

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

|  |   |
|--|---|
| <b>Application type</b>                    | State significant infrastructure modification |
| <b>Application number and project name</b> | SSI-663-Mod-6<br>Western Sydney Orbital Mod 6 |
| <b>Proponent</b>                           | Transport for NSW                             |
| <b>Approving authority</b>                 | Minister for Planning                         |

### Decision

The Minister for Planning has, under s.5.25 of the *Environmental Planning and Assessment Act 1979 (the Act)*, approved the modification subject to conditions.

A copy of the Instrument of Modification is available on the Department's [Major Project website](#).

A copy of the Planning Secretary's assessment report is available on the Department's [Major Project website](#).

### Date of decision

15 February 2023

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the objects of the EP&A Act;
- the Planning Secretary's assessment report on the infrastructure and the reports, advice and recommendations contained in the report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Planning Secretary's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the modification are as follows:

- the project would provide the following benefits:
  - increase the capacity of the existing Westlink M7 to accommodate growing demand and traffic volumes due to population growth and the future Western Sydney International (Nancy-Bird Walton) Airport
  - provide significant travel time reductions for journeys along the motorway corridor with travel time savings of up to 12 minutes in the afternoon peak in 2036
  - improve the flow of traffic along the network, with traffic modelling predicting that the number of times vehicles would need to stop on the motorway would reduce by 54% compared to the current traffic conditions;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community in submissions have been considered and adequately addressed through refinements to the project and the conditions of approval. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Proponent engaged with the community during the preparation of the Modification Report and the Report detailed the findings of the engagement and how it influenced the scope and design of the project.

The Modification Report was placed on exhibition from 3 August 2022 until 23 August 2022 (a total of 21 days) on the Major Projects website. During the exhibition period, the Department received 33 unique submissions, including six objections. Of the unique submissions, three submissions were from local councils, three were from special interest groups and organisations, 26 were from members of the community, and one state-owned corporation. Six government agencies provided advice.

The key issues raised by the community and considered in the Planning Secretary's assessment report and by the decision maker include traffic, active transport, project justification and noise and vibration. Other issues are detailed in the Planning Secretary's assessment report.

| <i>Issue</i>  | <i>Consideration</i>   |
|---|--|
| <p><i>Project justification</i></p> <ul style="list-style-type: none"> <li>• support for widening</li> <li>• requests for public transport to be provided instead of traffic lanes within the median</li> <li>• the need for four lanes to be built in each direction</li> </ul>  | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The project involves widening of the motorway by adding two lanes (one in each direction) within the median, removing the ability for light or heavy rail to be delivered within the corridor. The Proponent has stated the proposed additional lanes do not preclude the use of the future potential for lanes of the motorway dedicated as public transport routes (bus services).</li> <li>• Current government strategies do not recognise the M7 corridor as a future public transport corridor. This is reflected within the <i>Western City District Plan</i> which details proposed and committed new public transport corridors and which were not considered when the project was originally approved.</li> <li>• Increasing the road capacity of the M7 as a key transport corridor is identified as a mechanism to support the objectives of the strategic metropolitan and transport documents shaping Sydney's growth.</li> <li>• Providing four lanes along the corridor (as requested in submissions) would likely exacerbate environmental and social impacts due to further land clearing and property acquisition and would bring the motorway closer to receivers who live adjacent to the current corridor.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• The Department has not proposed to remove the existing conditions relating to the public transport provision within the motorway corridor to ensure that use of the corridor by public transport is not prevented by this modification.</li> </ul>   |
| <p><i>Traffic and active transport</i></p> <ul style="list-style-type: none"> <li>• construction traffic impacts on local roads</li> <li>• increased risk of accidents along the alignment due to additional capacity</li> <li>• request upgrades to surrounding infrastructure and roads, including the entry and exit ramps to the M7, the Richmond Road interchange, and the M2/M5 connections</li> <li>• traffic flow impacts from the proposed widening of the M4 westbound on-ramp</li> <li>• stopping bay design should be refined to allow heavy vehicles to reach motorway speed</li> <li>• the provision of a rest area</li> <li>• the shoulders of the motorway are utilised by cyclists training at high speeds and should remain accessible for cyclists</li> <li>• request for a connection from Middleton Ave to Aviation Road out of the Parkbridge Estate</li> <li>• concern over construction detours and lack of thought behind them</li> <li>• improve connections and facilities for active transport</li> <li>• request for enhancement of the existing shared user path</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Traffic safety measures will be implemented during construction including reduced speed limits of up to 80 km/h, lane closures and full motorway closures during the widening of bridges. Full motorway closures will result in detours passing through residential areas adjoining the arterial road network. Proactive traffic measures would be implemented to manage these unavoidable construction impacts. The proposed detours include diverting traffic onto the adjoining road network.</li> <li>• Construction-related traffic impacts would be minimised by undertaking construction during the evening and night-time, reducing impacts on the majority of road users.</li> <li>• The shoulder of the motorway would be closed to cyclists during construction and operation to allow for the reconfiguration of the M4 northbound exit and avoid conflicts between motorists and cyclists.</li> <li>• No significant enhancements or additions to the existing shared user path adjacent to the Westlink M7 are proposed. The shared user path would be reinstated and or/repared if sections are removed or damaged.</li> <li>• The flow of traffic along the motorway network would be improved due to the reduction in the number of stops made by vehicles due to less congestion (predicted 54 % reduction in stops).</li> <li>• The performance of the majority of intersections connecting with the motorway will not change. The Proponent has committed to investigating measures for improving performance at intersections where the level of service will deteriorate during detailed design.</li> <li>• Other matters raised have been adequately addressed in the Submissions Report or are not within the scope of the modification application and have not been assessed.</li> </ul> |

