

Our reference: ECM: 9342456
Contact: Kate Smith
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4 November 2020

Lauren Rose
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Dear Miss Rose,

Response to Address Amendment Report (AR) and Response to Submissions Report (RtS) - (SSI-9364) for the M12 Motorway

I refer to your notification received on 20 October 2020 in relation to the Amendment Report (AR) and Response to Submissions Report (RtS) on the proposed M12 Motorway. Thank you for the opportunity to provide additional comments on the proposed development.

The following is provided for consideration in the assessment of the proposed development. In addition to our previous comments on the proposal:

Planning Considerations

The key strategic comment that remains is that no interchange ability remains for drivers using the M12 to access the Western Sydney Aerotropolis. A Devonshire Road interchange, or Luddenham Road Interchange would be important in the delivery of connections into the Western Sydney Aerotropolis. If these cannot be delivered due to cost reasons or otherwise, then there should be provision for such interchanges at a future point.

The Draft Precinct Plans for the Western Sydney Aerotropolis, and particularly the Precinct Plan for the Northern Gateway, should be assessed for consistency with the proposal. This document is expected to be exhibited imminently, and once it is exhibited should be a relevant consideration in this project.

Not prohibiting future connectivity across the motorway corridor, as initial precincts in the Western Sydney Aerotropolis are developed, should be a focus in the final design for the M12. This could include example cross sections of bridges or underpasses, or a review of potential locations where these could occur.

The provision for additional intersections off Elizabeth Drive is supported and is a welcome consideration in the context of Precinct Planning being undertaken in the Northern Gateway. Of the two design options for the motorway to motorway interchange at the M7 Motorway, Option 2 is preferred, as this is a toll-free connection for residents travelling along Elizabeth Drive, east of M7.

In addition to the above, the proposed widening of the M7 Motorway should be brought forward.

Landscape Design Matters

Council is supportive of the aspirations of the project but are wary of the delivery of these aspirations due to some seemingly divergent objectives in the Environmental Impact Statement (EIS).

Quality of recreation facilities, connection to country, six seasons planting design, biodiversity and ecological outcomes may be compromised dependent on the restrictions enforced to reduce risk of wildlife strike.

Feedback on the landscape component of the EIS is difficult to assess when the implications of the restrictions have not been addressed.

The EIS and supporting documentation convey an ecologically sensitive project restoring wildlife connectivity, preserving habitat, creating and stitching together areas of recreation, however the protections around wildlife strike may significantly undermine this vision with limited detail on how these divergent objectives will marry together.

The strategic documentation appears to be developed behind the detail documentation. Only a draft Urban design framework has been released yet the detail design is over 50% complete. Concern over the objectives being constrained by the detail design rather than the detail design being shaped by the objectives in the framework.

Response to Submissions	Comments/Recommendations
<p><i>'Specifically, the project would implement connectivity measures in accordance with Wildlife Connectivity Guidelines for Road Projects (TfNSW, under preparation). Detailed design would retain fauna passage at all four main creek lines (Cosgroves, South, Kemps and Badgerys creeks).'</i></p>	<p><i>'Wildlife Connectivity Guidelines for Road Projects' – (TfNSW, under preparation). Detail documentation is over 50% complete. It would be beneficial to confirm detail design underway is in alignment with this document.</i></p> <p>Request that at 80% documentation stage demonstrate fauna passage and recreation passage at 4 main creek lines is feasible.</p>



<p><i>'Initiatives to facilitate connections to creeks by provisioning for pedestrian and cyclist access in the future'</i></p> <p><i>'Inclusion of active transport (pedestrian and cyclist) facilities through provision of pedestrian bridges and an off-road shared user path including connections to existing and future shared user path networks'</i></p> <p><i>'The shared user path would provide a dedicated continuous link for cyclists and pedestrians between The Northern Road and the Western Sydney Parklands. It would act as a commuter and recreational resource.'</i></p> <p><i>'The design of the shared user path, including gradients, would be determined by finished road levels, flood levels, local road connections, existing shared user paths and future areas presumed to be developed into recreational open space.'</i></p>	<p>At 50% detail design the designs do not yet show provisions for pedestrian and cycle access to the creek lines. It is requested these be made clear at the 80% documentation review.</p> <p>It is requested the alignment of the path along the route is demonstrated through indicative cross sections, suitable separation, planting, and facilities to support this asset as a commuter, recreational and leisure resource.</p>
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Biodiversity

