Review of Environmental Factors

New road and intersection upgrade
Links Road B, St Marys



Prepared for Maryland Development Company Pty Ltd (Lendlease)
Submitted to Penrith City Council

Updated September 2025

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3	DW	DK	27/02/24	Final
4	DW	DK	23/10/24	Final v2
5	DW	DK	2/09/2025	Final v3

Declaration

This Review of Environmental Factors (REF) has been prepared by Keylan Consulting Pty Ltd for Penrith City Council (Council) and provides an assessment of the potential environmental impacts associated with the proposed roadworks to Links Road, Christie Street and Lee Holm Road, St Marys in the Penrith City Local Government Area.

In 2006, Lendlease Development Pty Ltd / St Marys Land Limited (the Joint Venture) entered into a planning agreement with Council. The St Marys Penrith Planning Agreement (the Planning Agreement) sets out obligations for the Joint Venture including the provision of 'local transport works' to Links Road, Christie Street and Lee Holm Road for public benefit. This is outlined in Section 17 and Annexure 2A of the Planning Agreement and further discussed in Section 2.1 of this REF.

Council is a public authority and therefore the determining authority as defined under Section 5.3 of the EP&A Act because the works are being carried out on behalf of Council. The proposal satisfies the definition of an activity under Part 5.1(1)(d) of the *Environmental Planning and Assessment Act 1979* and as such, Council must assess and consider the environmental impacts before determining whether to proceed with the activity.

This REF has been prepared in accordance with the guideline and legislation outlined below and provides a true and fair assessment of the likely impact on the environment and addresses, to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the activity.

- The Department of Planning and Environment's (DPE) *Guidelines for Division 5.1 Assessments* as required under Clause 170 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021).
- Section 5.5 of the EP&A Act and Clause 171 of the EP&A Regulation 2021 which relate to consideration of environmental impacts.

The findings of this REF conclude that:

1. The activity is not likely to have a significant impact on the environment and therefore, an Environmental Impact Statement (EIS) is not required.
2. The activity is not likely to significantly affect any threatened flora and fauna species, populations or ecological communities or their habitats as defined under the *Biodiversity Conservation Act 2016* and therefore a Species Impact Statement (SIS) or Biodiversity Development Assessment Report (BDAR) is not required.
3. The activity will not affect Commonwealth land as it is not being carried out on Commonwealth land and is not likely to significantly impact on any Matters of National Environmental Significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The proposed activity is therefore recommended for approval, subject to implementation of the measures to avoid, minimise or manage the environmental impacts identified in this REF.

REF author and reviewer

Author's name and qualifications	Danielle Wigg BP
Reviewer's name and qualifications	Dan Keary BSc MURP RPIA
Approved by	Dan Keary
Title	Director
Organisation	Keylan Consulting Pty Ltd
Signature	Dan Keary
Date (revised version)	2/09/2025

Determining authorities verification and determination

I have examined the Review of Environmental Factors and the declaration by the author and accept the report on behalf of Penrith City Council.

Name	Nik Proufas
Title	City Assets Manager
Organisation	Penrith City Council
Signature	
Date	

I determine that the proposal is approved and may proceed.

Name	Nik Proufas
Title	City Assets Manager
Organisation	Penrith City Council
Signature	
Date	

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1 Introduction

This REF has been prepared on behalf of Council to assess the environmental impacts associated with the proposed roadworks to Links Road, Christie Street and Lee Holm Road, St Marys within the Penrith Local Government Area.

The proposed roadwork activity can be undertaken under Part 5, Division 5.1 of the EP&A Act as:

- The works are being carried out on behalf of Council and therefore Council is both a public authority proponent and the prescribed determining authority under sections 5.1 and 5.3 of the EP&A Act respectively.
- The works satisfy the definition of an activity under Part 5.1(1)(d) of the EP&A Act '*(1) In this Division—… **activity** means— (d) the carrying out of a work'*
- The proposal is not development specified under Section 1 of the *Guidelines for Division 5.1 Assessments* (the Guidelines) which would prohibit the REF planning pathway. An assessment against the Guidelines is provided in Appendix 1.

This REF describes the works proposed, assesses the likely impacts on the environment and whether those impacts are likely to have significant environmental effect. It further details protective measures to be implemented in Section 9.

The REF helps to fulfil the requirements of Section 5.5 of the EP&A Act, which requires Council as the determining authority to examine and take into account to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the proposed activity.

1.1 Scope of the REF

The REF is required to fulfil Planning Agreement obligations described in Section 2.1 below and has been prepared in accordance with:

- Section 5 of the EP&A Act, specifically Clauses 5.1, 5.5 and 5.7
- Clause 170 and of the EP&A Regulation
- The Guidelines

In accordance with Section 2 of the Guidelines, the determining authority will need to consider the matters below when assessing the REF. The REF has been prepared to address such matters:

- whether the proposal is likely to have significant impact on the environment and therefore requires preparation of an EIS (the REF concludes that an EIS is not required).
- whether the proposal requires a SIS and/or BDAR to analyse impacts on threatened species, populations and ecological communities and their habitats or the impacts on biodiversity values respectively (the Biodiversity Assessments provided at Appendix 3 and Appendix 13 respectively confirm a SIS is not required).

- whether the proposed activity can proceed subject to any mitigation measures and/or conditions (the proposed mitigation measures in Section 9 are suitable and have been recommended by expert consultants).
- the activity is not likely to affect Commonwealth land as it is not being carried out on Commonwealth land, and is not likely to significantly impact on any Matters of National Environmental Significance listed under EPBC Act.

The proposed activity is therefore recommended for approval, subject to implementation of the measures to avoid, minimise or manage the environmental impacts identified in this REF.

1.2 Scope of proposed activity

The activity involves extension of Links Road from where it currently terminates in accordance with the DA18/1163 (refer to Section 4) consent and upgrade of the Christie Street and Lee Holm Road intersection in St Marys within the Penrith City Local Government Area.

Specifically, the works include:

- extension of Links Road to the Christie Street and Lee Holm Road intersection
- upgrade of the current unsignalised t-intersection at Christie Street and Lee Holm Road to a new four-way signalised intersection
- construction of additional road pavement and mill and re-sheet of existing pavement
- utility works and drainage infrastructure
- provision of infrastructure such as street lighting, signage and line marking, road furniture, traffic signals and relocation of transport (bus signage) infrastructure
- earthworks, landscaping and construction of retaining walls

The design and construction of the proposal will need to implement the outcomes and mitigation measures as described within this REF.

1.3 REF amendments

If any changes to the proposal occur after submission of the REF, the process to amend (pre-determination) or modify (post-determination) will be undertaken in accordance with the processes outlined on page 24 of the Guidelines.

2 The site

The site is located within St Marys, approximately 5 kilometres (km) north-east of Penrith and 45 km west of the Sydney CBD.

The site comprises a vegetated area, disused railway track and unformed road southeast of Links Road A, small portions of industrial land and the Lee Holm Road and Christie Street road corridors.

The extent of the site is described in the Table 1 and shown in the figure below.

Legal description	Address	Land description
Lot 1 DP31908	118 Links Road	Vegetated lot with Links Road A to the west
Lot 7 DP31908	75B Dunheved Circuit	Largely vegetated lot with disused rail corridor in the centre
Lot 2 DP701087	73A Christie Street	Largely vegetated lot with a small portion of built form to the south
Lot 136 DP 31912	53 Christie Street	No built form
Lot 2 DP1216778	61-63 Christie Street	Shell Petrol Station St Marys
Lot 99 DP 1005237	72-74 Christie Street	Industrial warehouse – SIMS Metal Management
Lot 15 DP800766	66 Christie Street	Mid West Transport Services
Lot 137 DP31911	49-51 Christie Street	Vegetated lot adjacent to northern side of Christie Street

Table 1: Legal descriptions of site

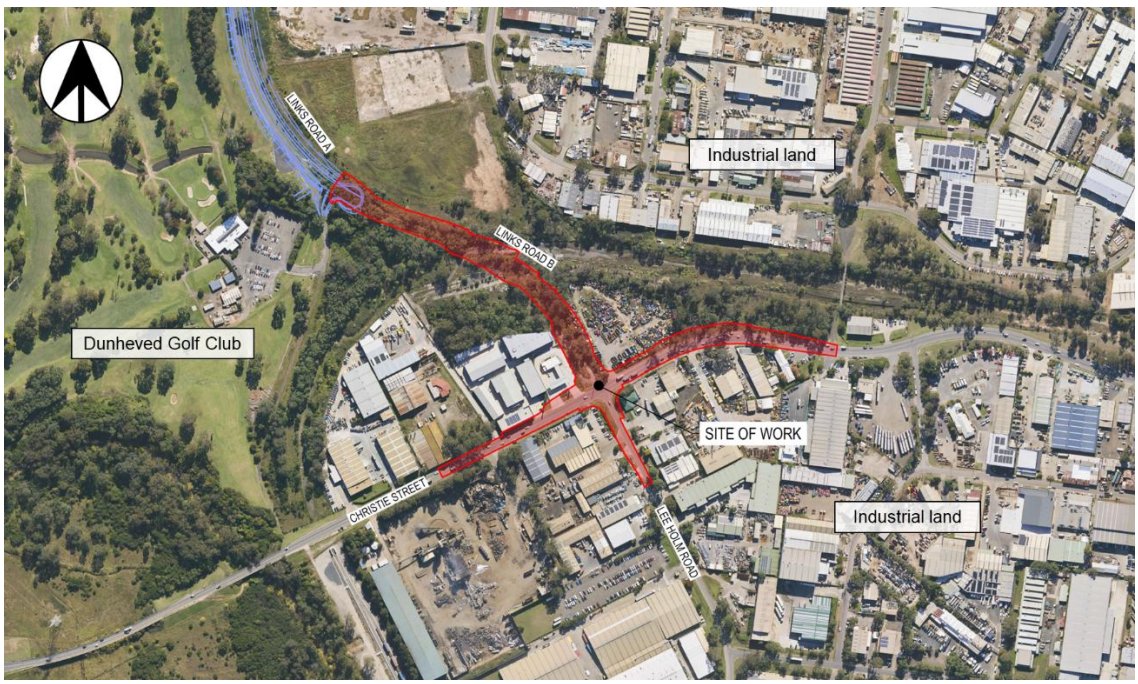


Figure 1: Site and site context (Source: SMEC)

The Traffic Impact Assessment (Appendix 6) describes the surrounding road environment characteristics as summarised below:

- **Christie Street and Lee Holm Road intersection:** unsignalised T-intersection
- **Christie Street:** regional two-way road (No. 7485) with a posted speed limit is 60 km/ hr. The road runs east-west and accommodates one traffic lane and one parking lane in each direction. Kerbside parking is provided along most of its length except for the kerb sections at driveways or no stopping / no parking zones.
- **Links Road:** local two-lane, two-way road with posted speed limit of 60 km/hr. It provides access to the existing Dunheved Business Park located north of Christie Street. The proposal includes extension of this road to connect with Christie Street at Lee Holm Road intersection. No kerbside parking restrictions are implemented, and on-street parking is utilised where the road width permits
- **Lee Holm Road** local two-lane, two-way road which runs south then continues north as Power Street. The road provides access to the Dunheved Business Park south of Christie Street. Although parking restrictions are not currently implemented, on-street parking is not common due to the narrow carriageway. The posted speed limit is 60 km/hr.

2.1 Surrounding Development

The locality is shown in the figure below and comprises a range of businesses including wreckers and scrap yards, supply stores, industrial retail outlets and warehouse and distribution stores such as:

- Kennards Self Storage St Marys
- Shell Coles Express St Marys
- Mid West Transport Services
- Sims Metal Management

Further to the north is Wianamatta Regional Park, South Creek, future commercial development and local roads associated with the St Marys Development Precinct.

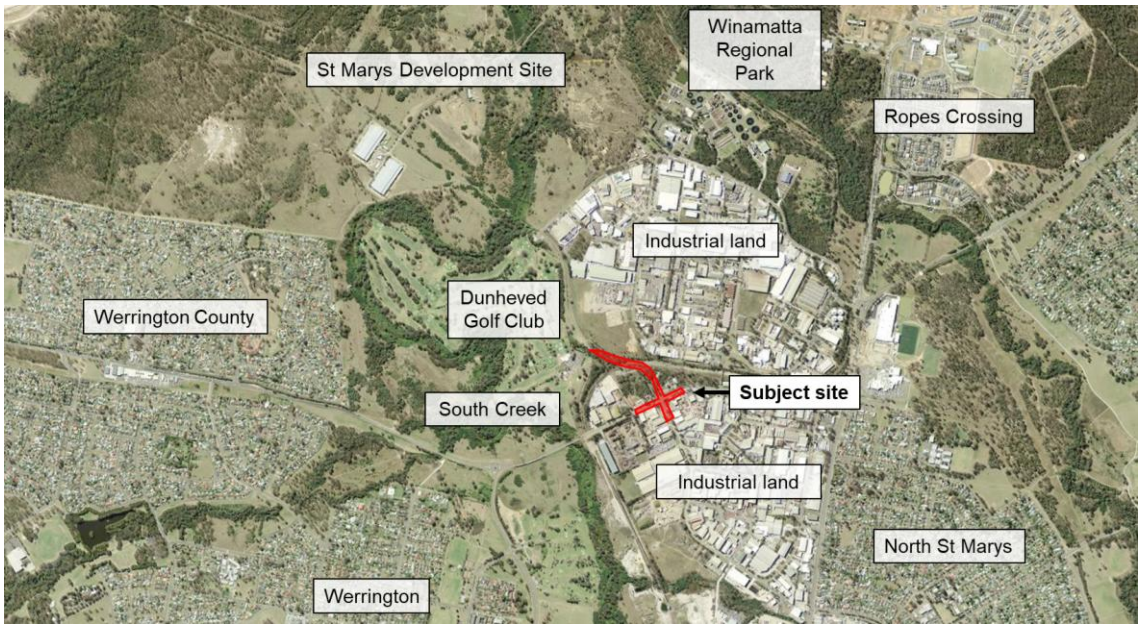


Figure 2: Surrounding locality (Base source: Six Maps)

3 Background

3.1 St Marys Penrith Planning Agreement

The REF has been prepared with reference to the works required under the St Marys Penrith Planning Agreement.

In 2006, Lendlease Development Pty Ltd/St Marys Land Limited (the Joint Venture) entered into the Planning Agreement with Council for the delivery of a variety of infrastructure upgrades as part of the Jordan Springs development. The Planning Agreement was amended in December 2018.

Regarding Links Road specifically, the Planning Agreement requires the completion of the works described in the table below and shown indicatively on Figure 3, Figure 4 and Figure 5.

