including any minor amendments approved by the ER, must be implemented for the duration of	Construction monitoring requirements as necessary will be undertaken within the Proposed	Yes

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	construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.	Change area for the duration of the installation and use of the Proposed Change.	
C18	<p>The results of the Construction Monitoring Programs must be submitted to the Planning Secretary, and relevant government agencies, for information in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.</p> <p>Note: Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</p>	Results of the Construction Monitoring Programmes will be submitted to the Planning Secretary, and relevant government agencies, for information in the form of a Construction Monitoring Report at quarterly intervals.	Yes
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1, all practicable measures must be implemented to minimise and manage the emission of dust and other air pollutants during the construction of the CSSI.	The Proposed Change will not impact on compliance of condition E1. All practicable measures will be implemented to minimise and manage the emission of dust and other air pollutants during use of the Proposed Change area.	Yes
E2	The clearing of native vegetation must be minimised with the objective of reducing impacts to threatened ecological communities and threatened species habitat.	<p>Grubbing of existing grass will be localised to the Proposed Change area where culvert installation is required.</p> <p>The Proposed Change does not identify any additional impact to threatened ecological communities or threatened species habitat to that identified in the EAD.</p>	Yes

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		Grubbing will be managed in accordance with the CFFMP	
E14	A minimum width of three (3) metres and a minimum height of 1.5 metres must be provided to maintain fauna passage below the Badgerys Creek, Cosgroves Creek, South Creek and Kemps Creek bridges. The three-metre wide passage must consist of a natural substrate or other surface type that will not hinder fauna movement.	The Proposed Change area is not in the vicinity of Badgerys Creek, Cosgroves Creek, South Creek and Kemps Creek bridges.	Yes
E15	<p>Prior to vegetation clearing, the Proponent must identify where it is practicable for the CSSI to reuse native trees and vegetation that are to be removed. If it is not possible for the CSSI to reuse all removed native trees and vegetation, the Proponent must consult with the relevant council(s), Western Sydney Parklands Trust and Landcare groups and relevant government agencies to determine if:</p> <p>(a) hollows, tree trunks, mulch, bush rock and root balls salvaged from native vegetation impacted by the CSSI; and</p> <p>(b) collected plant material, seeds and/or propagated plants from native vegetation impacted by the CSSI,</p> <p>could be used by others in habitat enhancement, beneficial re-use and rehabilitation work, before pursuing other disposal options.</p>	Grubbing will be localised to the Proposed Change area. No clearing is required for the Proposed Change.	Yes
E16	Measures identified in the documents listed in Condition A1 that are aimed at minimising the impact of the CSSI on flood behaviour must be incorporated into the detailed design of the CSSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPI Water, DPI Fisheries, EES, Infrastructure NSW (INSW) and relevant councils.	<p>Measures were identified and were incorporated into detailed design as required. The Proposed Change is required due to groundtruthing which identified a missing culvert from the model.</p> <p>As identified in Appendix B, the technical memo found that the M12 would result in an increase in the depth of inundation along the property access road during storms with AEPs of 20% and</p>	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
		10%, which is not consistent with the outcomes of the flood assessment undertaken by WSP as part of its detailed design. On this basis it cannot be concluded that the project would not reduce the existing level of flood immunity to the property access road without implementing the Proposed Change.	
E17	<p>Unless otherwise agreed by the Planning Secretary, the CSSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:</p> <ul style="list-style-type: none"> (a) a maximum increase in inundation time of one hour; (b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently exceeded; (c) no above-floor inundation of habitable rooms which are currently not inundated; (d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial; (e) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation; (f) no significant increase in the flood hazard or risk to life; and (g) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments. <p>Where the Proponent cannot meet the requirements set out in clauses (d), (e) and (g) alternative flood levels or mitigation measures may be agreed to with the affected landowner.</p> <p>In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in clauses (d), (e) and (g), the Proponent</p>	<p>A technical note by Lyall & Associates (Appendix B) presented the findings of a review of the flood assessment that was undertaken by WSP in relation to the impact that the M12 West component of the project would have on flood behaviour in the vicinity of No. 765 Luddenham Road, Luddenham.</p> <p>As identified in Appendix B, the technical note found that the M12 would result in changes in the depth, velocity and duration of inundation that would still meet Clauses E17(a), (b), (c), (d) (e) and (g) of the Conditions of Approval.</p> <p>Flood management measures will be implemented in accordance with the CFMP.</p>	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
	must engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.		
E25	Construction and operation of the CSSI should aim to not diminish the potential of the following heritage items for nomination to the State Heritage Register beyond the impacts to significance already identified in the documents listed in Condition A1: McGarvie Smith Farm, McMaster Field Station and Fleurs Radio Telescope Site.	The Proposed Change area will avoid heritage items; therefore, no impact will occur.	Yes
E31	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and Heritage NSW. The Procedure must be prepared in consultation with Heritage NSW and form part of the Heritage CEMP Sub Plan required by Condition C4 .	The Proposed Change will not impact upon compliance with this condition. An Unexpected Heritage Finds and Human Remains Procedure is included in the CCHMP	Yes
E33	Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition E31 and include registration in the Aboriginal Heritage Information Management System (AHIMS)	The Proposed Change will not impact upon compliance with this condition. All unexpected finds would follow the unexpected finds procedure and the CCHMP.	Yes
E34	Work must only be undertaken during the following hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 6:00pm Saturdays; and (c) at no time on Sundays or public holidays.	Work within the Proposed Change area will only be undertaken during standard construction hours. If work is to occur outside of hours, they will be completed in accordance with conditions outlined in EPL #21595	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E35	<p>Except as permitted by an EPL, <u>highly noise intensive works</u> that result in an exceedance of the applicable noise management level (NML) at the same receiver must only be undertaken:</p> <p>(a) between the hours of 8:00 am to 6:00 pm Monday to Friday;</p> <p>(b) between the hours of 8:00 am to 1:00 pm Saturday; and</p> <p>(c) if continuously, then not exceeding three hours, with a minimum cessation of work of not less than one hour.</p> <p>For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the Work.</p>	Work within the Proposed Change area will only be undertaken during standard construction hours. If work is to occur outside of hours, they will be completed in accordance with conditions outlined in EPL #21595	Yes
E36	<p>Notwithstanding Condition E34 and E35, Work may be undertaken outside the hours specified in any of the following circumstances:</p> <p>(a) Safety and Emergencies, including:</p> <p>(i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or</p> <p>(ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.</p> <p>On becoming aware of the need for emergency work in accordance with Condition E36(a), the Proponent must notify the ER, the Planning Secretary and the EPA of the reasons for such emergency work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of the emergency work.</p> <p>(b) Work that causes:</p> <p>(i) $L_{Aeq(15 \text{ minute})}$ noise levels:</p> <ul style="list-style-type: none"> - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and <p>(ii) $LAF_{max(15 \text{ minute})}$ noise levels no more than 15 dB(A) above the rating background level at any residence during the night time period; and</p>	Work within the Proposed Change area will only be undertaken during standard construction hours. If work is to occur outside of hours, they will be completed in accordance with conditions outlined in EPL #21595	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
	<p>(iii) continuous or impulsive vibration values, measured at the most affected residence, that are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006); and</p> <p>(iv) intermittent vibration values measured at the most affected residence that are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006).</p> <p>(c) By Approval, including:</p> <p>(i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or</p> <p>(ii) works which are <u>not</u> subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition E37; or</p> <p>(iii) negotiated agreements with directly affected residents and sensitive land user(s).</p>		
E37	<p>An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of Work which is outside the hours defined in Condition E34, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the out-of-hours Work. The Protocol must be prepared in consultation with the ER. The Protocol must provide:</p> <p>(a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <p>(i) the ER reviews all proposed out-of-hours activities and confirm their risk levels,</p> <p>(ii) low risk activities can be approved by the ER, and</p> <p>(iii) high risk activities that are approved by the Planning Secretary;</p> <p>(b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;</p> <p>(c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of Condition E47. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land user(s) would be exposed to, including the number of noise awakening events;</p> <p>(d) procedures to facilitate the coordination of out-of-hours Work including those approved</p>	<p>The Proposed Change will not impact upon compliance with condition E37.</p> <p>All construction activities will be undertaken in accordance with the M12 West CNVMP</p>	Yes