Issue/Comment	Comments/Recommendations/Conditions
Assessment of biodiversity impacts	
<p>Indirect impacts</p> <p>Indirect impacts focus on edge effects with little to no consideration of impacts of connectivity.</p>	<p>Re-assess indirect impacts incorporating measures for loss of connectivity, particularly in relation to threatened species.</p> <p>Incorporate spatial extent of loss of connectivity within offset credit calculation.</p>
Management of biodiversity impacts	
<p>Key Threatening Processes (KTPs)</p> <p>Environmental management measures do not adequately address State and Commonwealth KTPs.</p>	<p>Incorporate actions documented in KTP strategies and plans including, but not limited to, those for “<i>Aggressive exclusion of birds from woodland and forest habitat by abundant Noisy Miners, Manorina melanocephala Latham, 1802</i>” and “<i>Forest eucalypt dieback associated with over-abundant psyllids and Bell Miners</i>”.</p>
<p>CFFMP</p> <p>The proposed CFFMP (Section 7.1.6) does not include all relevant procedures documented in <i>Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (RTA, 2011)</i>.</p>	<p>Incorporate <i>RTA Guide 7 Pathogen management</i> within environmental management measures.</p> <p>Prepare detailed management plans in accordance with all relevant RTA guides.</p>
<p>Threatened flora management</p> <p>Proposed management actions for threatened flora species are limited.</p>	<p>Prior to commencement of works, prepare and implement a) seed collection plan and b) plant translocation plan for <i>Dillwynia tenuifolia</i> and <i>Pultenaea parviflora</i>.</p> <p>Prior to commencement of works, prepare a plan for the management of threatened species within exclusion zones:</p> <ol style="list-style-type: none"> a. Incorporate “no-go” signage within exclusion fencing. b. Optimise distance between threatened species and exclusion fencing to minimise indirect impacts. c. Fence multiple individuals within an exclusion “patch” where

	<p>possible, rather than fence single individuals.</p> <p>d. Monitor exclusion zones:</p> <ol style="list-style-type: none"> i. Develop a monitoring program in conjunction with an appropriately qualified ecologist, ii. Schedule monitoring, as a minimum, at the beginning and end of the species' growing season, iii. Undertake monitoring during construction and operational phases, iv. Incorporate adaptive management actions as required.
<p>Fauna passage</p> <p>Section 7.1.6 (B22) indicates detailed design is to retain fauna passage at all four main creek lines (Cosgroves, South, Kemps and Badgerys creeks).</p>	<p>Detailed design documents are to be prepared and reviewed by an ecologist prior to determination.</p>
<p>Noise, light, and vibration</p> <p>Section 7.1.4 of the EIS states "<i>Fauna within the area would already be adapted to photo pollution...and the increased artificial lighting associated with the project is unlikely to have a significant effect...</i>" There is no justification for this assessment of the effect of lighting.</p> <p>Light mitigation measures are inadequate.</p>	<p>Detailed, specific, light mitigation measures are to be developed, incorporating the <i>National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia 2020</i>.</p>
<p>Pre-clearance surveys - White-bellied Sea-eagle</p> <p>Section 7.1.6 (B05) requires a species-specific plan.</p>	<p>Prior to commencement of works, a sea-eagle expert is to be consulted to prepare and implement a detailed, species-specific plan for White-bellied Sea-eagle management.</p>

<p>Pre-clearance surveys - Cumberland Plain Land Snail</p> <p>Section 7.1.6 (B05) requires a species-specific plan.</p>	<p>Prior to commencement of works, prepare and implement a Cumberland Plain Land Snail translocation plan, including:</p> <ol style="list-style-type: none"> Survey methodology, Identification of land to which translocated individuals will be taken, Monitoring of translocated individuals in collaboration with ecologists/researchers to enhance knowledge of translocation procedures outcomes.
<p>Landscape plans</p> <p>Landscape plans are referred to but not supplied.</p>	<p>Prior to commencement of works prepare, and submit for review, a Landscape Plan.</p>
<p>Offsetting biodiversity impacts</p>	
<p>Offset strategy</p> <p>An offset site has not been identified and a detailed offset strategy has not been provided.</p>	<p>Prepare, and submit for review, a detailed offset strategy, including nominated offset locations.</p>
<p>Species exclusions</p> <p>Not all species listed as ecosystem or species credit species within Table 7-14 of the EIS are incorporated in the calculation of credits per Section 8 of Appendix A Biodiversity supplementary technical report October 2020</p>	<p>Provide appropriate justification of the exclusion of species listed in Table 7-14 of the EIS yet not included in the credit calculation. Or review and submit a revised credit calculation incorporating species currently omitted (e.g., but not limited to, White-bellied Sea-eagle, Little Bentwing Bat).</p>
<p>Credit calculation</p> <p>The credit calculation does not adequately incorporate biodiversity impacts</p> <p>With respect to <i>Dillwynia tenuifolia</i> and <i>Pultenaea parviflora</i>, Section 7.1.4 of the EIS states “<i>Potential indirect impacts resulting from fragmentation, degradation of the roadside habitat from edge effects and sedimentation</i>”</p>	<p>Revise credit calculations, incorporating adequate and appropriate consideration of:</p> <ol style="list-style-type: none"> Uncertainty regarding indirect impacts on <i>Dillwynia tenuifolia</i> and <i>Pultenaea parviflora</i>, Impact of loss of connectivity on threatened flora and fauna species, and Exacerbation of KTPs arising from the development and not adequately managed via mitigation measures.