Item	Proposed scope of works	Notional works value
ITEM 4 *New intersection – Links Road Extensions and Christie Street*	*Installation of a new intersection (see Drawing SK703 Rev 2 in Annexure 2E)*	*$3,808,478*
ITEM 5 *Links road Upgrade and Extensions (Dunheved Precinct to Christie Street)*	*Augmentation of existing Links road and extension of existing Links Road to Christie Street. The road cross-section to be 21.6m wide with 12.0 wide carriageway (see Drawing SK12 Rev 3 in Annexure 2F)*	*$10,927,000*
ITEM 6 (Obligation Closed February 2020) *Line marking: Christie Street (South Creek Bridge to Forrester Road)*	*Line marking and signage to establish two lanes in each direction.*	*$500,000*

Table 2: Annexure 2A Planning Agreement Extract (Source: Council)

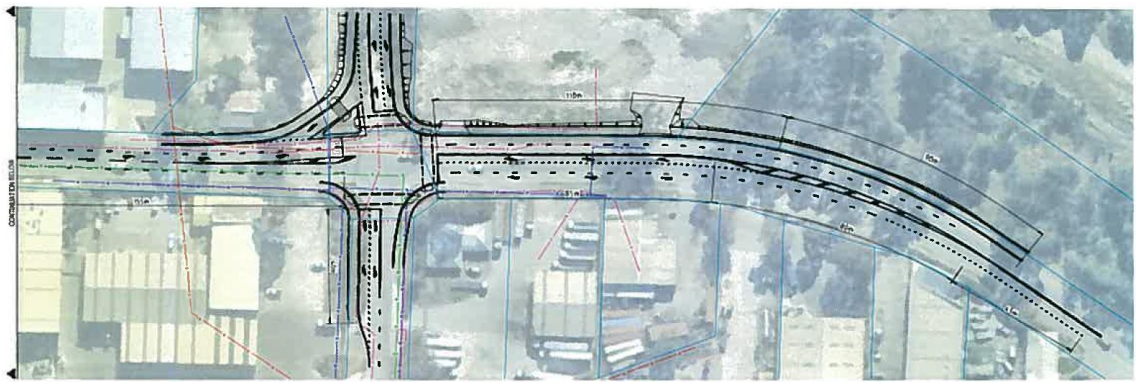


Figure 3: VPA item 4 new intersection Links Road extension and Christie Street (Source: St Marys Penrith Planning Agreement)



Figure 4: VPA item 4 new intersection Links Road extension and Christie Street (Source: St Marys Penrith Planning Agreement)

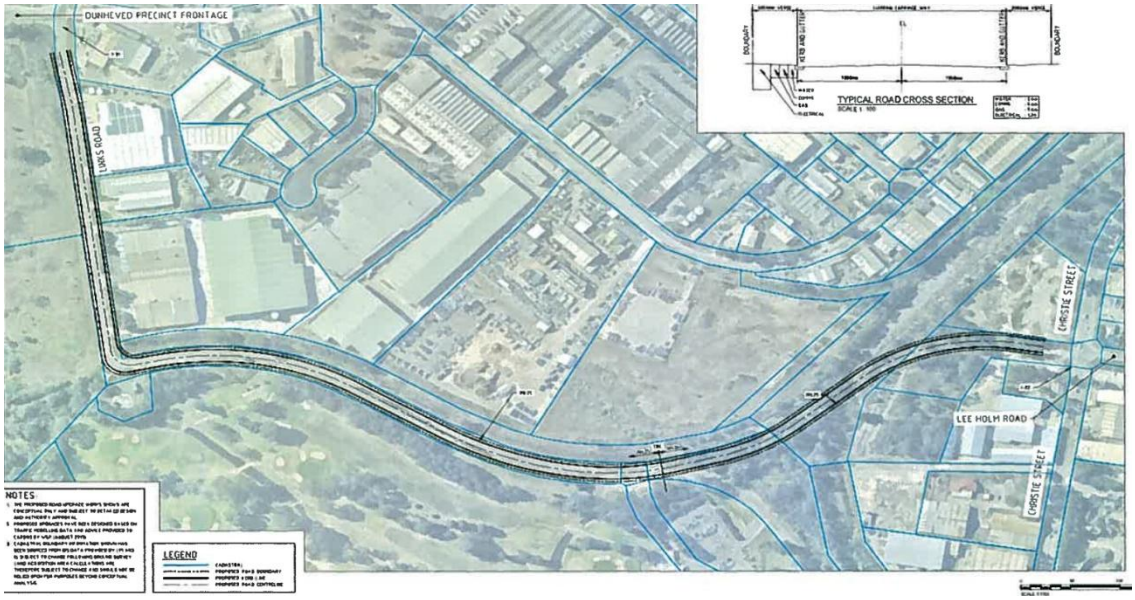


Figure 5: VPA item 5 Links Road upgrade and extension (Dunheved Road to Chrisie Street) (Source: St Marys Penrith Planning Agreement)

3.2 Links Road A development consent DA18/1163 and VPA obligations

On 22 November 2018, DA18/1163 was submitted to Council with the intent of fulfilling all road works required by the Planning Agreement for Links Road. During the post lodgement stage, Council requested the works be split into two planning approvals resulting in 'Links Road A' and 'Links Road B'.

On 5 February 2021, Council approved DA18/1163 for the construction of Links Road A which partially completed item 5 of the Planning Agreement.

This REF seeks approval to complete items 4 and 5 of the Planning Agreement. It is noted that item 6 was previously paid as a cash contribution for the Notional Works Value, as agreed between Lendlease and Council in February 2020 as it represented a Better Outcome under the Planning Agreement.

4 Proposed activity

4.1 Summary of the activity

The proposal is for the construction of a new section of road from Links Road to Christie Street and upgrade the Christie Street and Lee Holm Road from an unsignalised T-intersection to a four-leg signalised intersection.

Specifically, the proposed works involve:

- extending the road from Links Road A where it currently terminates (under DA18/1163) to the Christie Street and Lee Holm Road intersection
- construction of a new four-way signalised intersection at Christie Street and Lee Holm Road
- construction of additional road pavement and mill and re-sheet of existing pavement
- utility works and drainage infrastructure
- provision of supporting infrastructure including street lighting, signage and line marking, road furniture, traffic signals and relocation of transport (bus signage) infrastructure
- earthworks, landscaping and construction of retaining walls

The proposed works are shown within the 50% Detailed Design at Appendix 2 and in the figures below.

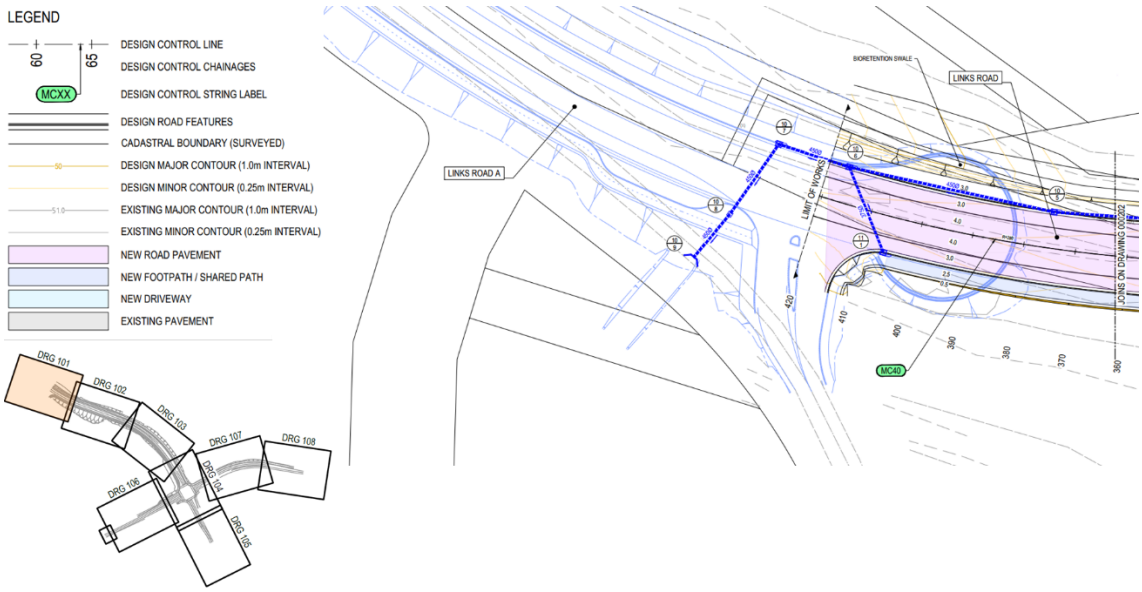


Figure 6: Proposed road alignment and detail (Source: SMEC 50% detailed design)

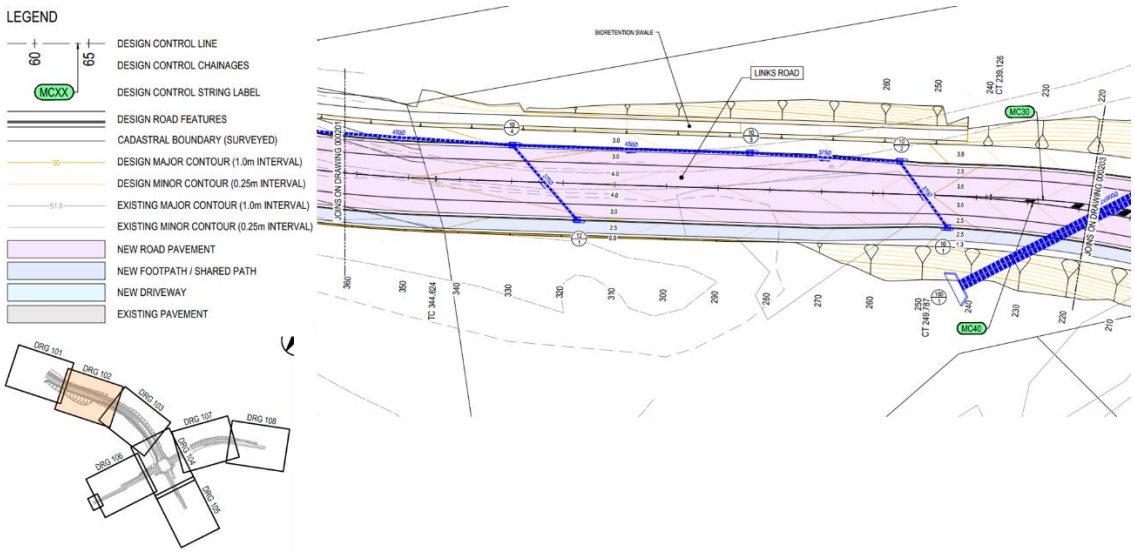


Figure 7: Proposed road alignment and detail (Source: SMEC 50% detailed design)

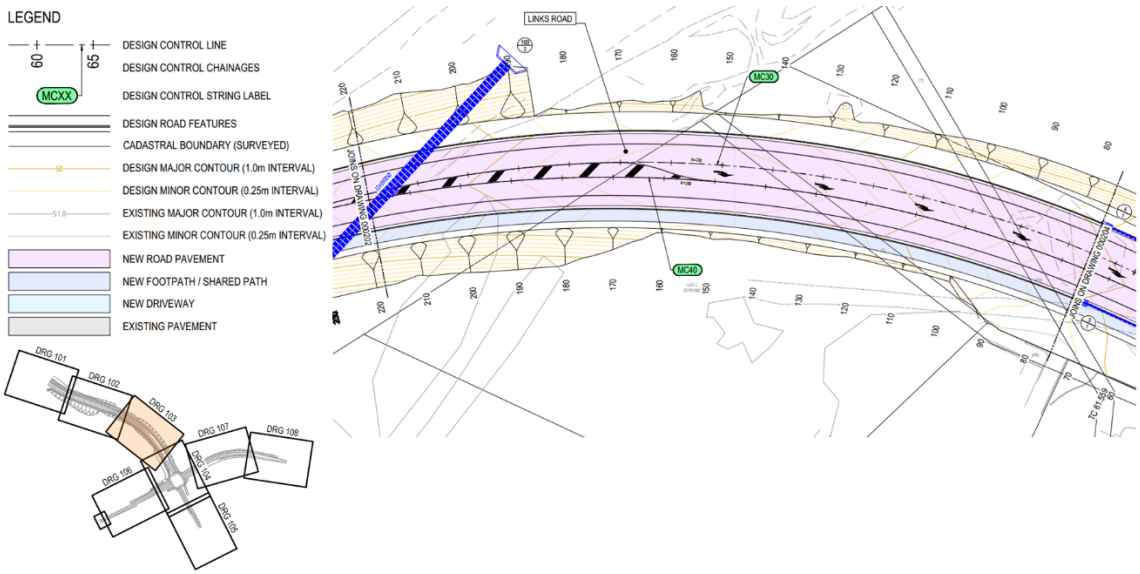


Figure 8: Proposed road alignment and detail (Source: SMEC 50% detailed design)

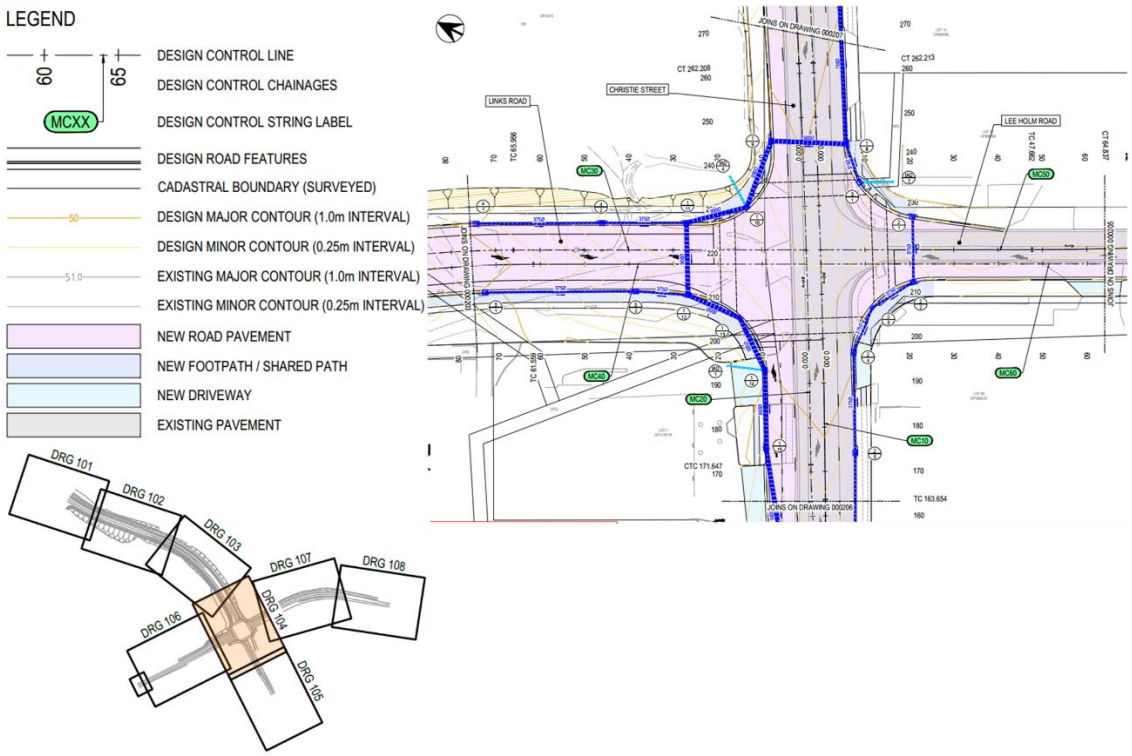


Figure 9: Proposed road alignment and detail (Source: SMEC 50% detailed design)

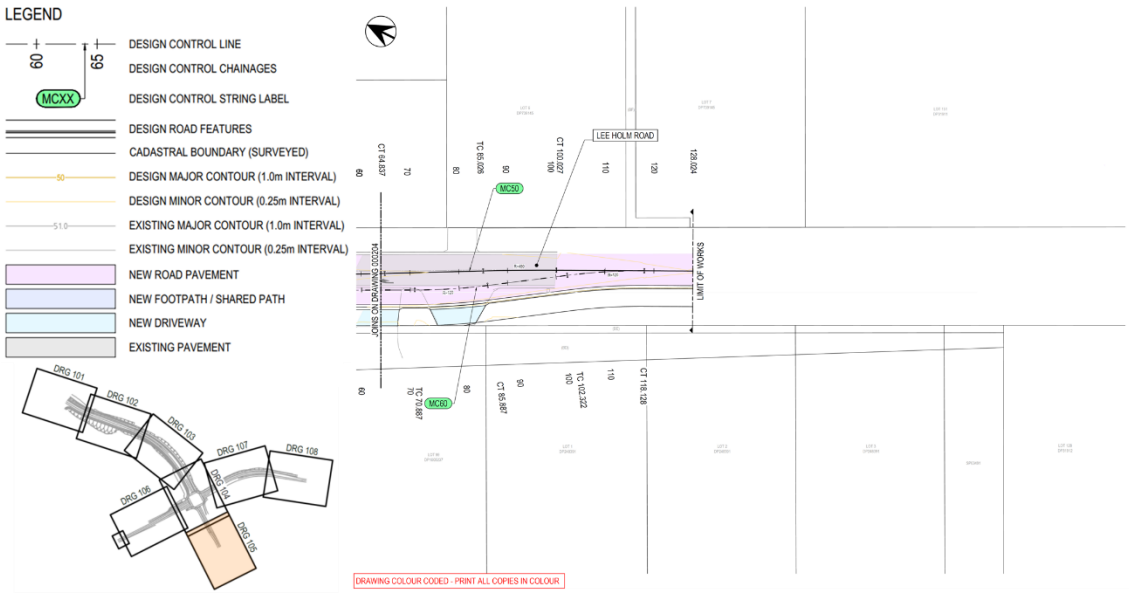


Figure 10: Proposed road alignment and detail (Source: SMEC 50% detailed design)