No.	Condition of Approval (CoA)	Discussion	Consistent
	by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and (e) notification arrangements for affected receivers for all approved out-of-hours Work and notification to the Planning Secretary of approved low risk out-of-hours Work. This condition does not apply to Work where the requirements of Condition E36(a) or (b) are met.		
E38	<p>Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:</p> <p>(a) construction 'Noise affected' NML established using the Interim Construction Noise Guideline (DECC, 2009);</p> <p>(b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure);</p> <p>(c) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they are "applicable to Australian conditions"; and</p> <p>(d) the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration-effects of vibration on structures (for structural damage).</p> <p>Any construction or early works identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the respective Noise and Vibration CEMP Sub-plan or Early Works Environmental Management Plan.</p> <p>Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.</p>	Management measures listed in the M12 West CNVMP will be implemented for the duration of use of the Proposed Change area.	Yes
E39	Noise generating work in the vicinity of potentially-affected community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods, unless offers of other reasonable arrangements have been made to the affected institutions and are implemented at no cost to the affected institution.	The Proposed Change will not impact upon compliance with condition E39.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E40	Noise and Vibration Impact Statements (NVIS) must be prepared for any Work that may exceed the noise management levels and vibration criteria specified in Condition E38 at any residence outside the construction hours identified in Condition E34 , or where receivers will be highly noise affected. The NVIS must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the Work. A copy of the NVIS must be provided to the ER prior to the commencement of the associated Work. The Planning Secretary may request a copy/ies of the NVIS .	<p>The Proposed Change will not impact upon compliance with condition E40.</p> <p>The Proposed Change will be managed in accordance with the CNVMP.</p>	Yes
E41	Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before Work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers must be provided with a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Noise and Vibration CEMP Sub-plan required by Condition C4 and the Communication Strategy required by Condition B1 .	<p>The Proposed Change will not impact upon compliance with condition E41.</p> <p>The Proposed Change will be managed in accordance with the CNVMP.</p>	Yes
E45	<p>All Work undertaken for the delivery of the CSSI, including that undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <p>(a) reschedule any work to provide respite to impacted noise sensitive land user(s) so that the respite is achieved in accordance with Condition E47; or</p> <p>(b) where respite outlined in Condition E47 cannot be achieved, consider the provision of alternative respite or mitigation to impacted noise sensitive land user(s); and</p> <p>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</p> <p>The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the CSSI.</p>	<p>The Proposed Change will not impact upon the compliance of condition E45</p>	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E46	<p>Mitigation measures such as temporary alternative accommodation or other agreed mitigation measures, must be offered/ made available to residents affected by out-of-hours Work (including where utility works are being undertaken for the CSSI or under a road occupancy licence) where the construction noise levels between:</p> <p>(a) 10:00 pm and 7:00 am, Monday to Friday;</p> <p>(b) 10:00 pm Saturday to 8:00 am Sunday; and</p> <p>(c) 6:00 pm Sunday and public holidays to 7:00 am the following day unless that day is Saturday then to 8:00 am,</p> <p><u>are predicted to exceed the NML by 25 dB(A) or are greater than 75 dBA (LAeq(15 min)), whichever is the lesser and the impact is planned to occur for more than two (2) nights over a seven (7) day rolling period.</u></p> <p>The NML must be reduced by 5 dB where the noise contains annoying characteristics and may be increased by 10 dB if the property has received at-property noise treatment. The noise levels and duration requirements identified in this condition may be changed through an EPL applying to the CSSI.</p>	The Proposed Change will not impact upon the compliance of condition E46.	Yes
E47	<p>In order to undertake out-of-hours Work outside the hours specified under Condition E34, the Proponent must identify appropriate respite periods for the out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:</p> <p>(a) a progressive schedule for periods no less than three (3) months, of likely out-of-hours Work;</p> <p>(b) a description of the potential Work, location and duration of the out-of-hours Work;</p> <p>(c) the noise characteristics and likely noise levels of the Work; and</p> <p>(d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under Condition E38(a) and (b) (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).</p> <p>The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour Work must be provided to the ER, EPA and the Planning Secretary for information prior to Work scheduled for the subject period being undertaken.</p>	Work within the Proposed Change area will only be undertaken during standard construction hours. If work is are to occur outside of hours, they will be completed in accordance with conditions outlined in EPL #21595.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
	Note: Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the rating background noise level at any residence.		
E61	The CSSI must be constructed in a manner that minimises visual impacts of construction ancillary facilities, including but not limited to, providing temporary landscaping and vegetative screening of the construction sites, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located.	The proposed change will not impact upon compliance with condition E61. The Proposed Change will be managed in accordance with the CEMP	Yes
E62	The CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of Australian Standard 4282-2019 Control of the obtrusive effects of outdoor lighting, relevant Australian Standards in the series AS/NZ 1158 – Lighting for Roads and Public Spaces, and the National Airports Safeguarding Framework (NASF) Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports. Additionally, mitigation measures must be provided to manage residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.	The Proposed Change will not impact upon compliance with condition E62. The Proposed Change will be managed in accordance with the CEMP	Yes
E75	The Proponent must identify the utilities and services (hereafter “services”) potentially affected by Work to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the CSSI are avoided where possible and where unavoidable, customers are advised in accordance with the Communication Strategy required under Condition B1 .	The Proposed Change will not impact upon compliance with condition E75.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E79	The CSSI must be delivered in a manner that minimises intrusion, as far as reasonably practicable, and disruption to agricultural operations/activities in surrounding properties (e.g. stock access, access to farm dams, etc.), unless otherwise agreed by the landowner.	The Proposed Change will not impact upon compliance with condition E79	Yes
E80	Where the viability of existing agricultural operations will be impacted by the CSSI, the Proponent must, at the request of the landowner, employ a suitably qualified and experienced independent agricultural expert to assist in identifying management measures to address the identified impacts. Where the Proponent has commenced the requirements of this condition, prior to determination of the CSSI, the Proponent may rely on these activities to fulfil this requirement.	The Proposed Change will not impact upon compliance with condition E80	Yes
E83	Any property access that is physically affected by the CSSI must be reinstated to at least an equivalent standard, in consultation with the landowner or alternative access provided in consultation with the landowner.	The Proposed Change will not impact upon compliance with condition E83	Yes
E84	All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the Managing Urban Stormwater, Soils and Construction Vol.1 (Landcom, 2004) and Vol. 2D Main Road Construction (DECC, 2008) must be considered.	Management measures listed in the CSWMP will be implemented for the duration of use of the Proposed Change area. Updates to PESCP's to include the Proposed Change area will be reviewed and approved by the CPBGG JV soil conservationist.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E85	<p>Prior to the commencement of any Work that would result in the disturbance of potential or contaminated soils, materials, groundwater or sediments, a Detailed Site Investigation Report(s) must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The Detailed Site Investigation Report(s) must be prepared in accordance with guidelines made or approved under section 105 of the Contaminated Land Management Act 1997.</p> <p>Note: Where Preliminary and Detailed Site Investigations have already been undertaken for contaminated soils, materials, groundwater or sediments they do not need to be undertaken again for the purposes of this condition.</p>	<p>The Proposed Change will not impact upon compliance with condition E83.</p> <p>The EAD does not identify areas of contamination in the area of the proposed work.</p>	Yes
E89	An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of Work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during Work. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.	The Unexpected Contaminated Land and Asbestos Finds Procedure will be implemented for the duration of use of the Proposed Change area.	Yes
E90	The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented throughout the duration of Work.	The Unexpected Contaminated Land and Asbestos Finds Procedure will be implemented for the duration of use of the Proposed Change area.	Yes
E95	<p>Before any local road is used by a heavy vehicle for the purposes of the CSSI, a Road Dilapidation Report must be prepared for the road unless otherwise agreed by the relevant road authority. A copy of the Road Dilapidation Report must be provided to the relevant road authority <u>within three (3) weeks of completion of the survey and at least two (2) weeks before the road is used by heavy vehicles associated with the construction of the CSSI.</u></p> <p>If damage to roads occurs as a result of the construction of the CSSI, the Proponent must</p>	The Proposed Change will not impact upon the compliance with condition E95.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
	rectify the damage to restore the road to at least the condition it was in pre-construction in consultation with the relevant road authority. Rectification works must be undertaken <u>within three (3) months of the subject road no longer being used for the construction of the CSSI unless an alternative timeframe is agreed to by the relevant road authority.</u>		
E96	During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, residences, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected residents, businesses and affected property owners and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.	The Proposed Change will not impact upon the compliance with condition E96.	Yes
E100	Waste generated during Work and operation must be dealt with in accordance with the following priorities: (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced; (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.	All waste generated by the Proposed Change will be minimised and reused within the Project boundary, or otherwise disposed of. Management measures outlined in the CWRMP will be implemented for the duration of use of the Proposed Change area.	Yes
E102	Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept such waste, except in accordance with Condition E15.	Exported waste for the Proposed Change area will be disposed of at a suitability licenced facility, if required.	Yes