|   |   |
|---|---|
|   | <p><i>Conditions</i></p> <p>The Department has recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• The proposed vehicle detour through Windsor Road, and the Windsor Road/Edinburgh Circuit/Sandringham Drive roundabout at Cecil Hills is prohibited.</li> <li>• Additional active transport infrastructure must be provided to enhance the existing shared user path and mitigate the impact of the temporary closures of the path during construction and permanent closure of the motorway shoulder, in consultation with bicycle user groups and Councils.</li> <li>• The widening works must not preclude the delivery of a future connection to Middleton Grange.</li> <li>• The widening works must not preclude the delivery of Blacktown City Council's Mavis Street shared user path. In addition, the Proponent must provide Council with access to the motorway corridor in the location of the proposed path until the end of 2023 to allow for the construction of the active transport link.</li> <li>• A Road Network Performance Plan must be prepared and assess network performance at intersections which would perform more poorly under the modification. The Plan must identify measures for improving performance.</li> <li>• Operational Road Network Performance Reviews must be undertaken within 12 months and at five years after the commencement of operation to confirm the adequacy of the mitigation measures implemented to improve performance.</li> </ul>  |
| <p><i>Noise and vibration</i></p> <ul style="list-style-type: none"> <li>• inadequate noise mitigation implemented when project was originally delivered</li> <li>• concern that the widening would exacerbate current noise impacts</li> <li>• request for additional noise walls</li> <li>• the use of compression brakes in residential areas by heavy vehicles</li> <li>• request for new noise walls between Elizabeth Drive and the Horsley Drive and between Wallgrove Road and Saxony Drive.</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Construction would exceed noise management levels set out in the <i>Interim Construction Noise Guideline</i> (ICNG) (DECC, 2009) during standard hours and out-of-hours work (OOHW). This would occur along the alignment and cause the most impact where the M7 is nearby to residences.</li> <li>• Out-of-hours construction noise impacts are unavoidable due to constraints associated with construction activities in a live road corridor, which require partial or full road closures and can only be undertaken at night to avoid significant traffic disruptions on an existing motorway. Detours as a result of these road closures may also lead to a transfer of traffic noise impacts to the adjoining road network.</li> <li>• As the M7 is an operational motorway, many receivers are already noise affected. However, additional receivers have been identified due to the increased traffic noise impacts associated with the project. To reduce these impacts, the Proponent has proposed low noise pavement, noise barriers and at-property architectural treatment measures. To ensure these measures are effective, the Proponent will be required to undertake an operational noise review during detailed design to determine the final suite of mitigation measures.</li> </ul> <p><i>Conditions</i></p> <p>The Department has recommended conditions in relation to the following:</p> <ul style="list-style-type: none"> <li>• Clear communication of respite periods with the community.</li> <li>• The development of an OOHW protocol, including coordination of utility management work.</li> <li>• The implementation of mitigation measures to manage traffic noise impacts on residents consequent to traffic detours.</li> <li>• Early implementation of at-property architectural noise treatments to provide a form of mitigation to construction noise impacts.</li> <li>• An operational review process involving determination of the final suite of operational noise mitigation measures to reduce operational noise.</li> <li>• The inspection of existing noise barriers and a requirement to upgrade existing noise barriers if they do not meet expected performance outcomes.</li> <li>• The maintenance of any low-noise road pavements.</li> <li>• Operational traffic noise monitoring and reporting, and implementation of further noise mitigation measures where noise monitoring (and modelling) indicates exceedance of operational noise criteria.</li> </ul> |