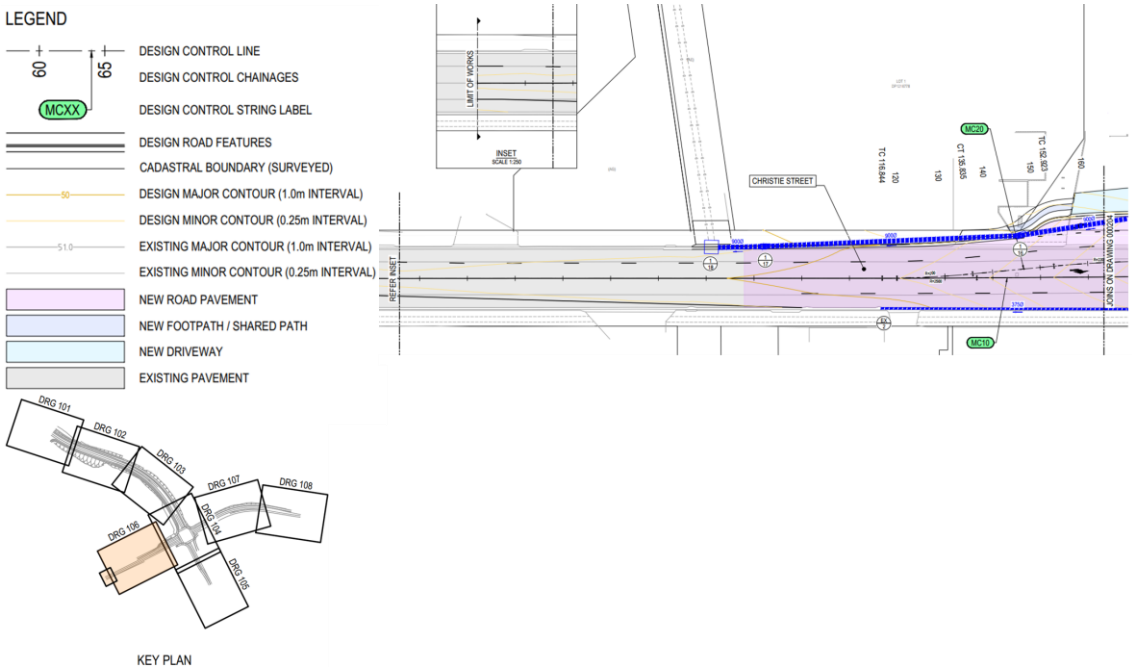


Figure 11: Proposed road alignment and detail (Source: SMEC 50% detailed design)

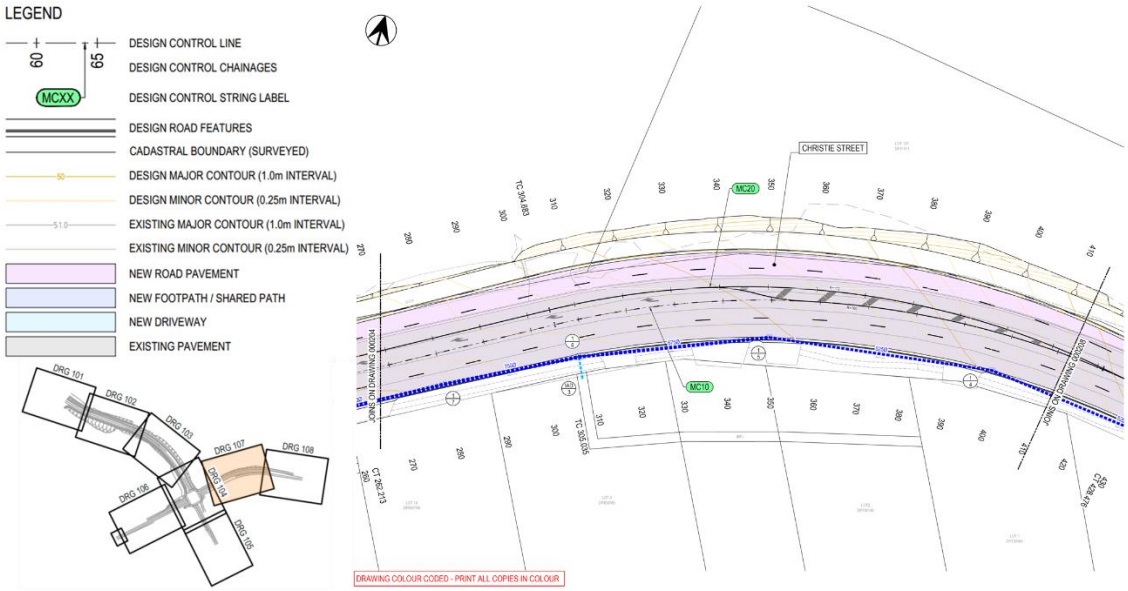


Figure 12: Proposed road alignment and detail (Source: SMEC 50% detailed design)

4.2 Construction

A detailed construction methodology will be developed at a later design stage by the nominated contractor in consultation with Council as the relevant road authority. Notwithstanding, a summary of key construction activities and equipment is provided below.

Activity	Associated work	Indicative equipment
Preparation and enabling	• Obtain leases and licenses. • Complete property acquisition • Survey the construction site. • Relocate fencing. • Notify the community and stakeholders • Establish the site compounds and access routes. • Fence the site boundaries and areas to be used for stockpile sites. • Protect sensitive areas as defined by the construction environmental management plan. • Install temporary erosion, sediment and water quality controls, including site fences, and stormwater diversion drains. • Mark trees that would need to be removed or trimmed and mark any 'no-go' areas. • Install traffic management controls including and road closures and diversions • Install noise mitigation measures and safeguards	• Light vehicles • Trucks • Excavators • Generators • Graders • Site sheds • Back hoes • Water carts • Cranes • Hand tools • Low loaders
Utilities	• Adjust/ relocate utility infrastructure (water, gas, electricity and telecommunications) where required	• Light vehicles • Truck • Hand tools • Concrete saws • Generators • Back hoes • Water carts • Elevated work platforms
Surface preparation	• Remove and mulch vegetation in stages along the new road alignment. • Strip and stockpile topsoil in stages. • Prepare the surface using graders, dozers and other equipment.	• Light vehicles • Trucks • Excavators • Chainsaws • Mulchers • Rollers • Generators • Back hoes • Water carts • Cranes • Hand tools
Earthworks	• Excavate cuttings. • Create fill embankments. • Place select materials. • Construct roadside cuts and fill batters. • Prepare batter treatments. • Dispose of unsuitable and/ or surplus material	• Excavators • Dump trucks • Compactors • Graders • Front-end loaders • Rollers • Water carts • Profilers • Bulldozers • Vibratory rollers

Activity	Associated work	Indicative equipment
		• Rock breakers
Road surface	• Gravel base/ sub-base layers and asphaltic concrete paving. • Apply spray-seal.	• Concrete trucks • Concrete pumps • Vibratory rollers • Compactors • Concrete saws • Compressors • Bitumen sprayers • Generators Milling machines • Trucks • Asphalt paving machines • Asphalt trucks • Rollers • Batch plants
Tie in and road markings	• Remove section of old road surface and complete road widening and tie in the new road to existing roads	• Light vehicles • Trucks • Hand tools • Generators • Line marking machines
Finishing works	• Conclude property access. • Complete tie-in. • Install safety barriers. • Install, gutters and verges. • Rehabilitate disturbed areas and landscape. • Install line marking, signs and guideposts. • Decommission temporary facilities. • Installation of street lighting and signage	• Generators • Trucks • Cranes • Light vehicles

Table 3: Anticipated key construction activities and equipment

For works described within the table above, the anticipated construction hours are as follows:

- 7.00 am to 6.00 pm Monday to Friday
- 8.00 am to 1.00 pm Saturdays and
- No work on Sundays or public holiday

We note the following works may occur outside of these construction hours. Noise and traffic impacts for these works have been assessed by the relevant consultants (Appendix 4 and 6 respectively) which found the impacts were acceptable.

- intersection upgrade works that are considered high-risk to be undertaken whilst maintaining the operation of all existing traffic lanes
- pavement upgrade and re-surfacing works
- traffic switch works to maintain property access during the daytime
- delivery of oversized plant or large prefabricated structures

In accordance with TfNSW's Construction Noise Strategy, approval from TfNSW will be sought for works outside of the anticipated construction hours and the affected community will be notified.

Separately, we expect that utility connections may also be required to occur outside of the anticipated construction hours as nightworks so as to minimise disruption to the community.

4.3 Timing

Subject to planning approvals, land acquisition, weather and coordinating with other construction activities in St Marys, construction is anticipated to take about 12 months to complete.

5 Consultation

5.1 Consultation required under State Environmental Planning Policy (Transport and Infrastructure) 2021

Clauses 2.10 - 2.15 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* contains the requirements for consultation with Councils and public authorities based on the level of impact arising from the works.

It is noted Clause 2.17(c) states that Clauses 2.10 – 2.15 do not apply to the extent that they would require notice to be given to a council or public authority that is carrying out the development or on whose behalf it is being carried out. Accordingly, clauses requiring consultation with the relevant Council are not applicable.

An assessment against Clauses 2.10-2.12 and Clause 2.14 has been undertaken, as outlined in the table below.

Transport and Infrastructure SEPP Consultation Requirements	Consultation required	Comment
Consultation with Council – section 2.10(1), Council related infrastructure or services		
Will the activity:		
(a) Potentially have a impact on stormwater management services provided by the Council?	N	It is acknowledged minor modifications to the stormwater drainage system are proposed. As confirmed by the Overland Flow Report (Appendix 5), the proposal will not result in any adverse impacts.
(b) Be likely to generate traffic that will strain the capacity of the road system in the LGA?	N	Section 6 of the Traffic Impact Assessment (Appendix 6) confirms the surrounding road networks have capacity to accommodate the proposal.
(c) Involve connection to, and have a substantial impact on, the capacity of any part of a sewerage system owned by Council?	N	N/A - the proposal will not impact any sewerage systems.
(d) Involve connection to and use a substantial volume of water from any part of a water supply system owned by Council?	N	N/A - the proposal will not use any water from a Council owned system.
(e) Involve the installation of a temporary structure on, or enclosing of, a public place that is under the Council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential?	N	N/A the proposal does not involve any temporary structures.
(f) Involve the excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which the Council is the roads authority	N	It is noted minor excavation will occur adjacent to the footpath at the Christie Street and Lee Holm Road intersection.

Transport and Infrastructure SEPP Consultation Requirements	Consultation required	Comment
under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).		In accordance with Clause 2.17, consultation with Council is not required.
Consultation with Council – section 2.11(1), local heritage		
Is it likely that the activity will have an impact, that is not minor or inconsequential, on a local heritage item (other than a local heritage item that is also a State heritage item) or a heritage conservation area?	N	The former Dunheved Fire Station is located at 50 Christie Street St Marys and is listed on the PLEP 2010 as a local heritage item (number 655) for its historical associations and social significance. As shown on the 50% Detailed Design (Appendix 2), a portion of the roadworks occur in front of local heritage item 655. However, it is emphasised the road works do not involve road widening and the footpath and parking lane remains in the same position. Meaning, the roadworks have no impact on the distance from the road to the heritage item. Notwithstanding, Artefact has prepared Built Heritage Advice (Appendix 10) to assess any potential impacts. The advice concludes the proposal will not increase any impacts on the heritage item and therefore a Heritage Impact Assessment is not required. There are no nearby Heritage Conservation Areas.
Consultation with Council – section 2.11(2)(b), local heritage		
If yes to section 2.11(1) above, has a copy of the Heritage Impact Statement and a scope of works been provided to the Council?	N	As stated above, a Heritage Impact Statement is not required.
Consultation with Council – section 2.12, flood liable land		
Will the works be located on flood liable land and will they alter flooding patterns more than to a minor extent?	N	In accordance with Clause 2.17 consultation with Council is not required. However, it is noted the works are on flood liable land. As confirmed by the Overland Flow

Transport and Infrastructure SEPP Consultation Requirements	Consultation required	Comment
		Report (Appendix 5), the proposal will not alter any of the flood categories as a result of the proposal.
Consultation with State Emergency Service— section 2.13 development with impacts on flood liable land		
Is the activity located on flood liable land and classified as a relevant provision? If yes, the public authority or person acting on behalf of the public authority must have: *(a) given written notice of the intention to carry out the development (together with a scope of works) to the State Emergency Service, and* *(b) taken into consideration any response to the notice that is received from the State Emergency Service within 21 days after the notice is given.*	Y	The *Flood Risk Management Manual 2023* defines flood liable land as 'land susceptible to flooding by the PMF event'. As part of the site is subject to the PMF event and development is the purposes of 'road and traffic' consultation with the State Emergency Service (SES) is required under Clause 2.13 (1) and (2)(h). In accordance with Clause 2.13(1), Lendlease as the person acting on behalf of Council (public authority) will consult SES post lodgement. Consultation can be undertaken post lodgement as per page 18 of the Guideline.
Consultation with councils— section 2.14 development with impacts on certain land within the coastal zone		
Is the activity on land that is within a coastal vulnerability area and is inconsistent with a certified coastal management program that applies to that land?	N	N/A - land is not within a costal vulnerability area.
Consultation with public authorities other than councils – section 2.15		
Will the activity be located:		
(a) on or adjacent to land reserved under the *National Parks and Wildlife Act 1974*?	N	It is understood that the land is not on or adjacent to land reserved under this Act.
(b) development of land in Zone E1 National Parks and Nature reserves or in a land use zone that is equivalent to that zone, other than land reserved under the National Parks and Wildlife Act 1974	N	The proposal is not located on land zoned E1, an equivalent zone or reserved under this Act. Therefore, no consultation is required.
(c) development comprising a fixed or floating structure in or over navigable waters	N	N/A – the proposal does not involve a fixed or floating structure.
(d) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map	N	N/A the site is not located within the dark sky region map.

Transport and Infrastructure SEPP Consultation Requirements	Consultation required	Comment
(e) development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument	N	N/A - the proposal is not located on the defence receiver station near Morundah.
(f) development of land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*	N	N/A - the proposal is not identified withing a mine subsidence district on NSW Spatial Viewer.
Consideration of Planning for Bush Fire Protection – section 2.16		
This section applies to development for the following purposes of health services facilities, correctional centres, and residential accommodation	N	N/A - the proposal does not involve health services facilities, correctional centres or residential accommodation.
Exceptions – section 2.17(d)		
Sections 2.10-2.15 do not apply with respect to the development to the extent that they would require notice to be given to a council or public authority that is carrying out the development or on whose behalf it is being carried out.	Y	Consultation with Council is not required.

Table 4: Consultation requirements under the Transport and Infrastructure SEPP

5.2 Consultation

5.3 Penrith City Council

The development is being carried out on behalf of Council, which is also the determining authority and the relevant road authority.

The table below details the consultation between Council, The APP Group (APP) (Project Manager) and Lendlease to date. As outlined, consultation has been extensive and collaborative to ensure the REF is submitted in accordance with Council's expectations.

Importantly, as noted in Section 3.2 and the table below, DA18/1163 (Links Road A approval) was submitted with the intent of fulfilling road works required by the Planning Agreement.

Accordingly, the consultant reports submitted for the Links Road A DA largely capture the area of roadworks proposed by this REF within their respective assessments. These include:

- Biodiversity Assessment Report
- Traffic Impact Study
- Noise and Vibration Impact Assessment Report
- Aboriginal Cultural Heritage Assessment Report
- Environmental Site Assessment

On 13 April 2023, Keylan on behalf of Lendlease wrote to Council proposing preparation of supplementary letters confirming the consultant reports (listed above) remain largely relevant to the proposed works for Links Road B and relevant legislation instead of preparing new reports. Council accepted this approach on 28 May 2023.

Meeting date	Matter discussed
Ongoing monthly meetings (September 2022 13 December 2023)	Council and APP discussed the status of the delivery of roadworks on a monthly basis.
16 November 2022	Meeting to discuss the potential Planning Pathways
21 April 2023	Keylan issued Planning Approval Pathways summary for Council Review which recommended preparation of an REF.
17 May 2023	APP issued the intersection layout and concept design to Council and confirmed TfNSW have issued an Agreement in Principle.
28 May 2023	Council endorsed the: • proposed Planning Pathway being an REF • required consultant inputs being Biodiversity Assessment Report, Traffic Impact Study, Noise and Vibration Impact Assessment Report, Aboriginal Cultural Heritage Assessment Report, Environmental Site Assessment • proposal to utilise consultant inputs from DA18/1163 and prepare supplementary letters confirming the specialist reports remain in alignment with the proposed works and legislation.
10 October 2023	APP requested Council confirm their preferred REF template and need for Flood and Arborist report
25 October 2023	Council: • confirmed Keylan's REF template can be used • requested preparation of flood and arborist reports
25 October 2023	Council confirmed it is not a requirement to include the new line marking works on the western end of Christie Street within the new REF assessment area.

Table 5: Council meetings

5.4 Transport for NSW

As outlined above, consultation with TfNSW is not a legislative requirement under Clause 2.15 of the Transport and Infrastructure SEPP 2021. Notwithstanding, multiple meetings (as described within the table below) have been held with TfNSW, APP and Lendlease as the proposal involves the upgrade of an intersection to include traffic signals which necessitates a TfNSW TCS Agreement in Principle.