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No.	Condition of Approval (CoA)	Discussion	Consistent
E103	All waste generated by Works must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	Waste from the Proposed Change area will be classified in accordance with EPA guidelines, if required.	Yes
E104	<p>The Proponent must develop and implement a waste tracking register prior to waste generated by Work that details:</p> <ul style="list-style-type: none"> (a) the quantity of each type of waste generated, its classification and source location (recorded using latitude and longitude coordinates); (b) the destination location(s) for all wastes generated during Work; (c) the quantities of any waste types imported onto the CSSI site, including their classification and emplacement location (recorded using latitude and longitude coordinates); (d) the quantities and types of wastes that are subject to a Resource Recovery Order and/or Exemption; and (e) disposal records demonstrating that receiving facilities have lawfully accepted the waste type. <p>The waste tracking register must be made available to the Planning Secretary and EPA on request, within the timeframe stated in the request.</p>	Any waste removed from site from the Proposed Change area will be tracked using the M12 West waste tracking register.	Yes
E105	<p>"The CSSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW Water Quality Objectives over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the NSW Water Quality Objectives, in which case those requirements must be complied with.</p> <p>Note: If it is proposed to discharge construction stormwater to waterways, a Water Pollution Impact Assessment will be required to inform licensing, consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with the level of detail commensurate with the potential water pollution risk."</p>	The Proposed Change impacts the NSW Water Quality Objectives are temporary during construction. Management measures outlined in the SWMP will be implemented during the construction of the Proposed Change.	Yes