<p><i>may result in the further loss of individuals...". This potential loss is not adequately incorporated within credit calculations.</i></p> <p>Indirect impacts of loss of connectivity on threatened flora and fauna has not been adequately incorporated into credit calculations.</p> <p>Mitigation measures do not adequately incorporate actions to minimise the exacerbation of KTPs arising from the development.</p>	<p>Alternatively, amend design and/or incorporate mitigation measures that adequately and appropriately address items a - c above.</p>
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Heritage Considerations

Aboriginal Heritage:

- The response provided on the alignment options stated that this aspect has been detailed in the 2016 preferred motorway corridor route report. The link to the report supplied is broad and not a detailed paper on how or why they came to the proposed route with consideration to Aboriginal sites. This report seems to be a document disseminated for the wider public and not professionals for detailed consideration. Therefore, the initial request is still pertinent.

Non-Aboriginal Heritage:

- The amended report has been prepared via desktop by a heritage archaeology group/archaeologist based outside of New South Wales. This is not thought to be appropriate, as they do not appear to have visited the site to have an appreciation of the heritage items and their settings to inform the findings/conclusions.

Additionally, it is recommended that analysis and conclusions are made (or confirmed) by a suitably qualified heritage architect with demonstrated skills in assessing of these structures (interwar/colonial). Archaeologists speciality is archaeology not heritage buildings/settings/heritage landscaping etc.

The EIS notes that options for the motorway location have been considered in respect to minimising heritage impacts. However, the options for alternative locations (in a heritage context) not been provided?

- The amended report notes that the previous EIS/Heritage report did appropriately assess the heritage significance of the McGarvie Smith Farm and McMaster Field Station. This is not agreed with, we reiterate that the proposal should be informed by a detailed analysis of site conditions, heritage significance and suitably demonstrate that the proposal has respected and responded to that significance. The proposal and alignment of the road corridor, including the future planned connection with the airport, does not appear to have been prepared in response to these items given the recommendations made. This is particularly concerning as the report itself acknowledges that major impacts are proposed to items of identified State significance being McGarvie Smith Farm and McMaster Field Station.

The reports were lacking detail that would normally be requested for heritage items that are proposed for demolition. Additionally, the fundamental principle in heritage procedure is that all decision making is based on research. This is enshrined in the principles espoused in the "Burra Charter" and it remains unclear as to whether this has been duly followed/exhausted.

Given it appears that the consultants have not visited the site, Council is not confident the principles of the Burra Charter have been followed.

- We requested that the Thematic study/report be carried out prior to determination to determine if the McGarvie Smith Farm had a greater/rare heritage significance. The EIS notes that this is to be carried out prior to works commencing and if the findings demonstrate a rare significance TfNSW will carry out a management plan.

The fundamental principle in heritage procedure is that all decision making is based on research. If it is demonstrated that the site/building has a rare significance it requires further thought on the proposed demolition, a management plan is not thought to be satisfactory and still implies that the item would be demolished. Therefore, it is requested that the thematic study is carried out prior to determination to allow for review/additional options (if necessary).

If it is determined that demolition of McGarvie Smith Farm is unavoidable the following conditions are recommended:

- 1) The Proponent must salvage items of heritage value from heritage listed buildings and structures to be demolished before demolition, and assess options for its sympathetic reuse (including integrated heritage displays) on the project or other options for repository, reuse and display, or reuse by offering to restoration suppliers. Suitable repository locations must be established in consultation with Penrith Council. Any State significant items or elements suitable for salvage must be determined in consultation with the Heritage Council or its Delegate.

The Proponent must prepare a Salvage Report, including photographic recording of the heritage items identified for salvage in documents referred to above. The Salvage Report must include:

- (a) internal fabric from item X
 - (b) exterior, interior and setting of item X,
 - (c) directly impacted parts of item X, etc.
- 2) Prior to the commencement of any works an interpretation plan for the McGarvie Smith Farm is to be supplied to Penrith Council for review and approval.
 - 3) Prior to the completion of works/Occupation Certificate, the interpretation plan for the McGarvie Smith Farm is to be installed on site.
- The physical description of the heritage item "Luddenham Road" as per the inventory sheet states; The roadway itself is an asphalted two-lane road with grassed verges and some areas with remnant stands of trees. Some sections of the road retain stretches of old timber post and rail fencing that provides evidence of the use of the local area for grazing purposes over a long period of time. I also note that both aesthetic and historical criteria for listing also refer to the post and rail fence and pastoral landscape. Therefore, as previously requested the following is still pertinent; Luddenham Road is also still listed as containing heritage significance and while the reports note impact is minimal it is thought that this might not be the case in respect to road alignment, rural setting, landscaping and fencing. Further discussion should be sought through the amended impact assessment as outlined above.

Should you wish to discuss any matters further and allow for further dialogue as requested between officers, please do not hesitate to contact me on 4732 7705.

Yours sincerely,



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