Importantly, on 21 April 2023 APP on behalf of Lendlease submitted the Links Road B Intersection Layout and model to TfNSW. On 10 May 2023, TfNSW issued an Agreement in Principle (Appendix 11) for the proposed works.

Meeting date	Matter discussed
17 January 2023	TfNSW Meeting to discuss changes to the Links Road B Intersection Layout
23 February 2023	TfNSW Meeting as a follow-up on the January Meeting
29 March 2023	TfNSW Advice on Links Road B Intersection Layout
21 April 2023	Submitted new Links Road Detailed Design
10 May 2023	TfNSW provided a new Agreement in Principle

Table 6: TfNSW meetings

5.5 Landowners impacted by land acquisition

The proposed works require land acquisition from St Marys Land Limited, TfNSW and other private owners.

Draft Acquisition Plans (as required under VPA Clause 17) will be submitted to Council post REF approval, as part of a separate process.

In the interim, Indicative Acquisition Plans (Appendix 14) and 50% Detailed Design (Appendix 2) have been prepared to identify the extent of proposed future acquisitions.

In summary, 3670.3m^2 of TfNSW land and 6301.2m^2 of privately owned land (comprising 5,395.1m^2 St Marys Land Limited land and 906.1m^2 of other private land) are required to facilitate the road works.

A full breakdown of the land required for acquisition is provided in the table below.

Lot / address	Area (m^2)	Ownership
Lot 7 / DP 31908, 118 Links Road	1,346	St Marys Land Limited
Lot 137 / DP 31911, 75B Dunheved Circuit	4,049.1	St Marys Land Limited
Lot 2 / DP 701087, 73A Christie Street	3,670.3	TfNSW
Lot 136 / DP 31912, 53 Christie Street	457.3	Private
Lot 99 / DP 1005237, 72-74 Christie Street	16.3	Private
Lot 15 / DP 800766, 66 Christie Street	39.7	Private
Lot 1 / DP 1216778, 69-73 Christie Street	11.7	Private
Lot 2 / DP 1216778, 61-63 Christie Street	381.1	Private
Total	**9971.5**	

Table 7: Proposed future acquisition

Given Council is the proponent of this application, any land owned by Council and identified for acquisition has been excluded from this section of the REF. However, the extent of Council land to be acquired is still identified in Appendix 14.

5.6 Notification

Section 171(4) of the EP&A Regulation 2021 outlines that the REF must be published on the determining authority's website or the NSW planning portal, subject to certain criteria.

The assessment provided in the table below concludes the REF needs to be published on Council (as the determining authorities) website as the proposal has a capital investment value of over $5 million.

For consistency with the Addendum Aboriginal Archaeological Survey Report recommendation detailed in Section 4.2 of Appendix 7, **the published REF should include Appendix 12 and exclude Appendix 7 to protect culturally sensitive information within the site.**

EP&A Regulation 2021 Notification Requirements	Y / N	Comment
171 Review of environmental factors—the Act, s 5.10(a)		
(4) The review of environmental factors must be published on the determining authority's website or the NSW planning portal if—		
(a) the activity has a capital investment value of more than $5 million, or	Y	Proposal is greater than $5 million.
(b) the activity requires an approval or permit as referred to in any of the following provisions before it may be carried out—	N	N/A
(i) Fisheries Management Act 1994, sections 144, 201, 205 or 219,	N	N/A
(ii) Heritage Act 1977, section 57,	N	N/A
(iii) National Parks and Wildlife Act 1974, section 90,	N	N/A – as described within Appendix 8, there are no gazetted Aboriginal places within the site and therefore an Aboriginal Heritage Impact Permit is not required. If Aboriginal objects are identified works will cease until an AHIP is issued by Heritage NSW.
(iv) Protection of the Environment Operations Act 1997, sections 47–49 or 122, or	N	N/A – waste will be less than 150,000 tonnes.
(c) the determining authority considers that it is in the public interest to publish the review	TBC	Clause 171(4)(c) is at the discretion of Council.

Table 8: Notification requirements under the Environmental Planning and Assessment Regulation 2021

6 Statutory Framework

This section provides a summary of the statutory planning context of the proposal including consideration of the relevant provisions of the EP&A Act, other legislation and relevant environmental planning instruments.

6.1 Environmental Planning and Assessment Act 1979

The EP&A Act sets out the statutory planning framework for NSW. Part 5 of the EP&A Act specifies the environmental impact assessment requirements for activities undertaken by public authorities which are permissible without development consent under Part 4 of the Act.

Clauses 170 and 171 of the EP&A Regulation outline the factors which must be considered when determining if an activity under Part 5 of the EP&A Act has a significant impact on the environment. Appendix 1 provides a checklist assessment these clauses.

In accordance with Clause 5.5 of the EP&A Act, Council, as the proponent and determining authority, must examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity.

This section provides a full environmental impact assessment of the proposal in accordance with these requirements. Mitigation measures are provided in Section 9.

6.2 Environment Protection and Biodiversity Conservation Act 1999

Under the Commonwealth EPBC Act, a referral is required to the Australian Government for any proposed actions that have the potential to significantly impact on Matters of National Environmental Significance or other matters protected by the EPBC Act.

An assessment against the EPBC Act checklist is provided at Table 9 and confirms the proposal does not impact any Matters of National Environmental Significance.

Consideration	Yes/No	Comment
Will the activity have, or likely to have, a significant impact on a declared World Heritage Property?	N	N/A
Will the activity have, or likely to have, a significant impact on a National Heritage place?	N	N/A
Will the activity have, or likely to have, a significant impact on a declared Ramsar wetland?	N	N/A
Will the activity have, or likely to have, a significant impact on listed threatened species or endangered community?	N	The Biodiversity Assessments (Appendix 3 and Appendix 13) conclude the proposal is unlikely to have a significant impact on any threatened species, populations or ecological communities.
Will the activity have, or likely to have, a significant impact on listed migratory species?	N	The Biodiversity Assessments (Appendix

Consideration	Yes/No	Comment
		3 and Appendix 13) conclude the proposal is unlikely to have a significant impact on any migratory species.
Will the activity involve any nuclear actions?	N	N/A
Will the activity have, or likely to have, a significant impact on Commonwealth marine areas?	N	N/A
Will the activity have any significant impact on Commonwealth land?	N	N/A
Would the activity affect a water resource, with respect to a coal seam gas development or large coal mining development?	N	N/A

Table 9: EPBC Checklist

6.3 Environmental Planning and Assessment Regulation 2021

Section 171(1) of the *Environmental Planning and Assessment Regulation* (2021) notes that when considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the guidelines that apply to the activity.

The *Guidelines for Division 5.1 Assessments* (DPE June 2022) provides a list of environmental factors that must be taken into account for an environmental assessment of the activity under Part 5 of the EP&A Act. These factors are considered at Section 6 of this REF and Appendix 1.

The *Guidelines for Division 5.1 Assessments (June 2022)* apply to the activity. The relevant assessment considerations under Section 3 of these Guidelines are provided below:

Factor	Impact	Comment
(a) any environmental impact on a community (social, economic and cultural impacts)	Positive	The proposal reduces travel times and improves road network performance which has a positive social and economic on the locality.
(b) any transformation of a locality	Neutral	The proposal: • significantly improves the road network through provision of a new road and intersection upgrade of no financial cost to Council • does not transform the existing character of the locality, which is defined by existing roads and surrounding industrial development.
(c) any environmental impact on the ecosystems of the locality	Neutral	The Biodiversity Assessments (Appendix 3 and Appendix 13)

Factor	Impact	Comment
		conclude the proposal is unlikely to have significant impact on any threatened species, populations or ecological communities. Mitigation measures will be implemented to avoid and minimise the potential biodiversity impacts associated with construction and operation of the roads.
(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	Neutral	The proposal has no impact on the aesthetic quality of the locality, will not impact on any recreation areas or assets and does not have an adverse ecological impact.
(e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.	Neutral	As noted in Appendix 7 and 10, there are no adverse impacts on Aboriginal or built heritage.
(f) any impact on the habitat of protected animals (within the meaning of the Biodiversity Conservation Act 2016)	Neutral	The Biodiversity Assessments (Appendix 3 and Appendix 14) acknowledge the potential loss of habitat for threatened species. However, subject to implementation of the mitigation measures proposed in Section 9.2, there will be no significant biodiversity impacts.
(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	Neutral	The Biodiversity Assessments (Appendix 3 and Appendix 14) conclude that, subject to implementation of mitigation measures in Section 9.2, there will be no endangering of any species.
(h) any long-term effects on the environment	Neutral	The Biodiversity Assessments (Appendix 3 and Appendix 14) conclude that, subject to implementation of mitigation measures in Section 9.2, there will be no significant ecological impacts.
(i) any degradation of the quality of the environment	Neutral	The Biodiversity Assessments (Appendix 3 and Appendix 14) conclude subject to implementation of mitigation measures in Section 9.2, there

Factor	Impact	Comment
		will be no significant ecological impacts.
(j) any risk to the safety of the environment	Positive	The proposal will improve road safety through upgrading a poorly performing intersection.
(k) any reduction in the range of beneficial uses of the environment	Neutral	As described within the Addendum Environmental Site Assessment (Appendix 9), Links Road is a disturbed site and contains illegal dumping. In addition, the Traffic Impact Assessment (Appendix 6) concludes Christie Street/Lee Holm Road intersection is currently under performing resulting in significant delays. Therefore, the site is not currently subject to a beneficial use.
(l) any pollution of the environment	Neutral	The proposal will not result in any adverse contamination, waste or run off issues.
(m) any environmental problems associated with the disposal of waste	Neutral	All waste generated from the proposal will be managed appropriately. This is discussed further in Section 8.10.
(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	Neutral	The proposal will not have an impact on resources which are in short supply.
(o) any cumulative environmental effect with other existing or likely future activities	Neutral	The Proposal is a road extension and upgrade. Construction will be managed to minimise environmental impacts and its operation will result in improved road network performance.
(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions	N/A	The proposal does not impact on any coastal processes or coastal hazards.
(q) Any applicable local strategic planning statement, regional strategic plan or district strategic plan made under Division 3.1 of the Act	Positive	As discussed in Section 7 of this REF, there is strategic need for the roadworks as the proposal satisfies the planning priories/actions within the following documents: • *Greater Sydney Region Plan* • *Western City District Plan* • *Penrith City Strategy*

6.4 Other legislation

Legislation	Description	Relevant to the project
National Parks and Wildlife Act 1974 (NPW Act)	This Act relates to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal objects.	The AASR and Addendum AASR (Appendix 7) confirms an Aboriginal heritage impact permit under section 90 of the NPW Act is not required as there are no gazetted Aboriginal places in the study area.
Threatened Species Conservation Act 1995 (TSC Act)	The TSC Act provides for the protection of vulnerable and endangered flora, fauna and communities and populations and their habitat. It makes it an offence to harm terrestrial critical flora and fauna habitat or threatened species populations and ecological communities and their habitat without an appropriate assessment, inclusion of safeguards and /or the appropriate permissions to carry out certain work.	The Biodiversity Assessments (Appendix 3 and Appendix 14) acknowledge there is threatened flora, fauna and communities on site. However, subject to implementation of the recommended mitigation measures, there will be no significant ecological impacts.
Heritage Act 1977	The Heritage Act 1977 provides for the protections of conservation of buildings, works, archaeological relics and places of heritage value through their listing on various state and local registers. The Act makes it an offence to harm any non-aboriginal heritage clause without permission.	The site is not listed as a State heritage item or an interim heritage order and therefore a Section 60 application is not applicable. The Addendum AASR (Appendix 7) confirms there are no gazetted Aboriginal places within the site. Therefore, an excavation permit under Section 139 is not required. If Aboriginal objects are identified during construction, works will cease until archaeological mitigation and an Aboriginal Heritage Impact Permit is issued.
Roads Act 1993	Clause 71 outlines 'A roads authority may carry out road work on any public road for which it is the roads authority and on any other land under its control' Clause 76(1) outlines 'A roads authority may not carry out road work on a public road (being work that has an estimated cost of more than $2,000,000 or such other amount as may be prescribed by the regulations) unless it has forwarded particulars of the proposed work to TfNSW at least	The proposal involves carrying out work on three local roads (Links Road, Christie Street and Lee Holm Road). The local roads are managed by Council and as such consent under the *Roads Act 1993* will need to be obtained.

Legislation	Description	Relevant to the project
	28 days before the commencement of the work.'	
Protection of the Environment Operations Act 1997	Clause 5 of the PEO Act focuses on environmental protection and introduces licensing provisions for 'scheduled activities' which intend to manage pollution and waste for these activities. Schedule 1 sets out the activities for which a license is required.	Item 35 of Schedule 1 lists 'road works' as a scheduled activity. However, as the proposed road works do not result in the below, it is not a scheduled activity: • >50,000 tones of material during construction • 4 or more traffic lanes
Biodiversity Conservation Act 2016	The Biodiversity Conservation Act 2016 aims to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations.	The Biodiversity Assessments (Appendix 3) conclude the proposal does not result in any significant ecological impacts.

Table 10: Assessment against relevant legislation

6.5 State Environmental Planning Policies

An assessment of the relevant State Environmental Planning Policies is provided in the table below.

State Environmental Planning Policy	Response
State Environmental Planning Policy (Transport and Infrastructure) 2021 This SEPP aims to facilitate the effective delivery of infrastructure across the state. Relevantly, clause 2.109(1) states *development for the purposes of road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land.*	The proposal meets the requirements of clause 2.109 for the following reasons: • the development is for the purpose of a road; and • the development is on behalf of a public authority (ie, Council) It is noted that subdivision is required to facilitate the road widening works. The subdivision is directly for the purposes of a road and is therefore captured by Clause 2.109. A separate REF and linen plan will be prepared to approve the proposed subdivision. Advice will be required on relevant provisions under the *Conveyancing Act 1919* which may apply to the registration of the subdivision. In addition, clauses 2.10 - 2.15 contain the provisions for public authorities to consult with local council's and other public authorities before starting certain types of development. Consultation as required under these clauses is discussed in Section 5 above.
State Environmental Planning Policy (Resilience and Hazards) 2021	Clause 4.6 states that the consent authority must not grant consent to the carrying out of any development on land unless:

State Environmental Planning Policy	Response
The *State Environmental Planning Policy (Resilience and Hazards) 2021* establishes a planning approach to the remediation of contaminated land to minimise the risk of harm to human health or any other aspect of the environment.	a) *it has considered whether the land is contaminated, and* b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and* c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.* Whilst this clause only applies to development applications under Part 4 of the EP&A Act, contamination has still been assessed as part of this REF. The Addendum Environmental Site Audit (Appendix 9) concludes there are no known contaminated soils within the area. Meaning, the condition of the development footprint is suitable for its proposed use as a road and no remediation would be required.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies and establishes when approval is and is not required to clear vegetation in non rural areas in NSW. Clauses 2.6 outlines the clearing which requires a permit or approval.	The proposal involves the removal of 141 trees within a non rural area (Arboriculture Impact Assessment Report, Appendix 8). Clause 2.6 outlines the clearing within a non rural area which requires a permit or approval. Clause 2.6 refers to a 'person'. It is noted 'person' and 'council' are separately defined under the EP&A Act. Therefore, as the works are being undertaken by Council and not a person, this Clause doesn't apply.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Chapter 6.1 outlines the area to which this SEPP applies, see extract below. 1) *This Chapter applies to certain land in the region declared under the Act that is known as the Sydney Region and is within the Blacktown City and Penrith City local government areas.* 2) *The location and boundaries of the land are shown on the Zoning Map.* It is acknowledged, the site is within the Sydney Region and Penrith LGA, however as shown on the below SREP Land Zoning Map, the site is outside the mapped area. Therefore, this section does not apply.