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5.2 Revised Environmental Management Measures (REMM's)

Table 5-2: Revised Environmental Management Measures (REMM)

No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
B01	<p>A CFFMP will be prepared. The measures in the CFFMP will include:</p> <ul style="list-style-type: none"> •A site specific induction •Identification of clearing limits and exclusion fencing •Pre-clearance surveys •Vegetation clearing procedures •An unexpected finds procedure •Procedures for weed management and monitoring •A process for de-watering farm dams and the relocation of aquatic fauna •Provision of supplementary fauna habitat (eg nest boxes). 	<p>The Proposed change will not impact upon compliance with condition B01.</p> <p>The Proposed Change will be managed in accordance with the CFFMP</p>	Yes
B03	<p>Native vegetation threatened species and threatened species habitat removal will be minimised where practicable through detailed design. This will include avoiding the nest and surrounds of the White-bellied Sea-Eagle, where practicable.</p>	<p>Grubbing will be localised to the Proposed Change area only. The EAD does not identify impacts to threatened ecological communities or threatened species habitat in the Proposed Change area.</p>	Yes
B05	<p>Pre-clearing surveys will be carried out in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 1: Pre-clearing process). The following species identified on or near the study area will require particular attention:</p> <ul style="list-style-type: none"> •White-bellied Sea-Eagle <p>If design cannot avoid the White-bellied Sea-Eagle nest, then pre-clearing measures to avoid impact on the nest will be implemented. This will include pre-clearing survey to establish if it is currently being used and removal of the nest by an ecologist experienced in similar procedures. The potential impacts of habitat removal will be minimised by removing the nest outside of the nesting period (typically lays between June and September, with young remaining in the nest for 70 days).</p>	<p>A pre-clearance survey will be undertaken by the CPBGGJV ecologist prior to any vegetation grubbing if required to construct the proposed change.</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	<p>An initial pre-clearing inspection will be carried out at least 21 days prior to commencement of clearing, to give the ecologist time to check the nest and then relocate if needed.</p> <p>•Cumberland Plain Land Snail</p> <p>Pre-clearance surveys will be carried out immediately before clearing works by a qualified ecologist in all vegetated areas to be disturbed that were identified as known or potential habitat for Cumberland Plain Land Snail (see Figure 6-6 in amendment report). As identified in the CFFMP, all individual Cumberland Plain Land Snails found during pre-clearance surveys will be translocated to adjacent areas of suitable habitat.</p>		
B06	<p>An unexpected threatened species finds procedure will be developed as part of the CFFMP and based on Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 1: Pre-clearing process).</p> <p>The procedure will include requirements for workers to be made aware of the potential flora and fauna species that may be encountered during construction (including training staff on species identification) and outline the process for the identification and management of unexpected flora and fauna.</p> <p>In the event that any threatened species are identified during construction, the following steps would be carried out:</p> <ol style="list-style-type: none"> 1.Stop work immediately in the location of the unexpected find to avoid any potential impacts. 2.Notify the environmental manager. 3.Environmental manager will arrange for an ecologist to conduct an assessment of significance of the likely impact, develop management options, and notify DPIE, EESG and DAWE as appropriate. 4.If a significant impact is unlikely to occur, re-begin work and maintain regular site inspections. 5.If a significant impact is likely to occur: <ol style="list-style-type: none"> a. Consult with DPIE, EESG and DAWE as appropriate. b. Obtain approvals, licenses or permits as required. c. Re-begin work once advice is sought and necessary approvals, licenses and permits are obtained. 6.Include species in subsequent inductions, toolbox talks and update the CEMP. 	<p>The Unexpected Threatened Species Finds Procedure will be implemented for the duration of use of the Proposed Change area.</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
B07	Vegetation and habitat removal will be carried out in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 4: Clearing of vegetation and removal of bushrock).	The Proposed Change will not impact upon compliance with condition B07. Any vegetation clearing required for the Proposed Change will be undertaken in accordance with the Vegetation Clearing Procedure in approved CFFMP.	Yes
B08	Revegetation will be carried out in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 3: Re-establishment of native vegetation) and the Landscape Plan prepared for the project.	The Proposed Change will not impact upon compliance with condition B08	Yes
B19	Emergency response protocols and procedures will be included in the Project CEMP and implemented in the event of a contaminant spill or leak.	The PIRMP will be implemented for the duration of use of the Proposed Change area.	Yes
B20	Spill kits will be located to allow for timely response to uncontained spills. Site inductions will include a briefing on the use of spill kits.	Spill kits will be located at nearby site ancillary location or within vehicles to cover the Proposed Change and briefed in site inductions	Yes
B22	Changes to existing surface water flows will be minimised through detailed design.	The design of the Proposed Change will aim to minimise impact to surface water flows	Yes
B24	Exclusion zones will be set up at the limit of clearing in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 2: Exclusion zones).	Clearance exclusion zones will be established and verified as TfNSW witness hold point in joint pre-clearance inspection.	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	Exclusion zones will be set up to protect potential indirect impacts to threatened flora in accordance with the areas identified in the EIS and the amendment report (including Figure 1-2 of Appendix A of the amendment report).		
B25	Fauna will be managed in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 9: Fauna handling).	Fauna identified during the Proposed Change will be managed in accordance with the CFFMP	Yes
B26	Weed species will be managed in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 6: Weed management).	Weed species identified in pre-clearances reports will be managed in accordance with the CFFMP.	Yes
B27	Pathogens will be managed in accordance with Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011) (Guide 2: Exclusion zones).	Pathogens identified in pre-clearances reports will be managed in accordance with the CFFMP.	Yes
