

8.0 Conditions of Approval

8.1 Introduction

The approved WSO project was granted approval on 28 February 2002 under the *Environmental Planning and Assessment Act 1979* (EP&A Act). This included the granting of concurrence for the project under Section 112D of the EP&A Act by the National Parks and Wildlife Service (NPWS) on 14 September 2001 (NPWS, 2001).

Due to the purpose of the proposed widening, the historical nature of the existing approval, and the operational phase of the existing Westlink M7, the proposed changes to the conditions of approval (CoA) would necessitate amendment of existing general and operational conditions, and the addition of new construction related conditions.

Transport is submitting the request to the Minister to modify the existing project approval (SSI-663) under section 5.25 of the EP&A Act.

This chapter outlines the proposed approach and the key conditions of the existing project approval that would need to be amended for the proposed modification.

8.2 Conditions to be amended, added or removed

The approved project was for the construction and operation of the four-lane traffic motorway (two lanes in each direction), with the ability to accommodate the future provision of public transport or additional road lanes in the median. The purpose of the proposed widening is to add a third trafficable lane in each direction of the Westlink M7, into the existing median, from south of Kurrajong Road, Prestons, to Richmond Road, Oakhurst/Glendenning (excluding at the M4 Motorway/Westlink M7 (Light Horse) Interchange), which requires changes to Schedule 1 of the WSO SSI project approval to occur.

The project approval for SSI-663 would require changes to a number of the CoA to account for the proposed modification. Proposed changes to key CoA are detailed in Table 8-1, with proposed changes or additions shown in **bold** text and deletions shown as strikethrough text.

Table 8-1 Key CoA proposed to be added or modified

Number	Condition	Reason
1	<p>The Project shall be carried out in accordance with:</p> <ul style="list-style-type: none"> (a) the Project contained in the Environmental Impact Statement (EIS), and as modified by the Representations Report (b) all identified Sub Plans, safeguards and mitigation measures identified in the EIS and Representations Report (c) the Director-General's Report (d) the Conditions of Concurrence granted by the NPWS; and (e) the conditions of approval granted by the Minister. <p>The Widening of the M7 shall be carried out in accordance with:</p> <ul style="list-style-type: none"> a. M7 Widening Modification Report (dated July 2022); b. M7 Widening Response to Submissions Report (date to be confirmed, 2022)). <p>Despite the above, in the event of any inconsistency with the Project as described in the EIS, and/or Representations Report and/or modification report(s),</p>	<p>Current condition requires the project to be carried out in accordance with the original EIS, as modified</p>

Number	Condition	Reason
	<p>the conditions of approval granted by the Minister and Conditions of Concurrence by the NPWS shall prevail.</p> <p>These conditions do not relieve the Proponent of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. Without affecting the generality of the foregoing, the Proponent shall comply with the terms and conditions of such approvals and licences.</p> <p>It shall be the ultimate responsibility of the Proponent to ensure compliance with all conditions of approval granted by the Minister.</p>	
3.a	<p>This modification approval lapses five (5) years after the date:</p> <p>a. on which the widening modification approval is granted; or</p> <p>b. on which funding was granted for the widening modification (whichever is earlier),</p> <p>unless Work has physically commenced on or before that date.</p>	Suggest new condition to cover when the approval commences and tie it to funding requirements.
29	The Project shall be constructed and operated to accommodate a maximum of four (4) six (6) through traffic lanes (two three through lanes in each direction).	
42	Five (5) years after the opening of the Project to traffic and every ten (10) years subsequently up to 25 years, the Proponent shall review the potential demand for dedicated public transport services on the Project to the satisfaction of the Department of Transport and shall implement any such measures as agreed between the Proponent and the Department of Transport.	No change. The design of the proposed modification would not preclude the use of the median or lanes of the motorway for dedicated public transport routes in the future.
91	The Proponent shall install all necessary noise mitigation measures in the vicinity of at affected residences built prior to 2007 at Cecil Hills to reduce predicted traffic noise levels to not exceed the levels as specified in NSW's Environmental Criteria for Road Traffic Noise.	Reflects the operational nature of the motorway and development post opening.

The existing Westlink M7 was built and became operational in 2003, such that the existing construction phase conditions relate to work which has already been completed, and completed within a substantially different environmental and social context to current day. As such, a suite of updated construction phase conditions would be required specifically for the construction of the proposed widening, to reflect the current context of the motorway corridor and contemporary environmental practices. If approved, these updated construction conditions would be informed by the mitigation measures outlined in this modification report and relevant, recent road widening projects.

Similarly, a number of the existing operational conditions would be required to be updated to reflect the current operation of the motorway, to update regulator and authority references, and to reflect the current local and planning context.