Table 11: SEPP assessment

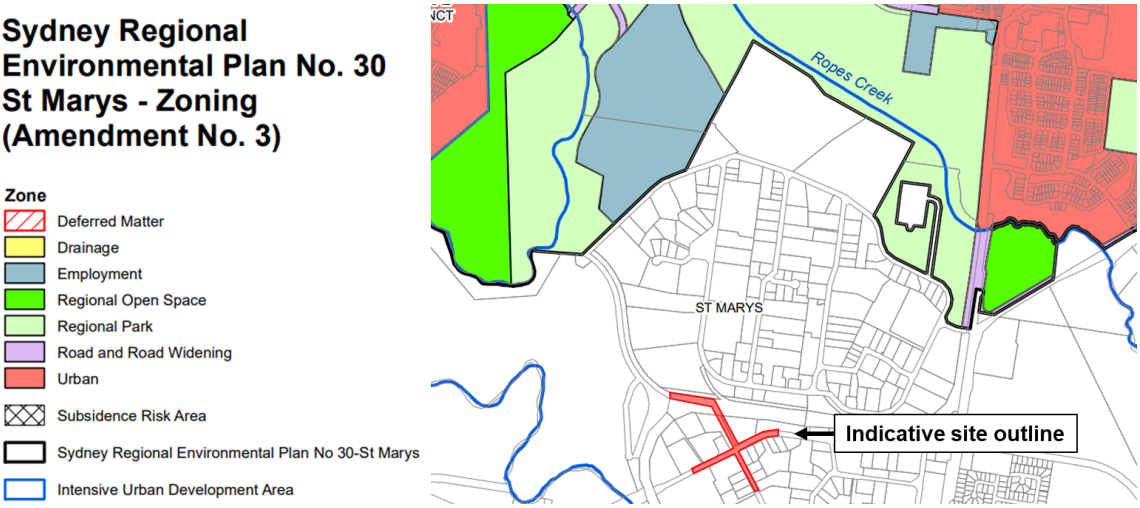


Figure 13: SREP Map (Source: SREP)

6.6 Rural Fires Act 1997

As shown on the figure below, the site is identified as containing Category 2 bushfire prone land and vegetation buffer.

However, as the proposal is a non-habitable development, it is unlikely the roadworks will be affected by bushfire or increase the likelihood of bushfires in the area. On this basis, a Bushfire Assessment Report has not been prepared. This is the same approach taken for the preparation of the DA for Links Road A discussed in Section 3.2 of this REF.

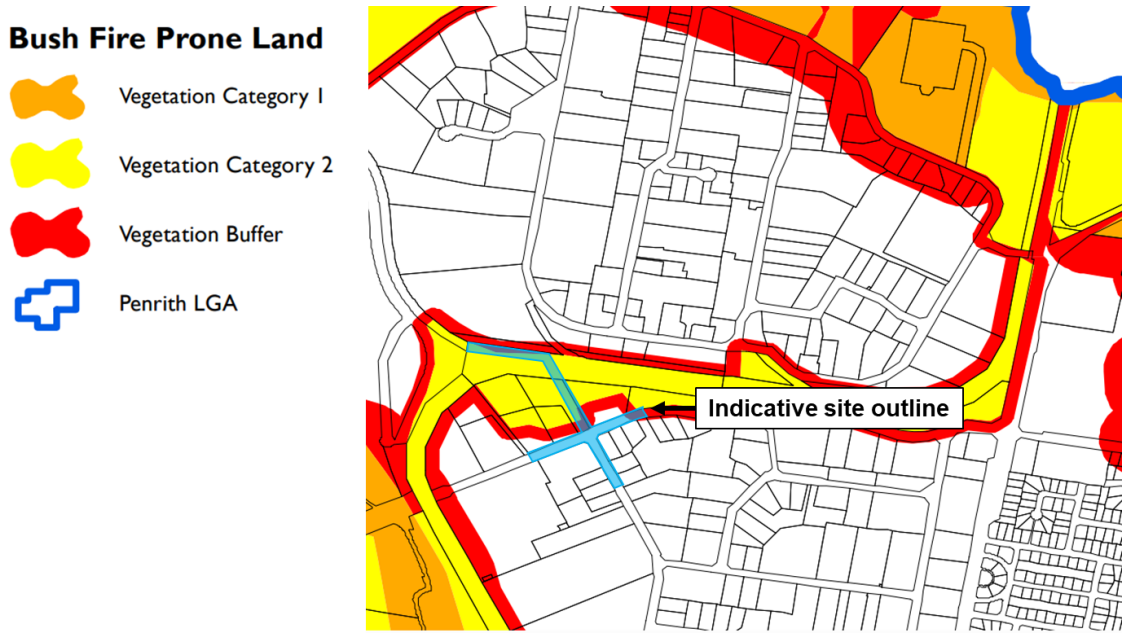


Figure 14: Bushfire Prone Land (Source: Council)

6.7 St Marys Planning Agreement

The REF has been prepared to fulfil local infrastructure road works committed to by Lendlease within the St Marys Planning Agreement. The Planning Agreement obligations and background details were discussed previously in Section 3.1 of this REF.

6.8 Penrith Local Environmental Plan 2010

6.9 Zoning

As shown in the figure below, the site is zoned E4 General Industrial under the *Penrith Local Environmental Plan 2010* (PLEP 2010).

The Land Use Table permits with consent, the development of a road in the E4 General Industrial zone. However, as noted in Section 6.5 of this REF, the development is permissible without consent in accordance with clause 2.109(1) of the Transport and Infrastructure SEPP.

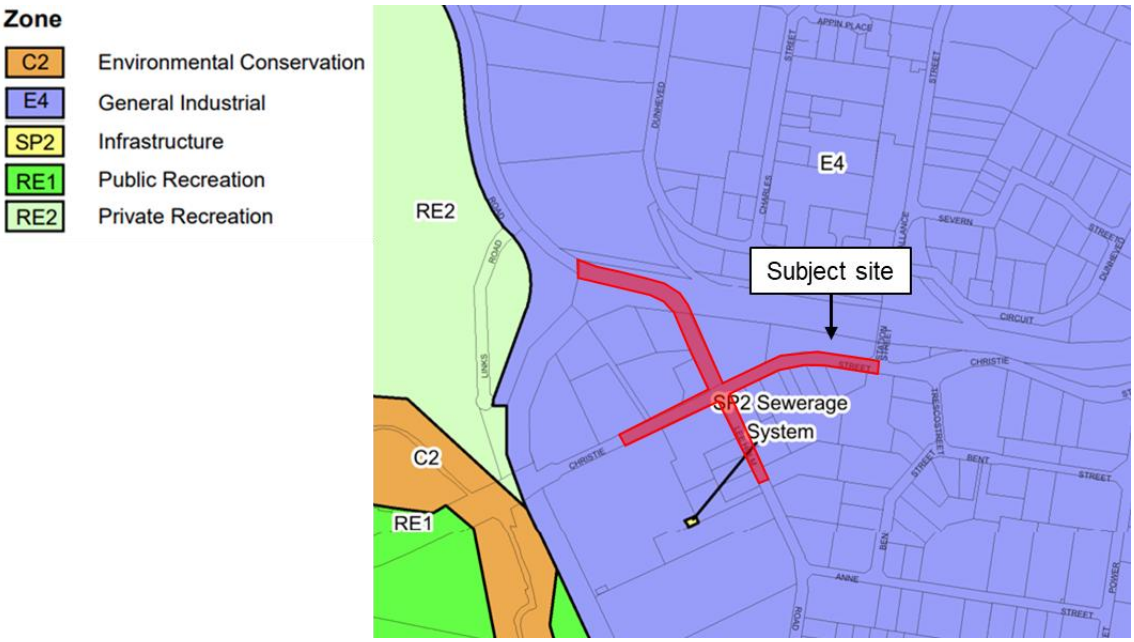


Figure 15: Land Zoning Map (Source: PLEP 2010)

6.10 Flooding

As identified within the Overland Flow Report (Appendix 5), the site is flood affected.

Clause 5.21(2)-(3) outline the matters to be considered when granting development consent. Although this clause only applies to development applications under Part 4 of the EP&A Act, an assessment against these provisions has still been undertaken and is provided in the table below.

Relevant provision	Compliance	Comment
2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—		
a) is compatible with the flood function and behaviour on the land, and	Yes	Development is limited to road and associated infrastructure upgrades only and is deemed compatible with the flood behaviour of the land.
b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	Yes	Section 4.2.2 of the Overland Flow Report (Appendix 5) outlines that flood hazard is not expected to increase due to the proposed development.
c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,	Yes	Road upgrades will improve the efficiency of vehicle movements.
d) incorporates appropriate measures to manage risk to life in the event of a flood, and	Yes	Road upgrades do not increase flood risk or impede on existing evacuation route.
e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses	Yes	Section 3.2 of the Overland Flow Report (Appendix 5) outlines existing catchments are to be maintained no diversion of floodwaters is proposed that could result in increased concentration
3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—		
• *the impact of the development on projected changes to flood behaviour as a result of climate change*	Yes	Proposed drainage upgrades are expected to offset the effects of projected rainfall increases.
• *the intended design and scale of buildings resulting from the development*	N/A	No buildings are proposed.
• *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood*	Yes	Road upgrades do not increase flood risk or impede on existing evacuation routes.
• *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion*	N/A	No buildings proposed.

Table 12: Assessment against Clause 5.21 of the PLEP 2010

6.11 Public bushland

The proposal does not affect any public bushland as defined by the PLEP 2010:

> ***public bushland*** *means land—*
> *a) on which there is vegetation that is—*
> *i) a remainder of the natural vegetation of the land, or*
> *ii) representative of the structure and floristics of the natural vegetation of the land, and*
> b) *that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority*.

6.12 Earthworks

Clause 7.1 of the PLEP 2010 specifies consent authorities must consider the impacts of earthworks in determining a development application lodged under Part 4 of the EP&A Act. The proposed earthworks involve minor excavation to accommodate the road development.

As the earthworks are minor, they will not have any significant adverse impacts in relation to flood, contamination, heritage, noise, biodiversity and traffic. This is further discussed in Section 6.

6.13 Confirmation of statutory position

The proposal has been assessed as permissible without consent under Clause 2.109 of the Transport and Infrastructure SEPP.

Assessment under Part 5 of the EP&A Act is therefore required. Council is both the proponent and the determining authority for the activity for the purpose of Part 5 of the EP&A Act.

The matters prescribed by the EP&A Regulation and Guidelines for consideration as part of the assessment under Part 5 are reviewed and included in Appendix 1.

No requirement for a referral under the EPBC Act has been identified.

7 Need for the proposal and alternatives

7.1 Strategic need

The proposed works are being undertaken in accordance with clause 17 and Appendix 2 of the Planning Agreement which identifies local transport works Lendlease committed to Links Road, Lee Holm Road and Christie Street, the specific works are described within Section 3.1.

The proposed works will provide immediate and significant benefits by:

- Providing additional access to the St Marys Development Site from the south via Christie Street.
- Enhancing the safety of the surrounding road environment through the construction of a new four-way signalised intersection and provision of supporting infrastructure.
- Improving the existing road surface through pavement works.
- Shortening travel times for road users.

A review of the relevant strategic planning documents is provided below and identifies that the proposal is consistent with the strategic aims and directions of those plans.

7.1.1 Greater Sydney Region Plan

The *Greater Sydney Region Plan* outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney to be implemented at a local level through District Plans.

The proposed development is consistent with the Region Plan as it would improve road network connectivity and upgrade existing road/intersection quality. This supports the local community through shortening travel times for road users.

There are a number of objectives that are of relevance to the proposal and these are addressed below.

Direction: A city supported by infrastructure

Objective 1: Infrastructure supports the three cities

- The proposal will balance population growth in the area of infrastructure investment by delivering infrastructure to cater for future traffic demand in St Marys.

Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact

- The proposal enhances existing local road infrastructure to support the future growth of St Marys.
- The proposal delivers infrastructure which has been co-designed and co-delivered by Council and the Joint Venture in accordance with the Planning Agreement.

7.1.2 Western City District Plan

The *Western City District Plan* (District Plan) was prepared by the Greater Cities Commission in March 2018. It seeks to manage growth in the context of economic, social and environmental matters in the Western District. It provides the district level framework to implement the goals and directions outlines in the Region Plan for the Western City District.

As outlined below, there are a number of Planning Priorities that are of relevance to the proposal.

Planning Priority W1: Planning for a city supported by infrastructure

- The proposal delivers new local infrastructure works to improve the local road network
- The proposed works align investment in local road infrastructure with future traffic demand resulting from the growing population of the St Marys locality
- The proposed road works will contribute to the improved functionality of the road network in the St Marys locality

Planning Priority W2: Working through collaboration

- The proposed works are subject to the Planning Agreement which was entered into by the Joint Venture and Council
- The proposed works have been subject to consultation with TfNSW as the works involve construction of a new signalised intersection

Planning Priority W7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City

- The proposed works will upgrade local and unclassified regional roads to meet current and future traffic demand.

7.1.3 Penrith Local Strategic Planning Statement

The Penrith Local Strategic Planning Statement was prepared by Council and seeks to help build a sustainable future for the city of Penrith and community by addressing key issues Council will face over the next 20 years.

The proposal is consistent with the strategy as it proposes infrastructure in improvements consistent with *Planning Priority 1 Align development, growth and infrastructure* by creating '*better transport connections and networks'.*

7.2 Alternative options considered

The following options were considered during the development of the proposal:

- Option 1: 'do nothing'
- Option 2: extend Links Road to Christie Street, upgrade the intersection and other ancillary works described within Section 4

7.3 Option 1 – 'Do nothing'

The 'do nothing' option would retain the current road and intersection configuration; meaning Links Road would not connect to Christie Street and the intersection would not be upgraded.

The 'do nothing' option is not suitable for the following reasons:

- It would not meet the requirements in accordance with the Planning Agreement between Council and the Joint Venture.
- It would forego the opportunity to enhance local road infrastructure and shorten travel times

The 'do nothing' option would not meet the requirements of the Planning Agreement or strategic objectives to improve road infrastructure in the locality and therefore this option has not been further considered.

7.4 Option 2 – Road construction and intersection upgrade

This option involves the extension of Links Road and upgrade of the Christie Street and Lee Holm Road intersection to improve the road network within the locality.

Other works include utility works, infrastructure (drainage, street lighting, signage and line marking, road furniture, traffic signals and relocation of transport (bus signage), property acquisition earthworks, landscaping and construction of retaining walls.

Option 2 is the preferred option as it achieves the strategic need of the Planning Agreement. The existing configuration of the intersection is unable to meet future traffic demand. Option 2 proposes a new road and upgrading of the intersection which will enable the intersection to meet future traffic demand.

8 Environmental Impact Assessment

The following Section outlines the potential impacts of the activity on the environment, and how these potential impacts will be managed.

As discussed in Section 3.2 and Section 5, the original intent of DA18/1163 (Links Road A) was to fulfil all road works required by the Planning Agreement. However, during the assessment process, Council requested the works be split into two planning approvals resulting in 'Links Road A' and 'Links Road B' to allow Links Road B (subject to this REF) to progress via an REF pathway.

As a result, the consultant inputs for DA18/1163 (Biodiversity Assessment Report, Traffic Impact Study, Noise and Vibration Impact Assessment Report, Aboriginal Cultural Heritage Assessment Report and Environmental Site Assessment, refer to Appendix 13) largely capture the area of roadworks proposed by this REF within its assessments. On 28 May 2023, Council accepted the approach of preparing of supplementary/addendum letters for the above consultant reports which confirm the proposal remains aligned with the scope of works and relevant legislation.

8.1 Biodiversity

In 2018, a Biodiversity Assessment Report (BAR) was prepared by WSP for DA18/1163 (Appendix 13). This DA was approved by Council on 5 February 2021. As noted above, a consistency assessment was prepared by NARLA in 2024 to support this report and capture the area which was not included within the original BAR assessment. Both assessments are attached at Appendix 3 and conclude the proposal has no significant ecological impact.

The figure below identifies the assessment area. Red indicates the area assessed within the 2018 BAR and yellow indicates the area assessed within the 2024 consistency assessment (Appendix 3).



Figure 16: Ecological assessment Area (Source: NARLA)

8.1.1 Existing biodiversity

The table below identifies the native and non-native vegetation recorded on site. In summary, the site contains 3.89 hectares of native vegetation and 6.01 non-native vegetation.

Vegetation	Extent in proposal footprint (hectares)
Native vegetation	
PCT 724 Broad-leaved Ironbark – Grey Box – Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion (WSP 2018)	*1.39*
PCT 835 Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats on the Cumberland Plain, Sydney Basin Bioregion (WSP 2018)	*1.91*
PCT 849 Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (WSP 2018)	*0.55*
PCT 3320 – Cumberland Shale Plains Woodland (NARLA 2024)	*0.04*
Total	***3.89***
Non-native vegetation	
Miscellaneous ecosystem – highly disturbed areas with no or limited native vegetation (WSP 2018)	*5.86*
Miscellaneous ecosystem – highly disturbed areas with no or limited native vegetation (NARLA 2024)	*0.03*
Miscellaneous ecosystem – urban exotic/native landscape plantings (WSP 2018)	*0.12*
Total	***6.01***

Table 13: Native and non-native vegetation on site (Source: WSP and NARLA)

A total of 36 fauna species were recorded on site including 1 amphibian, 30 birds, 3 mammals and 1 reptile. Of the 36 fauna species:

- four are exotic species
- one is threatened species – the Cumberland Plain Land Snail

8.1.2 Threatened biodiversity

As outlined within the table below, the assessments found the presence of four threatened ecological communities, three threatened flora species and eighteen threatened fauna species.