TT01	<p>A construction transport and traffic management plan (CTTMP) will be prepared as part of the CEMP in consultation with relevant local Councils, and in accordance with relevant guidelines. The CTTMP will outline:</p> <ul style="list-style-type: none"> •Staging and planning of works to minimise the need to occupy roads where practicable, including identification of haulage routes •Safe alternative routes for pedestrians and cyclists in accordance with relevant safety and accessibility standards •The requirements for traffic control plans to be prepared for each work area which will include details of site access and specific traffic control measures (including signage) to manage traffic movements •Road safety audit requirements •Parking arrangements for construction staff •Identification of access arrangements at construction sites detailing vehicle access 	<p>The Proposed Change will not impact upon REMM TT01.</p> <p>The Proposed Change will be managed in accordance with the CTTMP</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	<p>movements</p> <ul style="list-style-type: none"> •Measures to minimise changes to the existing road network, property access, bus stops and pedestrian/cyclist facilities where feasible •Measures to communicate and notify of any changes in traffic conditions on roads or paths to road users, emergency services, public transport operators, and other relevant stakeholders •Measures to manage construction traffic interfaces and access arrangements with Western Sydney International Airport and Sydney Metro – Western Sydney Airport •Requirements for appropriate warning and signage for traffic and other road users such as cyclists and pedestrians in the vicinity of work areas and work site access, and road diversions. 		
TT06	A road dilapidation report will be prepared before impacts on local roads in consultation with relevant councils and other relevant stakeholders. The report will document the existing conditions of local roads and outline measures to repair damage to roads from heavy vehicle movements associated with the project.	The Proposed Change will not impact upon REMM TT06.	Yes
TT07	<p>Existing property access would be maintained at all times.</p> <p>Any changes to access arrangements or alternative access that are necessary during construction will be done with consultation with the landowner. Any changes to access will provide the same equivalent pre-existing level of access unless agreed to by the land owner.</p> <p>Property access that is physically affected by the project will be reinstated to at least an equivalent standard, in consultation with the landowner.</p>	The Proposed Change will not impact upon REMM TT07 Access will be maintained to all surrounding properties or agreed to by the land owner.	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
SLP06	Utility owners and/or providers of services will be identified and consulted with before works start, to determine the requirements for access to, protection of, or relocation of services. Disruption to existing services will be minimised where feasible and local residents and businesses will be notified before any planned disruption.	The Proposed Change will not impact upon REMM SLP06. Utility owners and providers of services will be identified and consulted prior to works commencing.	Yes
SLP11	Construction fatigue will be managed in accordance with the Community Communication Strategy.	The Proposed Change will not impact upon REMM SLP11. Work will be managed in accordance with the Community and Stakeholder Engagement Plan.	Yes
AH04	An investigation will be carried out during detailed design to minimise impacts on the CHRP site where feasible.	The Proposed Change will not impact upon REMM AH04.	Yes
NAH01	A construction cultural heritage management plan (CCHMP) will be prepared for the project as part of the CEMP in consultation with DPC (Heritage). The CCHMP will include as a minimum: <ul style="list-style-type: none"> •A list, plan and maps with GIS layers showing the location of identified heritage items both within, and near, the construction footprint •A significance assessment and statement of significance for each item •Protocols and procedures including inductions and toolbox talks for all contractors and subcontractors working in the area to be informed of all exclusion zones, the elements and their significance, to prevent accidental damage or encroachment •Protocols and procedures to be implemented during construction to avoid or minimise impacts on items of heritage significance including protective fencing •The TfNSW Unexpected Heritage Items Procedure (Roads and Maritime, 2015c) which 	The Proposed Change will not impact upon REMM NAH01. The Proposed Change area will be completed in accordance with the CCHMP	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	would be followed in the event that unexpected heritage finds are uncovered during construction.		
NV01	<p>A construction noise and vibration management plan (CNVMP) will be prepared for the project to mitigate and manage noise and vibration impacts during construction. The CNVMP will be implemented for the duration of construction of the project and will:</p> <ul style="list-style-type: none"> •Identify nearby sensitive receivers •Include a description of the construction activities equipment and working hours •Identify relevant noise and vibration performance criteria for the project and license and approval conditions. •Include modelling results showing construction noise impacts based on detailed design information •Outline standard and additional mitigation measures from the Construction Noise and Vibration Guideline (CNVG) (Roads and Maritime 2016) and information about when each will be applied •Outline requirements for the development and implementation of an Out-of-hours Work Protocol •Outline requirements for noise and vibration monitoring that will be carried out to monitor project performance associated with the noise and vibration criteria •Describe community consultation and complaints handling procedures in accordance with the Community Communication Strategy to be developed for the project •Outline measures to manage noise impacts associated with heavy vehicle movements both on and offsite •Outline measures to minimise cumulative construction impacts and the likelihood for 'construction fatigue' from concurrent and consecutive projects in the area •Outline requirements to minimise and manage construction fatigue, in consultation with the community. 	<p>The Proposed Change will not impact upon REMM NV01.</p> <p>The Proposed Change area will be completed in accordance with the CNVMP</p>	Yes
NV02	Measures to minimise and manage construction fatigue are to be investigated through the planning of construction staging.	<p>The Proposed Change will not impact upon REMM NV02.</p> <p>The Proposed Change area will be completed in accordance with</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
		mitigation measures outlined in the CNVMP	
NV12	<p>Construction vehicle movements (both on and offsite) will be managed to minimise noise impacts. Where feasible, this will include (but not be limited to):</p> <ul style="list-style-type: none"> •Establishment and use of internal haul routes, or existing major roads where this is not feasible •Restriction of heavy vehicle movements to standard construction hours •Locating traffic marshalling areas away from residences to minimise noise impacts from idling vehicles •Instructing workers on the operation of heavy vehicles entering and exiting the site to minimise noise 	<p>The Proposed Change will not impact upon REMM NV12.</p> <p>The Proposed Change area will be completed in a manner to minimise noise impact to the surrounding community</p>	Yes
SWH01	<p>A construction soil and water management plan (CSWMP) will be prepared for the project. The plan will outline measures to manage soil and water impacts associated with the construction works, including contaminated land.</p> <p>The CSWMP will provide:</p> <ul style="list-style-type: none"> •Measures to minimise/manage erosion and sediment transport both within the construction footprint and offsite including requirements for the preparation of erosion and sediment control plans (ESCP) for all progressive stages of construction •Measures to manage waste including the classification and handling of spoil •Procedures to manage unexpected contaminated finds including asbestos which would be outlined in the contaminated land management plan and asbestos management plan to be prepared for the project •Measures to manage stockpiles including locations, separation of waste types, sediment controls and stabilisation •Measures to manage groundwater de-watering and impacts including mitigation required •Processes for de-watering of water that has accumulated on site and from sediment basins, including relevant discharge criteria •Measures to manage potential tannin leachate •Measures to manage accidental spills including the requirement to maintain materials such as spill kits 	<p>The Proposed Change will not impact upon REMM SWH01.</p> <p>The Proposed Change area will be managed in accordance with the CSWMP</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	<ul style="list-style-type: none"> •Measures to manage potential saline soils •Details of surface water and groundwater quality monitoring to be carried out before, throughout, and following construction •Controls for sensitive receiving environments including SEPP Coastal Wetlands which may include but not be limited to: <ul style="list-style-type: none"> –Designation of ‘no go’ zones for construction plant and equipment –Creation of catch/diversion drains and sediment fences at the downstream boundary of construction activities where practicable to ensure containment of sediment-laden runoff and diversion toward sediment sump treatment areas (not sediment basins) to prevent flow of runoff to the SEPP Coastal Wetland. •Erosion and sediment control measures will be implemented and maintained at all worksites in accordance with the principles and requirements in Managing Urban Stormwater–Soils and Construction, Volume 1 (Landcom 2004) and Volume 2D (NSW Department of Environment, Climate Change and Water 2008), commonly referred to as the “BlueBook”, as well as relevant TfNSW Guidelines. 		
SWH02	A soil conservation specialist will be engaged by both TfNSW and the Contractor for the duration of construction of the project to provide advice on the planning and implementation of erosion and sediment control including review of ESCPs.	The CPVGGJV and TfNSW will provide advice on planning and implementation of erosion and sediment controls for the Proposed Change area.	Yes
SWH04	<p>Stockpiles will be managed to minimise the potential for mobilisation and transport of dust and sediment in runoff in accordance with TfNSW Stockpile Sites Management Guideline (Roads and Maritime, 2015). This will include:</p> <ul style="list-style-type: none"> •Minimising the number of stockpiles, area used for stockpiles, and time that they are left exposed •Locating stockpiles away from drainage lines, waterways and areas where they may be susceptible to wind erosion •Stabilising stockpiles, establishing appropriate sediment controls and suppressing dust as required. 	<p>It is unlikely any long-term stockpiles will be required in the Proposed Change area.</p> <p>Stockpiles for the Proposed Change area will be managed in accordance with the M12 West Stockpile Management Protocol</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
SC03	<p>A contaminated land management plan (CLMP) will be prepared for the project. The CLMP will include:</p> <ul style="list-style-type: none"> •Control measures to manage identified areas of contamination, including surface soils in the vicinity of TP303, TP304, TP310 and TP311 containing heavy metal and PAH concentrations •Procedures for unexpected contamination •Measures to manage potential ASS (as required based on testing results) within sediments of the creeks in the construction footprint to minimise impacts to the environment •Requirements for excavation of unexpected contaminants to be carried out in consultation with project Remedial Actions Plans. •Requirements for the disposal of contaminated waste in accordance with the POEO Act and the Protection of the Environment Operations (Waste) Regulation 2014. 	<p>The Proposed Change will not impact upon REMM SC03.</p> <p>The Proposed Change area will be managed in accordance with the CCLMP.</p>	Yes
SC08	All waste will be classified in accordance with the NSW EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	Waste from the proposed Change area will be classified in accordance with EPA guidelines, if required.	Yes
SC11	Should the further investigations determine that gas concentrations remain elevated near the project footprint, gas monitoring will be carried out during construction within the construction footprint next to the SUEZ Kemps Creek Resource Recovery Park. If excavations are to be carried out within enclosed structures, gas accumulation monitoring will be carried out before and during construction. On site gas monitoring will be carried out in accordance with the NSW EPA (2016) Environmental Guidelines: Solid Waste Landfills.	The Proposed Change will not impact upon REMM SC11.	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
AQ01	<p>A construction air quality management plan (CAQMP) will be developed and implemented for the project to manage potential air quality impacts associated with construction. The CAQMP will identify activities that may results in air quality impacts and associated mitigation measures to avoid or minimise these impacts.</p> <p>The CAQMP will provide:</p> <ul style="list-style-type: none"> •Measures to minimise dust generation associated with earthworks and other activities that disturb the ground surface, stockpiles, and haulage routes •Measures to minimise emissions from machinery and vehicles associated with the project •Procedures for inspection, monitoring and addressing any impacts where required. The CAQMP will be implemented for the duration of construction. 	<p>The Proposed Change will not impact upon REMM AQ01.</p> <p>The Proposed Change area will be managed in accordance with the CAQMP.</p>	Yes
AQ02	<p>Dust generation will be minimised during construction where possible. Where practicable, specific measures will include (but not be limited to):</p> <ul style="list-style-type: none"> •Regularly watering exposed and disturbed areas including stockpiles, especially during inclement weather conditions •Adjusting the intensity of activities based on measured and observed dust levels, weather forecasts and the proximity of and direction of the works in relation to the nearest surrounding receivers •Ensuring loads are covered, and any loose materials/debris are removed before vehicles exit the site •Minimising the number of stockpiles and amount of material stockpiled where practicable •Positioning stockpiling areas as far as possible from surrounding receivers, including potentially ecologically sensitive receivers •Limiting stockpiling activities during conditions where winds are blowing strongly in the direction(s) from the stockpiling location to nearby receivers •Consultation with nearby developers to co-ordinate and plan activities where practicable to minimise the potential for cumulative dust-related impacts •The planning and undertaking of demolition activities, including the removal of hazardous building materials in a manner that minimises dust generation. This will also 	<p>Dust management measures will be implemented in accordance with the CAQMP.</p>	Yes