Matter	Type
Threatened ecological communities	• *Shale Gravel Transition Forest (listed as Endangered under the BC Act and Critically Endangered under the BC Act)* • *River-Flat Eucalypt Forest (listed as Endangered under the BC Act)* • *Cumberland Plain Woodland (listed as Critically Endangered under both the BC and EPBC Act)*

Matter	Type
	• *Cumberland Shale Plains Woodland (listed under the BC Act)*
Threatened flora species	• *Dilwynia tenuifolia (listed as Vulnerable BC Act)* • *Grevillea juniperina (Juniper-leaved Grevillea) (listed as Vulnerable BC Act)* • *Pultenae parviflora (listed as Endangered under the BC Act and Vulnerable under the EPBC Act)*
Threatened fauna species	• Artamus cyanopterus cyanopterus (*listed as vulnerable under the BC Act)* • Calyptorhynchus lathami (*listed as vulnerable under the BC Act)* • Chthonicola sagittate (*listed as vulnerable under the BC Act)* • Daphoenositta chrysoptera (*listed as voulnerable under the BC Act)* • Glossopsitta pusilla (*listed as vulnerable under the BC Act)* • Hieraaetus morphnoides (*listed as vulnerable under the BC Act)* • Lophoictinia isura (*listed as vulnerable under the BC Act)* • Ninox strenua (*listed as ulnerable under the BC Act)* • Meridolum corneovirens (*listed as endangered under the BC Act)* • Chalinolobus dwyeri (*listed as vulnerable under the BC Act)* • Falsistrellus tasmaniensis (*listed as vulnerable under the BC Act)* • Miniopterus australis (*listed as vulnerable under the BC Act)* • Miniopterus schreibersii oceansis (*listed as vulnerable under the BC Act)* • Mormopterus norfolkensis (*listed as vulnerable under the BC Act)* • Myotis Macropus (*listed as vulnerable under the BC Act)* • Pteropus poliocephalus (*listed as vulnerable under the BC Act)* • Saccolaimus flaviventris (*listed as vulnerable under the BC Act)* • Scoteanax rueppellii (*listed as vulnerable under the BC Act)*

Table 14: Threatened biodiversity (Source: WSP and NARLA)

8.1.3 Priority weeds

Four priority weeds listed under the *Biosecurity Act 2015* were identified during the site assessment:

- Asparagus aethiopicus (Ground asparagus)
- Lantana camara (Lantana);
- Rubus fruticosus sp. agg. (Blackberry)
- Senecio madagascariensis (Fireweed)

8.1.4 Significance assessments

Assessments of significance were conducted for each threatened species and population identified within the study area. These assessments were undertaken in accordance with the relevant guidelines described below:

- *Threatened species assessment guidelines – assessment of significance for BC Act listed biodiversity (Department of Environment and Climate Change, 2007b)*
- *Significant Impact Guidelines 1.1 – Matters of National Environment Significance for EPBC Act listed biodiversity (Department of the Environment, 2013)*
- *Referral guidelines for species listed under the EPBC Act (Department of the Environment and Energy, 2017b)*

A summary of the assessment is provided within Table 15 and Table 16 below which conclude the proposal is unlikely to result in significant impact on threatened species, populations, ecological communities or their habitats.

Therefore, a SIS is not required under the BC Act to support the proposal and a referral under the EPBC Act is not required for Matters of National Environment Significance

8.1.5 Mitigation

Mitigation measures are discussed in detail in Section 9.2 and will be implemented to avoid and minimise the potential biodiversity impacts associated with construction and operation of the proposal.

Vegetation Type	Condition Class	Threatened Ecological Community	BC Act Status	EPBC Act Status	Proposal Footprint Impact	Significant Impact
PCT 724 Broad leaved Ironbark Grey Box – Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	*Moderate*	*Shale Gravel Transition Forest in the Sydney Basin Bioregion*	*Endangered*	*Critically Endangered*	*0.33*	*No (WSP 2018)*
	Poor		*Endangered*	*The patch does not meet condition thresholds*	*0.49*	*No (WSP 2018)*
PCT 3320 – Cumberland Shale Plains Woodland	*Poor*		*Endangered*	*The patch does not meet condition thresholds*	*0.04*	*No (NARLA 2024)*
PCT 835 Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain Sydney Basin Bioregion	*Moderate*	*River-Flat Eucalypt Forest on Coastal Floodplain of the New South Wales North Coast, Sydney Basin and South East Corner Bioregion*	*Endangered*	*Not Listed*	*1.91*	*No (WSP 2018)*
PCT 849 Grey Box Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	*Moderate*	*Cumberland Plain Woodland in the Sydney Basin Bioregion*	*Critically Endangered*	*The patch does not meet condition thresholds*	*0.00*	*No (WSP 2018)*
				Total	***2.77***	***No (Appendix C)* of Appendix 3**

Table 15: Combined Summary of Assessments of Significance Threatened Entities

Scientific name	Common name	BC Act	EPBC Act	Previous footprint impact	Significant impact (WSP 2018)	Additional footprint impact	Significant impact
			Flora				
Dillwynia tenuifolia	-	*Vulnerable*	-	*0 individuals; 0.82ha of potential habitat (PCT 724)*	*No*	*0 individuals; 0.04ha of potential habitat (PCT 3320)*	*No*
Grevillea juniperina subsp. juniperina	*Juniper-leaved Grevillea*	*Vulnerable*	-	*652 Individuals; 2.73ha of potential habitat (PCT 724, PCT 835 and PCT 849)*	*No*	*0 individuals; 0.04ha of potential habitat (PCT 3320)*	*No*
Pultenaea parviflora	-	*Endangered*	*Vulnerable*	*30 Individuals; 2.73ha of potential habitat (PCT 724 and PCT 835*	*No*	*0 individuals; 0.04ha of potential habitat (PCT 3320)*	*No*
Fauna							
Aves							
Artamus cyanopterus cyanopterus	*Dusky Woodswallow*	*Vulnerable*	-	*2.24ha*	*No*	*0.04ha*	*No*
Calyptorhynchus lathami	*Glossy BlackCockatoo*	*Vulnerable*	-	*2.24ha*	*No*	*0.04ha*	*No*
Chthonicola sagittata	*Speckled Warbler*	*Vulnerable*	-	*2.24ha*	*No*	*0.04ha*	*No*
Daphoenositta Chrysoptera	*Varied Sittella*	*Vulnerable*	-	*2.24ha*	*No*	*0.04ha*	*No*
Glossopsitta pusilla	*Little Lorikeet*	*Vulnerable*	-	*2.36ha*	*No*	*0.04ha*	*No*
Hieraaetus morphnoides	*Little Eagle*	*Vulnerable*	-	*2.36ha*	*No*	*0.04ha*	*No*

Lophoictinia isura	*Square-Tailed Kite*	*Vulnerable*	*-*	*2.36ha*	*No*	*0.04ha*	*No*
Ninox strenua	*Powerful Owl*	*Vulnerable*	*-*	*2.36ha*	*No*	*0.04ha*	*No*
Invertebrates							
Meridolum corneovirens	*Cumberland Plain Land Snail*	*Endangered*	*-*	*2.73ha*	*No*	*0.04ha*	*No*
Mammals							
Chalinolobus dwyeri	*Large-eared Pied Bat*	*Vulnerable*	*Vulnerable*	*2.24ha*	*No*	*0.04ha*	*No*
Falsistrellus tasmaniensis	*Eastern Fald Pipistrelle*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*
Miniopterus australis	*Little Bent-wing Bat*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*
Miniopterus schreibersii oceansis	*Eastern Bent-wing Bat*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*
Mormopterus Norfolkensis	*Eastern Freetail Bat*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*
Myotis macropus	*Southern Myotis*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*
Pteropus Poliocephalus	*Grey-headed Flying-fox*	*Vulnerable*	*Vulnerable*	*2.36ha*	*No*	*0.04ha*	*No*
Saccolaimus Flaviventris	*Yellow-bellied Sheathtail-bat*	*Vulnerable*	*-*	*2.24ha*	*No*	*0.04ha*	*No*
Scoteanax rueppellii	*Greater Broadnosed Bat*	*Vulnerable*	*-*		*No*	*0.04ha*	*No*

Table 16: Combined Summary of Assessments of Significance

8.2 Traffic, Access and Parking

A Traffic Impact Assessment (TIA) has been prepared by SMEC (Appendix 6) to identify and assess any potential traffic, access and parking impacts as a result of the proposed intersection upgrade and extension of Links Road A.

8.2.1 Intersection upgrade

A key component of the proposal is upgrading the existing intersection layout of Christie Street and Lee Holm Road from an unsignalised T-intersection to a signalised 4-way intersection, as shown in the figures below.

Section 5 of the TIA analyses the current and proposed intersection performance and finds the current Christie Street/Lee Holm Road intersection operates unsatisfactorily with poor levels of service and excessive delays during both AM and PM peak periods. The proposed layout for Christie Street/Lee Holm Road intersection would operate satisfactorily during both AM and PM peak periods.

Modelling results for the existing layout for the 2022 Existing Baseline Year, as well as for the proposed layout for 2033 during the AM and PM peak hours are provided in Table 5-1.

Scenario	AM Peak				PM Peak			
	Degree of saturation	Level of service	Average delay (sec)	95% back of que length for worst approach	Degree of saturation	Level of service	Average delay (sec)	95% back of que length for worst approach
2022 Existing baseline	0.86 (S)	F (S)	332 (S)	37 (S)	1.00 (S)	F (S)	261 (S)	69 (S)
2033 Future baseline	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2033 Proposed layout	0.84	C	40	198 (W)	0.81	C	37	243 (E)

Notes:
(N) means northern approach
(E) means eastern approach
(S) means southern approach
(W) means western approach
(c) refers to the level of service category within section 4.7 of the Traffic Impact Assessment

Figure 17: Intersection performance (Source: SMEC)

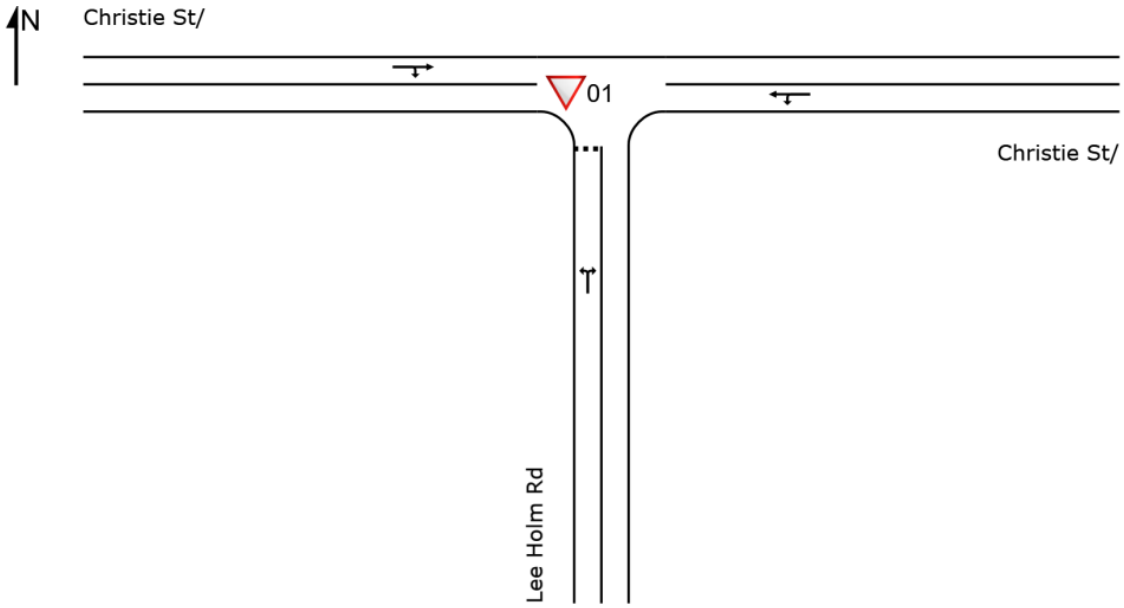


Figure 18: Existing intersection layout of Christie Street/Lee Holm Road (Source: SMEC)

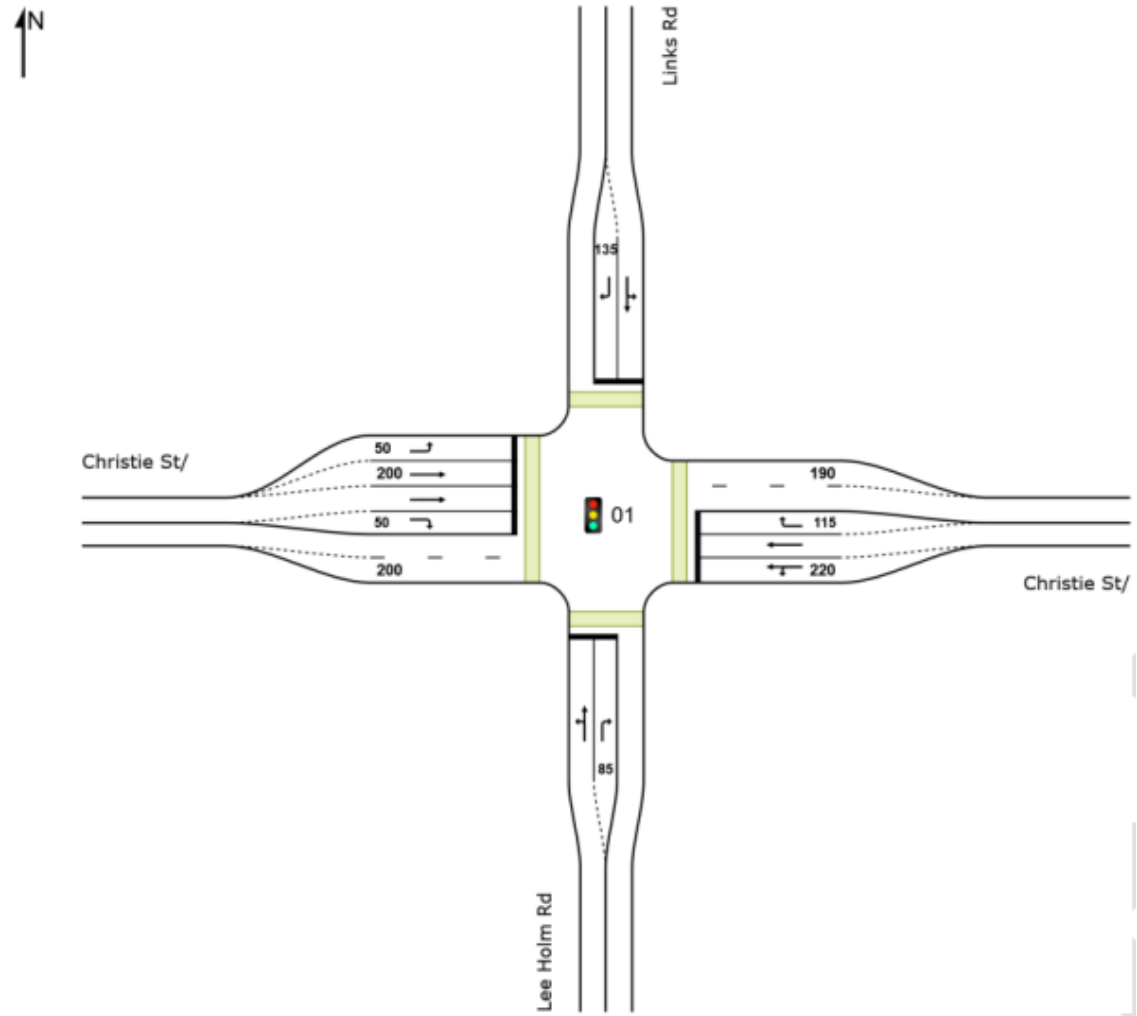


Figure 19: Proposed intersection layout (Source: SMEC)

8.2.2 Assessment of impacts from extending Links Road A and intersection upgrade

The key findings of the TIA are summarised below.

Road network capacity

The proposed Links Road extension is anticipated to improve accessibility to the St Marys Development Site and enhance the connection with the external network by providing an additional access point to the south. This will substantially shorten the travel distance for some trips, particularly for the residents of St Marys Development and Dunheved Golf Club visitors who wish to travel south.

Public Transport

The Proposal would not alter any existing bus routes and the existing bus stops (Stop ID 2760259 and 2760272) would be relocated approximately 70m to the east and west of Lee Holm Road/ Links Road Extension. Relocation of the bus stops would increase the walking distance by a maximum of 70m (equivalent to 1 minute walk). The proposal would improve accessibility to bus services by providing hardstand areas at the bus stops, which reduces safety hazards associated with slippery road surfaces in wet weather conditions.

Construction Impact

The construction activities are anticipated to generate a maximum of 50 light vehicle movements per day (travelling to site before the AM peak 07:45 - 08:45 and leave after the PM peak 15:15 - 16:15). In addition, a maximum of 10 heavy vehicles would travel to site during the AM and PM peak periods. The road network is anticipated to have adequate capacity to accommodate the increased traffic throughout the duration of the works.

Two bus stops on Christies Street (Stop ID 2760259 and 2760272) are proposed to be relocated outside the work zones during construction. Patrons would need to travel approximately 400 meters and 270 meters to use the temporary bus stops, as shown in the figure below.

There is an abundance of kerbside parking within the vicinity of the site and therefore any lost kerbside parking as a result of construction will have a negligible impact.



Figure 20: Existing and potential bus stop locations (Source: SMEC)

8.2.3 Summary of TIA

- Existing road condition results in excessive delays, the proposed layout will improve intersection performance.
- The proposed Links Road extension will improve accessibility to the St Marys Development Site, connection to external road network and substantially improve travel times.
- No adverse impacts as result of lost kerb side carparking during construction.
- No adverse impacts on public transport services.
- A safe route will be available to pedestrians at all times.
- Introduction of 10 heavy vehicle movements and 50 light vehicle movements will have minimal impacts on surrounding road network.

8.3 Flood

An Overland Flow Report has been prepared by SMEC (Appendix 5) which utilised the Little Creek Floodplain Risk Management Plan 2021 and SMEC Engineering Drawings: Links Rd B 50% Design - Part 01 to 09 as reference information.

As shown within the figure below, the site is located within the Little Creek Catchment. The catchment area is prone to local overland flooding as natural waterways and drainage lines have been replaced by underground piped drainage systems which are susceptible to inundation.

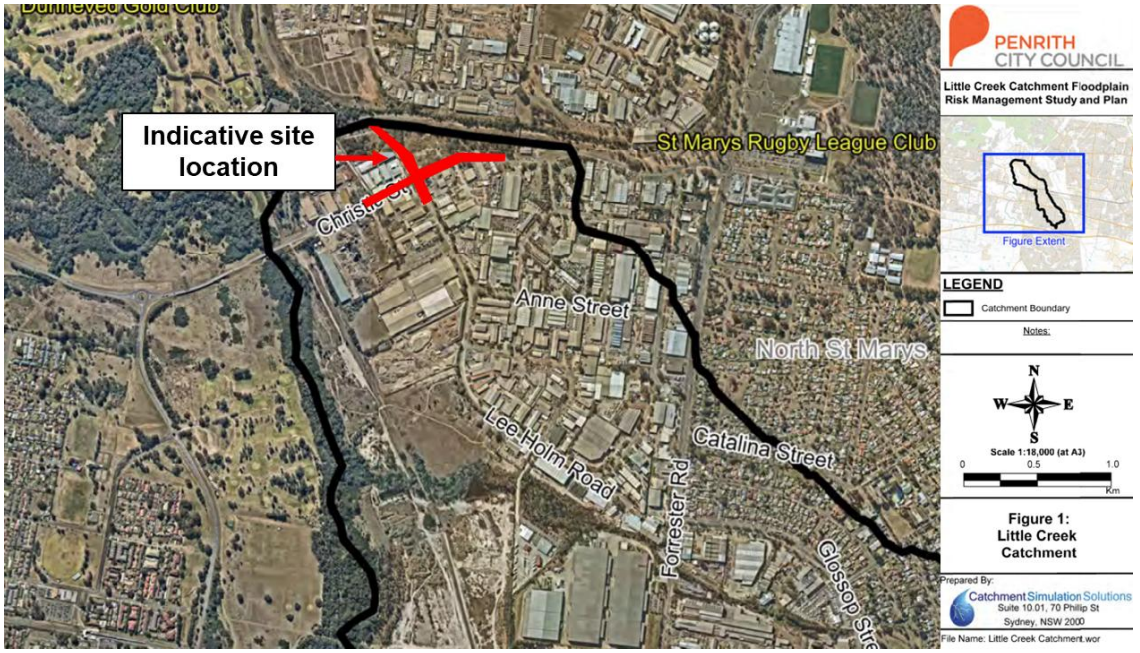


Figure 21: Site location within the Little Creek Catchment (Source: SMEC)

As shown within the figure below, the Western End of Christie Street is impacted by significant upstream flows whilst the majority of the extent of proposed works to the East are impacted by local catchment flows only.

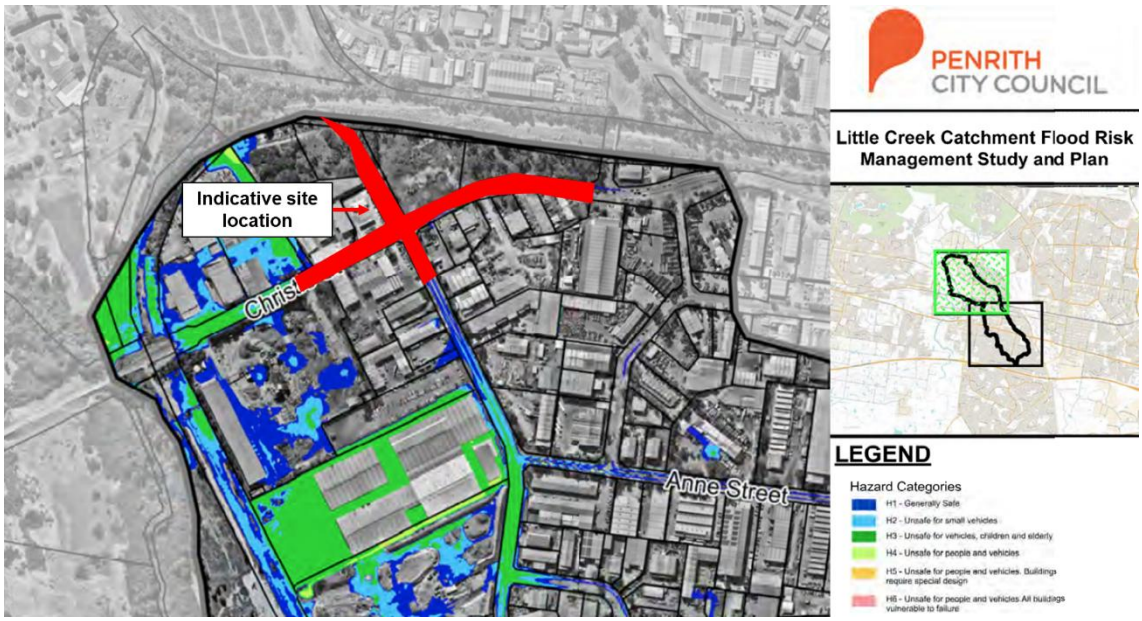


Figure 22: Flood Hazard Mapping (Source: Little Creek Floodplain Management Plan 2021)

The Overland Flow Report acknowledges the proposed works will modify the stormwater drainage system. However, the report demonstrates the modifications will be minor in nature and will not provide adverse impacts to local properties or the road network.

In summary, the flood hazard category for the area affected by the new intersection was measured to be H1 (generally safe for people, vehicles and buildings) for a 1% AEP flooding event currently and this category will not change as a result of the new intersection.

8.4 Noise

An addendum Noise Impact Assessment has been prepared by RCA Australia which supports the original Noise Impact Assessment prepared for DA18/1163 (Appendix 4).

As shown on the figures below, the original Noise Impact Assessment captured the Links Road B extension however not the Christie Street/Lee Holm Road intersection. The addendum has provided an additional assessment to include the intersection.

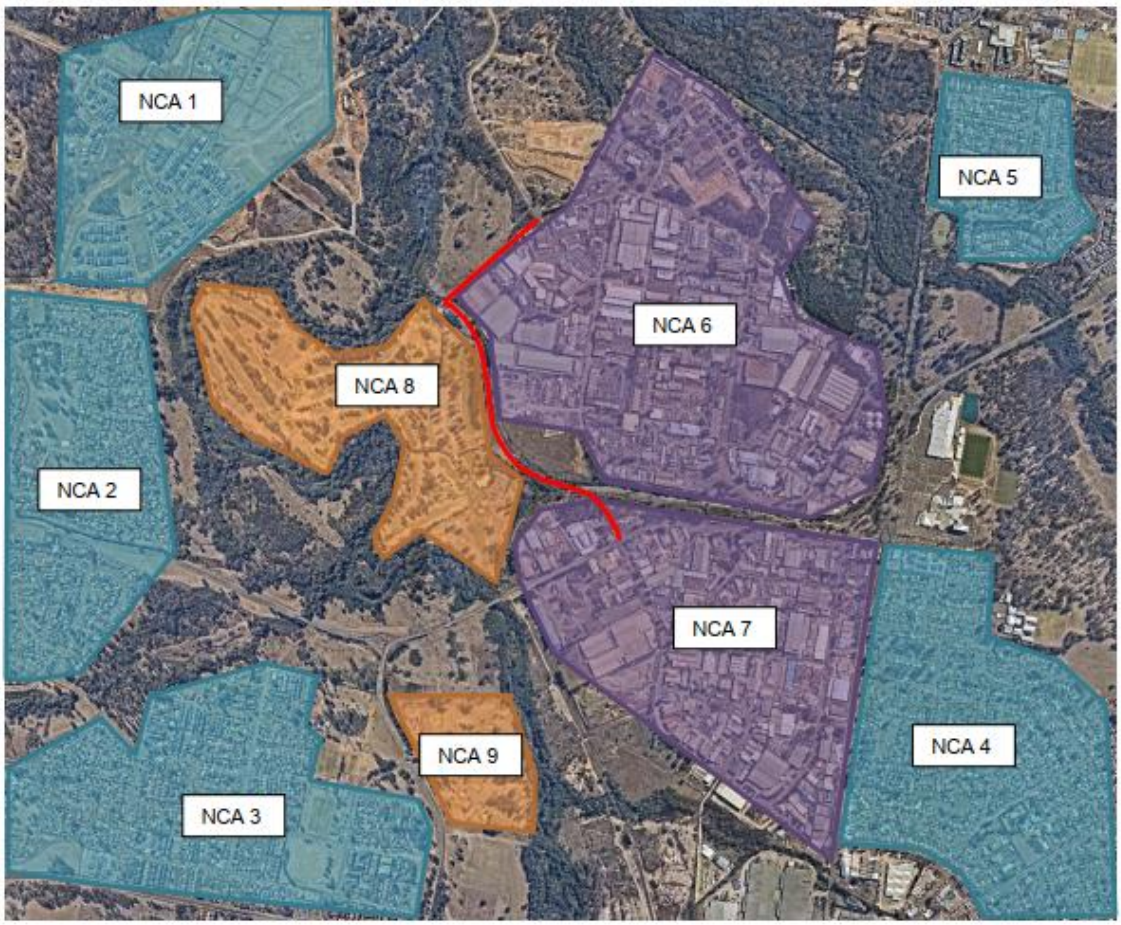


Figure 1 *Site and surrounds taken from previous noise assessment with road extension shown in red, residential regions shown ( ), recreation areas shown ( ) and industrial areas shown ( ).*

Figure 23: DA18/1163 assessment area in red (Source: RCA)


Figure 24: Additional project footprint (Source: RCA)

It is noted the project footprint within Figure 24 does not capture the area to be line marked further west on Christie Street (refer to Detailed Design drawing in Appendix 2 for comparison). On 25 October 2023, Council agreed to not including this area within the REF and supporting consultant reports.
The report concludes industrial receivers will likely receive construction noise levels above LAaeq,15 min 75 dBA up to a distance of 50 m from most activities assessed. No noise impacts were predicted for any residential receivers.

As the project area is very close to industrial receivers, no adverse impacts are anticipated. However, the following recommendations and mitigation measures are proposed:

- maintain positive communication and consultation with the nearby receivers
- displaying the site contact number so that community concerns/complaints can be forwarded to the construction team
- choosing the smallest/quietest plant available and suitable to undertake the task
- where the safe working distances cannot be maintained, a dilapidation survey should be undertaken of the structure of concern. This inspection may determine that it is appropriate to relax the adopted vibration target for a reinforced industrial building.

8.5 Soils and Geology

A supplementary letter has been prepared by JBS&G which supports the original Environmental Impact Assessment prepared for DA18/1163 (Appendix 9).

The supplementary letter outlines that:

- the site is likely underlain by quaternary aged fine-grained, sand, silt and clay soils as well as clay soils with patches of ferruginized, consolidated sand (1:100 000 ‘Penrith’ Geological Series 9030 (1991))
- soils impacting the site area are prone to erosion and can be prone to flooding
- groundwater was identified between 3.4 and 5.4 m below the ground surface and at elevations between 17.89 and 19.90 m Australian height datum
- there is no known occurrence of acid sulphate soils
- waste such as flytipping/dumping of general household waste and demolition materials including are present throughout the site (refer to figure below)

The supplementary letter also concludes:

- no significant contamination risks in soil or groundwater have been identified which would prevent the site from being developed into the proposed road use
- the waste described above should be removed in accordance with a site-specific contamination plan (CMP) which will minimise the potential for waste to be mixed into the site soils or present a risk to site workers during construction
- the majority of materials tipped on the surface (described above) are able to be pre-classified in accordance with NSW EPA Waste Classification guidelines, and are likely to be characterised as General Solid Waste (non-putrescible) or Special Waste (asbestos). Where mounds or stockpiles which include soils are present, soil sampling and analysis is required to confirm classification

The supplementary letter recommends:

- *surficial pre-works clean-up works required, including asbestos management requirements*
- *testing of uncharacterised materials identified, including the mounded soil soils within the north-western portion of the site and any other soils/mounds stockpiles required to be assessed*
- *requirements for material management during works, including characterisation/*
- *classification of materials anticipated to be generated following clean up works, including pavements, fill materials and virgin excavated natural materials (VENM)/excavated natural materials (ENM)*
- *provision of an unexpected finds protocol to be implemented during works.*



Figure 25: Waste on site (Source: JBS&G)

8.6 Arboriculture

An Arboricultural Impact Assessment (AIA) has been prepared by Travers Bushfire and Ecology and is provided at Appendix 8.

The AIA includes an assessment against the relevant legislation including:

- *Biodiversity Conservation Act (NSW) 2016*
- *Environmental Protection and Biodiversity Conservation Act (Commonwealth) 1999*
- *Biosecurity Act (NSW) 2015, and*
- *Environmental Pest Species*

The AIA assessed the significance of all trees on site (169 in total) and categorised trees based on retention values. As outlined below, the majority of the trees are low retention value.

- high retention value: 8%
- medium retention value: 46%
- low retention value: 40%
- very low retention value: 6%

The AIA concludes of the 169 trees, 141 should be removed be removed and 28 retained. The AIA also recommends the implementation of tree protection mitigation measures such as fencing and signage to minimise impacts on the environment, this is discussed further in Section 9.2.

8.7 Aboriginal Cultural Heritage

An Addendum AASR has been prepared by Artefact which supports the original AASR prepared for DA18/1163 (Appendix 7).

The Addendum provides an assessment against the relevant legislation including:

- *National Parks and Wildlife Act 1974*
- *Aboriginal Land Right Act 1983*
- *Environmental Planning and Assessment Act 1979*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Native Title Act 1993*

The Addendum assessed the proposal in terms of archaeological and cultural significance and concludes the proposal is able to proceed as:

- There are no Aboriginal Heritage Information Management System (AHIMS) identified sites within the study area.
- The study area has been significantly disturbed by past historic land use practice and substantial modification of the surrounding landscape.
- The project will not result in harm to any previously known Aboriginal sites or objects.

The AASR recommends mitigation measures for during construction if Aboriginal objects or suspected human remains are located, this is discussed further in section 10.

8.8 Historic Heritage

Built Heritage Advice has been prepared by Artefact and is provided at Appendix 10. The Advice assesses risk of potential impacts to the former Dunheved Fire Station.

The former Dunheved Fire Station is located at 50 Christie Street St Marys and is listed on the PLEP 2010 as a local heritage item (number 655) for its historical associations and social significance.

As shown on the 50% Detailed Design (Appendix 2), a portion of the roadworks will occur in front of local heritage item 655. However, the road works will not involve any road widening and the footpath and parking lane remains in the same position. Meaning, the roadworks have no impact on the distance from the road to the heritage item.

Based on this, the advice concludes the proposal will not increase the impacts (direct or indirect) on the heritage item and therefore a Heritage Impact Assessment is not required. However it is noted if the 50% Detailed Design (Appendix 2) is amended, a Heritage Impact Assessment may be required to determine if the design changes result in any new impacts (direct or indirect) to the heritage fabric of local heritage item 655.