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No.	Revised Environmental Management Measures (REMM)	Discussion	Consistent
	include the removal of hazardous building materials before the start of general demolition works.		
W01	<p>A construction waste and resource management plan (CWRMP) will be prepared for the project and outline appropriate management procedures. It will include, but not be limited to:</p> <ul style="list-style-type: none"> •Identification of the waste types and volumes that are likely to be generated by the project •Adherence to the waste minimisation hierarchy principles of avoid/reduce/reuse/recycle/dispose •Waste management procedures to manage the handling and disposal of waste, including unsuitable material or unexpected waste volumes •Identification of reporting requirements and procedures for tracking of waste types and quantities •A resource management strategy detailing the process to identify reuse options for surplus materials •A procurement strategy to minimise unnecessary consumption of materials and waste generation in accordance with relevant legislation and guidelines. 	<p>The Proposed Change will not impact upon REMM W01.</p> <p>The Proposed Change area will be managed in accordance with the CWRMP</p>	Yes
GG03	Vegetation removal will be minimised where practicable.	Clearing will be localised to the Proposed Change area only.	Yes
GG05	Construction plant and equipment will be well maintained to maximise fuel efficiency.	Plant, vehicles and equipment will be maintained in good condition and in accordance with manufacturer's specifications.	Yes

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6 Project Objectives

The project objectives are to:

- Provide sufficient road capacity to meet traffic demand generated by the planned western Sydney urban development
- Provide a high standard connection to the airport with capacity to meet future freight and passenger needs
- Provide a road which supports and integrates with the broader transport network
- Support the provision of an integrated regional and local public transport system
- Preserve the access function of Elizabeth Drive
- Provide active local transport within the east–west corridor
- Make provision for connection to the future Outer Sydney Orbital

The Proposed Change supports achieving the Project objectives. As such the proposed change is consistent with the project objectives

7 Consistency questions – the Division 5.2 Approval

Table 7-1 below addresses those conditions of approval relevant to the Proposed Change in the context of the Division 5.2 Approved Project.

Table 7-1: Division 5.2 conditions of approval relevant to the Proposed Change

Consistency question	Discussion	Response
1 Is the proposed change likely to result in changes to the scope and impacts of the project to an extent that would be considered a radical transformation of the project as a whole, as to be, in reality, an entirely new project?	The Proposed Change will not result in a significant change to the M12 Project. The impacts associated with the Proposed Change will be managed in accordance with the CEMP and sub-plans for the Project.	No
2 Would any conditions of approval need to be amended in light of the change?	The Proposed Change will not impact upon the conditions identified in the Infrastructure Approval such that a change would be required. A review of CoA against the Proposed Change is detailed in Section 5.1.	No
3 Would the statement of commitments or environmental management measures need to change?	The Proposed Change will not impact upon the statement of commitments or environmental management measures.	No
4 Would the proposed change be 'generally in accordance with' the documents incorporated in Standard Condition A1 (or A2)?	As described in Section 5.1, the Proposed Change is considered generally in accordance with the EAD listed in Condition A1.	Yes
5 Would the environmental impacts of the project as a whole be altered by the proposed change to the extent that the	As described in Section 4, the environmental impacts associated with the Proposed Change are consistent with the impacts described in the EAD. Management measures detailed in the	No

	proposed change would not be consistent with the Approval?	EAD will be implemented for the Proposed Change.	
6	Considering the project as a whole, would the magnitude of the change be viewed as consistent with the project?	The magnitude of the Proposed Change is minor in comparison to the Project. The Proposed Change is consistent with the Project program and objectives.	Yes

8 Consistency assessment – EPBC Approval

8.1 Commonwealth Minister's Conditions of Approval

Table 8-1 below addresses those conditions of approval relevant to the Proposed Change in the context of the Commonwealth Approved Project.

Table 8-1: Commonwealth conditions of approval relevant to the Proposed Change

No.	Condition of Approval	Discussion	Response
EPBC3	The approval holder must not clear protected matters outside the final construction footprint.	Grubbing will be localised to the Proposed Change area only. No impact to threatened ecological communities or threatened species habitat will occur by the Proposed Change.	Yes

8.2 EPBC Approval consistency questions

Table below presents a set of questions that assist Transport to determine whether the proposed change can be considered consistent with an EPBC Approval.

Table 8-2: EPBC Approval consistency questions

Consistency question	Discussion	Response
1 Would any conditions of the EPBC Approval need to be varied in light of the change?	The Proposed Change will not impact upon the conditions identified in the Infrastructure Approval such that a change would be required. A review of CoA against the Proposed Change is detailed in Section 6.1.	No
2 Would an approved action management plan required by a condition of approval need to be varied as a result of the proposed change?	There is no approved action management plan required by the EPBC Approval.	No
3 Would the proposed change constitute a 'new project' under the EPBC Act?	As detailed in Section 2, the impacts associated with the Proposed Change will not constitute as a 'new project' under the EPBC Act.	No

9 Conclusion

This memo provides a true and fair consistency review of the scope and potential impacts of the proposed change compared with the scope and potential environmental impacts of the determined project.

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The Proposed Change is consistent with the Division 5.2 Approval and with the EPBC Approval.

The CEMP will be updated to incorporate the change.

8. Other considerations

8.1 Permits, licenses and other approvals


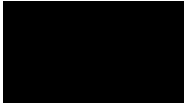
There are no additional approval requirements or changes to any permits, licenses or other approvals as a result of the proposed change.

9. Certification

Guidance

Author


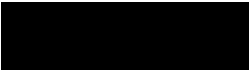
This consistency assessment provides a true and fair review of the proposed change for the M12 Motorway West project.

Name		Signature	
Position	Senior Environment and Sustainability Officer	Date	10 April 2025
Organisation	Transport for NSW		

Transport for NSW

The proposed change, subject to the implementation of all the environmental requirements of the project, is consistent with the Division 5.2 Approval.

The proposed change, subject to the implementation of all the environmental requirements of the project, is consistent with the EPBC Approval.

Name	
Signature	
Position	Environment and Sustainability Manager
Date	11/04/25

I have examined the proposed changes by reference to the Division 5.2 Approval in accordance with Section 5.25(2) of the EP&A Act [for Part 3A projects replace reference to 115ZI(2) with 75W and I have examined the proposed changes by reference to the EPBC Approval. I consider that the proposal is consistent with the Division 5.2 Approval and EPBC Approval.