8.9 Bushfire

As stated within Section 6.6, the site is identified as containing Category 2 bushfire prone land and vegetation buffer.

However, as the proposal is a non habitable development, it is unlikely the roadworks will be affected by bushfire or increase the likelihood of bushfires in the area.

On this basis a Bushfire Assessment Report has not been prepared. This is consistent with the approach taken for the preparation of the DA for Links Road A discussed in Section 3.2 of this REF.

8.10 Landscaping

It is proposed for the road verges on Christie St and Lee Holmes Drive to be reinstated to their current state whilst the newly established road verges on Links Road will be turfed and street trees will be planted in accordance with Council requirements.

Further details will be provided during the detailed design stage. This approach is consistent with DA18/1163 where Council approved the Applicant not preparing a Landscape Plan due to the nature of the roadworks.

8.11 Waste Generation

Consistent with the approach within DA18/1163:

> *A waste management plan will be developed for the proposed works which would ensure that any materials reused on site or imported from another suite will be subject to testing and waste classification exemption provisions in accordance with the NSW EPA's Waste Classification Guidelines….*
>
> *…Should the material be classified as a controlled or restricted waste, or found to contain contaminants of concern at elevated concentrations, it would not be classified for exemption and reuse. It would be stored in a contained separate location onsite before being transported offsite to a licenced facility...*
>
> *…Reusable top soil and subsoil would be stored in designated and suitable locations. This would ensure the stockpiled material was located away from sensitive areas and flood prone land where feasible and reasonable. It would also provide the ability to install controls to manager any leaching, erosion, sediment dispersion and dust dispersion risks and impacts.*

9 Environmental management

9.1 Construction Environmental Management Plan (CEMP)

A CEMP will be prepared in the detailed design stage of the proposal and will outline the measures that will be implemented to manage and mitigate environmental impacts during the construction phase of the proposal.

The CEMP will provide a summary of the construction methodology, staging, work hours, plant and equipment.

9.2 Mitigation measures

A number of safeguards and mitigation measures have been identified within the relevant consultant reports and in consultation with Council in order to minimise adverse environmental impacts which could potentially arise as a result of the proposed activity.

The environmental mitigation measures listed in the table below will be applied by the appointed Contractor during the period of the works.

Risk category	Potential impacts and risks	Mitigation measures
Noise and vibration	Works impact on the amenity of surrounding industrial properties	• *maintain positive communication and consultation with the nearby receivers* • *displaying the site contact number so that community concerns/complaints can be forwarded to the construction team* • *choosing the smallest/quietest plant available and suitable to undertake the task* • *where the safe working distances cannot be maintained, a dilapidation survey should be undertaken of the structure of concern. This inspection may determine that it is appropriate to relax the adopted vibration target for a reinforced industrial building.*
Contamination	Environmental risks	• *surficial pre-works clean-up works required, including asbestos management requirements* • *testing of uncharacterised materials identified, including the mounded soil soils within the north-western portion of the site and any other soils/mounds stockpiles required to be assessed* • *requirements for material management during works, including characterisation/* • *classification of materials anticipated to be generated following clean up works, including pavements, fill*

Risk category	Potential impacts and risks	Mitigation measures
		materials and virgin excavated natural materials (VENM)/excavated natural materials (ENM) • *provision of an unexpected finds protocol to be implemented during works.*
Archaeology	Location of Aboriginal objects or remains	• *An unexpected finds policy must be implemented in the event of Aboriginal archaeological deposits being identified during ground disturbing works.* • *An unexpected finds policy would involve the following actions:* ○ *Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor* ○ *Contact a suitable qualified archaeologist to assess the potential archaeological find* ○ *If Aboriginal objects are identified, works in the affected area should cease, and Heritage NSW must be informed. Further archaeological mitigation and an AHIP issued by Heritage NSW may be required prior to works recommencing* ○ *If any human remains are disturbed in, on or under the land, you must:* - *not further disturb or move these remains* - *immediately cease all work at the particular location* - *notify NSW Police* - *notify Heritage NSW Environment Line on 131 155 as soon as practicable and provide available details of the remains and their location* - *not recommence any work at the particular location unless authorised in writing by NSW Police and/or the Coroner and/or Heritage NSW*
Vegetation	Environmental impacts	• *Establishing buffer zones around trees marked for removal can effectively mitigate the impact on adjacent vegetation. This proactive measure acts as a protective barrier during construction activities,*

Risk category	Potential impacts and risks	Mitigation measures
		preserving the integrity of the surrounding landscape • *consider planning and executing the development in phases. This sequential approach allows for the gradual removal of trees as needed, reducing the immediate strain on the remaining vegetation on the site.* • *Implementing comprehensive revegetation programs is essential. These programs should prioritise the replacement of removed trees with native species, contributing to the restoration of biodiversity and enhancing the ecological resilience of the area.* • *The establishment of a robust environmental monitoring system throughout the construction phase is crucial. This proactive measure helps promptly identify and address any unforeseen impacts, ensuring real-time mitigation measures to safeguard the remaining vegetation.* • *Enforce stringent tree protection measures for retained trees. This includes the installation of fencing, signage, and construction exclusion zones to prevent unintentional damage during development, prioritising the health and well-being of preserved trees.* • *Foster open communication with the local community by providing information about the tree removal plan, reasons behind it, and compensatory measures being undertaken. This approach will contribute to community understanding and support.* • *Strict adherence to Australian environmental regulations and standards is paramount. Obtain necessary permits and approvals to ensure the project aligns with legal requirements and best practices, ensuring responsible development.* • • *Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement*

Risk category	Potential impacts and risks	Mitigation measures
		(clearance certificates from the landscape architect will need to be supplied) • *The condition of the infrastructure associated with the land complies with the approved design specification* • *Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned* • *Comprehensive operation and maintenance manuals (including indicative costs) have been provided.* • *Prior to works commencing, a Site-specific Tree Protection Plan (Specification) and Drawings is to be prepared and provided to Penrith City Council or review and approval. This plan shall also identify any retained trees adjacent to the proposed works that will be on land that is dedicated to Council once works are complete.*
Biodiversity	Adverse ecological impacts	1. *Implement pre-clearing protocols, including:* • *An experienced fauna ecologist will check for the presence of flora and fauna species and habitat on site before clearing begins such as the presence of bird nests.* • *Prior to construction, site personnel should be adequately informed of environmental management procedures and vegetation exclusion zones including, but not limited to, issues related to flora and fauna management, weed control, erosion and sediment control.* • *Establishment of Vegetation Exclusion Zones to protect vegetation, threatened flora species and fauna habitat outside of the assessed and approved clearing limits. Vegetation to be retained are to be clearly defined on ground and 'no go zones' clearly signposted and fenced to prevent unauthorised clearing and vehicular and/foot traffic.* 2. *During construction, the following general measures would be implemented:*

Risk category	Potential impacts and risks	Mitigation measures
		• *All workers would be provided an environmental induction prior to starting work on site. This would include information on the ecological values of the site, protection measures to be implemented to protect biodiversity, and penalties for breaches.* • *The limits of clearing would be clearly demarcated on-site (where appropriate) prior to construction to avoid unnecessary vegetation and habitat removal. This could include the installation of fencing around the Proposal footprint.* *3. Implement clearing and construction protocols, including:* • *Carefully clear vegetation so as not to mix topsoil with debris and to avoid impacts to surrounding native vegetation.* • *Avoid excessive soil disturbance.* • *When accessing construction sites, contractors should only use designated access tracks.* • *An experienced and licensed wildlife carer and/or ecologist would be present to supervise vegetation clearing and capture and relocate fauna.* *4. Implement flora and fauna control measures including:* • *Salvage of dead timber from Proposal site into adjacent habitat to provide ground habitat.* • *Priority weeds within the study area would be managed in accordance with the Biosecurity Act 2015.* • *Weed species within the study area would be managed to control them from further spread. Management techniques may include immediate weed removal and disposal without stockpiling, disposal of weed contaminated soils at appropriate weed disposal facilities and to ensure that all equipment is cleaned prior to*

Risk category	Potential impacts and risks	Mitigation measures
		and on completion of works to ensure weeds are not introduced or spread to other locations. • *Protocols to prevent the introduction and/or spread of Chytrid fungus would be implemented. These protocols would be based on OEH Hygiene Protocol for the Control of Disease in Frogs.* *5. Implement operational controls protocols including:* • *Implement buffer zones around vegetation stands where possible to restrict potential operations/storage outside of Proposal site.* • *Hygiene procedures for the use of vehicles and the importation of materials to and between sites to reduce to the risk of introducing/spreading these pathogens* *6. Vegetation Management Plan* *Prior to works commencing, a Vegetation Management Plan is to be prepared for the Vegetation Exclusion Zones as referred to in the Ecological Consistency Assessment for Links Road B, Jordon Springs prepared by Narla Environmental Pty Ltd dated 16 July 2025.* *The VMP is to be submitted to and approved by Penrith City Council's Senior Biodiversity Officer. The VMP must:* • *Be prepared by an Ecological Consultant or Bush Regenerator with theoretical and practical experience in bushland restoration and management on the Cumberland Plain. They are required to hold a Certificate IV in Conservation and Land Management or equivalent tertiary qualifications, as a minimum.* • *Be consistent with relevant and up to date environmental legislation and policies, including but not limited to, the NSW Biodiversity Conservation Act 2016, NSW Biosecurity Act 2015, Water Management Act 2000,*

Risk category	Potential impacts and risks	Mitigation measures
		Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005). It is to also have regard to any Recovery Plans and recovery actions that are relevant. • *The VMP is to provide details for a five (5) year maintenance period and then details of management requirements following the five year period.* • *Identify ongoing management and maintenance of the conservation areas in terms of impacts of flora and fauna and vegetation management requirements. The focus is to be on the protection and conservation of native vegetation and fauna habitats on the site and on maintaining connectivity.* • *Clearly outline how vegetation will be protected and managed during construction of proposed future development.* • *Identify potential impacts from the development and future residential use of the site (both during construction and post construction) on the on-site and adjacent vegetation and habitats, and how these impacts will be managed and mitigated throughout the life of the development. Impacts include (but are not limited to) increased stormwater runoff and associated nutrients, weeds, erosion and sedimentation, recreation, on-going under scrubbing and tree removal, and other disturbances.* • *Identify ongoing future management of the vegetation that is to be retained on site and any identified threatened species.* • *A threatened flora translocation plan which will outline how the threatened plants will be translocated from the development footprint and transplanted into adjoining areas within the are subject to the*

Risk category	Potential impacts and risks	Mitigation measures
		Vegetation Management Plan or identify suitable translocation sites that have landowner consent. Evidence is to be provided that consultation with Penrith Council's Nursery and Bushland Management Team in identifying any opportunities for cuttings or whole plants to be salvaged and propagated or used on other sites. • *Identify a suitable style of boundary fence, and fence for the protected vegetation that permits fauna movement to assist with maintaining connectivity and minimises the requirement to remove any further vegetation.* • *Identify and map different management zones within the VMP area.* • *Identify locations for replacement trees as required by condition of consent to ameliorate the loss of trees for the proposed development.* • *Determine performance criteria for each management zone including but not limited to percentage survival rate for plantings, cover (as expressed as a percentage) of priority and environmental weeds at the end of each year, species, and diversity for each zone.* • *Identify habitat improvement measures that are to be undertaken across the site including locations for salvaged woody material.* • *Detail monitoring and reporting requirements.* • *The VMP is to include a clear outline of works to be undertaken along with timing of works and estimated costs including materials, labour, watering, maintenance, monitoring, and reporting should be included.* *The VMP, once it is approved by Council, must be implemented in its entirety.* *7. Biodiversity Management Plan* *Prior to works commencing, a Biodiversity Management Plan is to be prepared by a qualified and experienced Ecologist*

Risk category	Potential impacts and risks	Mitigation measures
		outlining how resident fauna displaced by vegetation clearing and removal of artificial habitat (such as building waste) will be managed within the development site. Management measures should consist of but not limited to: • *Details and template for site inductions* • *pre-clearance / salvage surveys for native fauna including Cumberland Plain land Snail* • *salvage of woody debris for reuse in the Vegetation Exclusion Zone and any excess material to be offered to Penrith Council's Bushland Management Team and other organisations such as Local Land Services, Landcare or other similar organisations that could receive donated salvaged woody material to create habitat in restoration sites.* • *inspections of artificial structures for evidence of use* • *identification of nests, dreys in native and exotic vegetation* • *nocturnal stag watching of hollow-bearing trees and artificial structures (if identified as potential habitat)* • *supervision of demolition and clearing of vegetation avoiding construction/clearing works during known breeding seasons and/or over-winter roosting habitat.* • *Management of macropods prior to and during construction* • *Details of established vegetation exclusion zones to protected vegetation, threatened flora and fauna habitat outside of the assessed and approved clearing limits. A map is to be provided that shows the location and type of fencing and signage to be installed.* • *Supervision of clearing works to be supervised by a qualified and Experienced Ecologist.* • *Weed management measures to be undertaken on site prior to and during clearing.* • *Details of Hygiene protocols to be implemented prior to and during works to minimise the risk of potential*

Risk category	Potential impacts and risks	Mitigation measures
		spread of Phytophthora cinnamomi and other pathogens on or off the site. Measures outlined in the 'Protocols to protect priority biodiversity areas in NSW from Phytophthora cinnamomi, myrtle rust, amphibian chytrid fungus and invasive plants' Hygiene guidelines prepared by the Department of Planning, Industry and Environment 2020 are to be implemented. • *• Monitoring and Reporting requirements* *The plan must be submitted to Penrith Council's Senior Biodiversity Officer for approval.* *8. On completion of the vegetation clearing works, a report prepared by a suitably qualified person verifying that all commitments and harm minimisation measures required by the approved Biodiversity Management Plan have been satisfied and submitted to Penrith Council's Senior Biodiversity Officer.*
Natural Systems	Infrastructure	• *As part of the 80% design and associated documents, supporting MUSIC modelling including a pre and post development Music Model is to be submitted to Council for review.* • *The 80% Design Report and Engineering Plans must include updated details of the proposed stormwater management measures for the road design. The updated information will need to include details of the effectiveness of the treatment measures (e.g., GPTs / bio swale etc.,) in the context of the DCP and SEPP (Biodiversity and Conservation) 2021 – Water Catchments requirements.* • *The Design report must be supported with a Stormwater report and MUSIC Modelling. This needs to include details about how stormwater quality has been considered in the design. The report and plans should also include details of any proposed GPT's, swales and other water quality*

Risk category	Potential impacts and risks	Mitigation measures
		measures that have been incorporated to comply with relevant water quality requirements. • *The report and MUSIC modelling needs to demonstrate that the post development scenario is a s close to possible as neutral or beneficial to the receiving water (in-line with SEPP (Biodiversity and Conservation) Water Catchment requirements). The report must also address the requirements of Council's DCP WSUD requirements.* • *Prior to the handover of the assets, Council requires all of the following conditions to be met:* ○ *The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council* ○ *The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure* ○ *Where applicable, the build-up of sediment has resulted in no more than a 10% reduction of operational volume* ○ *Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council* ○ *The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)* ○ *Design drawings have been supplied in a format acceptable to Council* ○ *Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council*

Risk category	Potential impacts and risks	Mitigation measures
		○ *Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)* ○ *Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)* ○ *The condition of the infrastructure associated with the land complies with the approved design specification* ○ *Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned* ○ *Comprehensive operation and maintenance manuals (including indicative costs) have been provided.*

Table 17: Environmental mitigation measures

10 Justification and conclusion

This REF has been prepared by Keylan Consulting on behalf of Lendlease (St Marys Land Limited) to assess the potential environmental impacts that could arise from the proposed roadworks on Links Road, Christie Street and Lee Holm Road, St Marys.

This REF has examined and taken into account to the fullest extent possible all matters affecting, or likely to affect, the environment by reason of the proposed activity. As discussed in detail in this report, the proposal will not result in any significant or long-term impact. The potential impacts identified can be reasonably mitigated and where necessary managed through the adoption of suitable site practices and adherence to accepted industry standards.

As outlined in this REF, the proposed activity can be justified as it:

- completes items 4 and 5 outlined within Annexure 2A of the Planning Agreement between Council and Lendlease (St Marys Land Limited)
- significantly improves local road infrastructure through construction of a new road and upgrade of a poorly performing intersection
- consistent with all relevant legislation, plans and policies
- has no significant environmental impacts
- proposes adequate mitigation measures to address impacts

The environmental impacts of the proposed works are not likely to be significant. On this basis, it is recommended that Council determine the amended proposed activity in accordance with Part 5 of the EP&A Act and subject to the adoption and implementation of mitigation measures identified within this report.