I agree with the recommendations of the Daniel Saunders (Environment and Sustainability Manager) and approve of the carrying out the proposed change in accordance with those recommendations.

Name	
------	---

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Signature	<div></div>
Position	Transport Senior Environment and Sustainability Manager (M12/M7)
Date	17/04/2025

Name	<div></div>
Signature	<div></div>
Position	M12 Project Director
Date	17/04/2025

About this document

Title	M12 Minor Consistency Assessment Template
Prepared by	M12 – TfNSW Senior Environment and Sustainability Officer
Approved by	M12 – TfNSW Senior Environment and Sustainability Manager
Objective ID	A69394244
Document status	Version 2.0, February 2022

Version	Date	Revision description
1.0	02/04/2025	First draft
2.0	10/04/2025	Final for certification

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Appendix A: Location of work

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THIS DRAWING MAY BE PREPARED IN COLOUR AND MAY BE INCOMPLETE IF COPIED
50mm ON A3 SIZE ORIGINAL



DRAWING FILE LOCATION / NAME C:\Users\smith22\Documents\██████████\M12 West\12d Projects\M12 West				DESIGN LOT CODE		DESIGN MODEL FILE(S) USED FOR DOCUMENTATION OF THIS DRAWING				PLOT DATE / TIME Thu Apr 3 14:17:14 2025			CLIENT		M12 MOTORWAY WEST PROPOSED ADDITIONAL DRAINAGE WORKS SHEET 1 OF 1	A3	
EXTERNAL REFERENCE FILES				REV	DATE	AMENDMENT / REVISION DESCRIPTION		WVR No.	APPROVAL	SCALES ON A3 SIZE DRAWING		DRAWINGS / DESIGN PREPARED BY		TITLE			NAME
				01						<div>PACIFIC SURVEY</div>		<div><div>NSW GOVERNMENT</div><div>Transport for NSW</div></div>					
				02													
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CO-ORDINATE SYSTEM GDA 2020 MGA ZONE 56		HEIGHT DATUM AHD		<div>PACIFIC SURVEY</div>		SURVEYED BY				DATE							
DRAWN BY		LDPS		03-04-25		PREPARED FOR				RMS REGISTRATION No. ██████████		PART					
ISSUE STATUS FOR INFORMATION ONLY				EDMS No.		DRAWING No.		ISSUE 00									

Appendix B: Technical Note 1

Report redacted for external publication

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Appendix C: AHIMS Search

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Transport for NSW - 821 Pacific Highway Chatswood

Date: 04 April 2025

Level 5 Tower A Zenith Centre 821 Pacific Highway
Chatswood New South Wales 2067

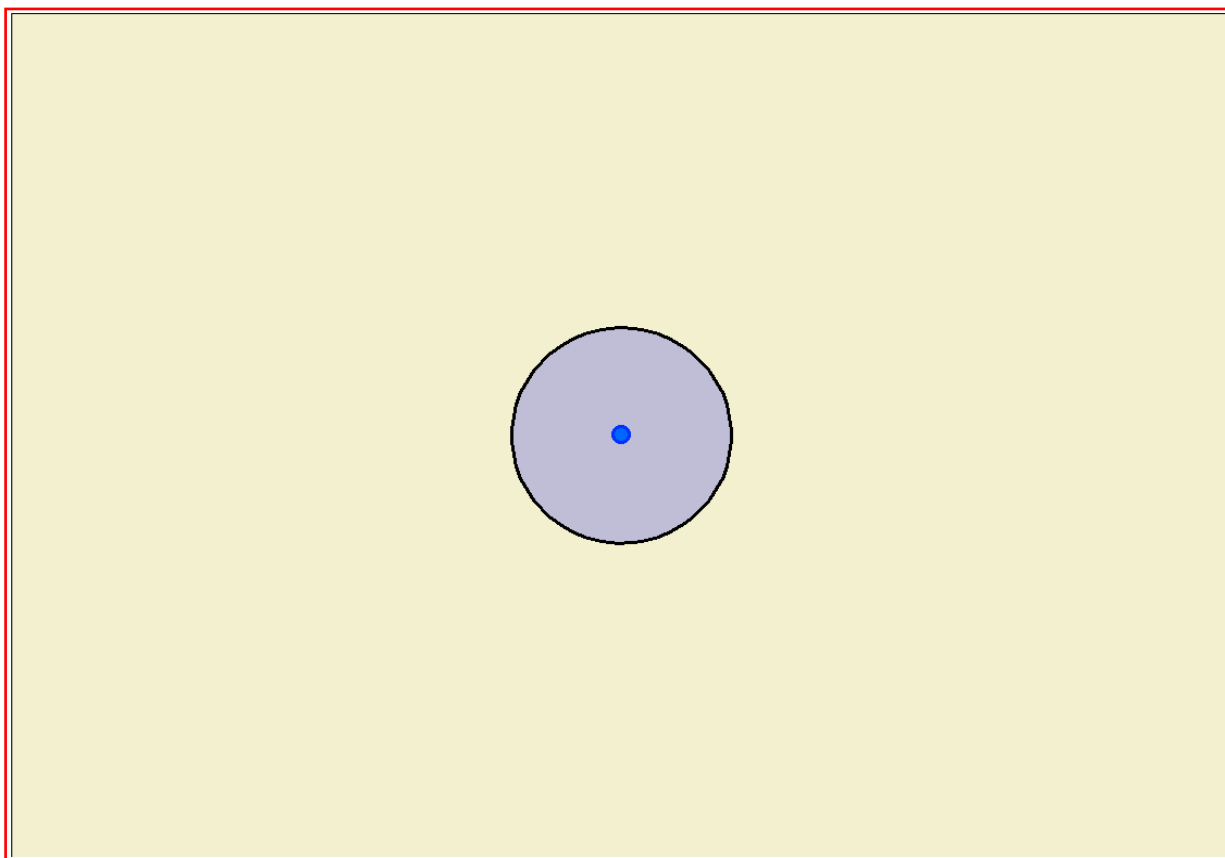
Attention: [REDACTED]

Email: [REDACTED]@transport.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 765 LUDDENHAM ROAD LUDDENHAM 2745 with a Buffer of 50 meters, conducted by [REDACTED] on 04 April 2025.

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:

0	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 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.