

Notice of decision

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

Application type	State significant infrastructure
Application number and project name	SSI-9364 M12 Motorway
Applicant	Transport for NSW
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to the recommended conditions.

A copy of the infrastructure approval and conditions is available [here](#).

A copy of the Planning Secretary's Assessment Report is available [here](#).

Date of decision

23 April 2021

Reasons for decision

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

- the matters listed in the statutory context section of the Planning Secretary's assessment report;
- the Objects of the Act;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Assessment 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 application are as follows:

- the project would -
 - provide a critical connection between the M7 Motorway and The Northern Road, and access to the Western Sydney Airport,
 - provide improved reliability of road-based journey times, particularly during peak travel periods,
 - improve overall road safety by separating local and through traffic,
 - increase road capacity to support an increase in traffic demand from land use changes and residential growth in western Sydney, and
 - improve active transport connections through the delivery of shared pedestrian and cycle facilities from Cecil Hills to Luddenham.
- the project has been endorsed by the NSW Government by being a key component of:
 - *Future Transport Strategy 2056*
 - *Greater Sydney Regional Plan*
 - *Western City District Plan*
 - *Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan*
 - *Western Sydney Infrastructure Plan*
 - *Western Sydney Parklands Plan of Management 2030*
- 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 during consultation and in submissions have been considered and adequately addressed through the Proponent's response to submissions and environmental management commitments, and the recommended conditions of approval; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Environmental Impact Statement was publicly exhibited from 16 October 2019 until 18 November 2019 (34 days). Submissions were received from 17 state and local government agencies, 24 submissions from members of the public and seven from community/interest groups. Following exhibition of the EIS, the Proponent's Amendment Report was publicly exhibited from 21 October 2020 to 4 November 2020 (15 days). Submissions were received from 17 state and local government agencies, 17 submissions from members of the public and seven from community/interest groups.

The Department also undertook the following consultation activities:

- two site visits during the assessment process;
- attended multiple community information sessions held by the Proponent in-person and virtually; and
- attended briefings to Penrith, Liverpool and Fairfield City Councils by the Proponent

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report and by the decision maker include: noise and vibration; traffic and transport; biodiversity; visual amenity; socio-economic, land use and property; non-Aboriginal heritage; and Aboriginal heritage. Other issues are addressed in detail in the Planning Secretary's Assessment Report.

Issue	Consideration
<p><i>Traffic and transport</i></p> <ul style="list-style-type: none"> • Traffic impacts during construction and operation • The motorway should be constructed with three lanes in each direction • Safety concerns around the proposed M12 intersection with The Northern Road • Construction traffic impacts from multiple projects being constructed concurrently • Lack of connectivity between precincts (including Northern Gateway, Badgerys Creek and Kemps Creek) • Concern that logistics vehicles will be delayed to/from employment lands in the Northern Gateway and increased congestion within the Western Sydney Airport • Traffic congestion associated with rerouting Wallgrove Road onto Cecil Road 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • There will be traffic impacts during construction, however these impacts can be mitigated by implementing established management measures. • Local traffic impacts are predicted to occur during construction due to construction traffic, new or modified intersections and traffic management measures to allow safe entry and exit to construction zones. • Operation of the project is expected to improve traffic flows on the M7 Motorway and Elizabeth Drive. • The project is focused on delivery of a key road link from the Western Sydney International Airport to Sydney's Motorway network. This will require adjustment to some existing local roads. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • Construction impacts are considered acceptable and will be managed proactively by implementing traffic management measures. • The Proponent must seek approval for heavy vehicles to use local roads not identified for use in the EIS, Amendment and Response to Submissions reports. • Requirements are recommended for road dilapidation surveys and repairs, if required. • A Construction Traffic and Transport Management Sub-plan, including consultation with relevant Councils, must be prepared to ensure that construction traffic impacts are managed.
<p><i>Noise and vibration</i></p> <ul style="list-style-type: none"> • Operational traffic noise impacts to residents around Cecil Hills from traffic on the ramps onto the M7 Motorway • Sleep disturbance from construction and operation of the project • Request for installation of noise barriers to reduce operational traffic noise impacts • Noise impact associated with widening of Elizabeth Drive 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Construction noise and vibration impacts are unavoidable for a project of this magnitude. The impacts will be managed using industry best practice underpinned by a robust community consultation strategy. • Building bridges across existing roads, and road and utility works within road corridors, necessitate night-time work for personnel and public safety. • Operational traffic noise impacts of up to 21 dB during the daytime and 23 dB during the night time are predicted in 2036. Two hundred and twenty residents would be eligible for noise mitigation. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • Out-of-hours work that cannot be undertaken during standard construction hours would be approved and regulated through an Environment Protection Licence or Out-of-Hours Work Protocol. • Engagement with the community on out-of-hours activities and suitable respite periods must be undertaken, and utility works must

	<p>be coordinated with construction activities to maximise periods of respite.</p> <ul style="list-style-type: none"> • Additional mitigation such as temporary alternative accommodation or other agreed mitigation measures must be considered for high noise intrusive out-of-hours work planned for more than two nights over a seven-day rolling period. • At-property operational noise mitigation must be provided within six months of the commencement of construction at residences identified as eligible for receiving treatment and which would experience construction noise impacts at levels above specified noise management levels. Where this is not possible, temporary at-property acoustic treatments must be provided. • Operational noise mitigation measures will be reviewed and subject to compliance monitoring to ensure their effectiveness.
<p><i>Urban design and visual amenity</i></p> <ul style="list-style-type: none"> • Visual impacts to residents from the ramps onto the M7 Motorway and lighting impacts • Request for visual shielding to be provided in the form of tree planting • Light pollution impacts to residents once the project is operational 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project will have a high impact on some viewpoints however the majority of adjoining lands are subject to extensive rezoning and development as part of the <i>Western Sydney Aerotropolis – Land Use Infrastructure and Implementation Plan</i> which will change the existing landscape over time. • Impacts to Western Sydney Parklands have been reduced through design development but will still directly impact 90 hectares, including the Wylde Mountain Bike Trail. • A shared user path will be provided along the M12 Motorway from The Northern Road to the Western Sydney Parklands, completing a connection between the M7 Motorway cycleway and The Northern Road. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • Visual impacts can be reduced during detailed design. • The Proponent must prepare a Place, Design and Landscape Plan informed by input and review from independent practitioners experienced in public art, heritage, landscape architecture and active transport. • An interface agreement between the Proponent and the Western Sydney Parklands Trust is being developed which sets out the Proponent's obligations to minimise and offset impacts to the Parklands. • The project will achieve a net increase in trees. • The project must be constructed and operated to minimise light spillage to surrounding properties.
<p><i>Social/economic impacts and property acquisition</i></p> <ul style="list-style-type: none"> • Acquisition impacts and the acquisition process • Access impacts during construction • Lack of community consultation • Concern for property prices • Stress to residents and property owners • Fragmentation and sterilisation of land • Impacts to future land uses and precinct planning 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project would generate long-term benefits for local and regional communities, businesses and industry from improved regional connections, and links to key population and employment growth areas in western Sydney. • Impacts to residential properties have been minimised by constructing the project on rural land. However, this has meant that some rural properties will be fragmented. • Access would be maintained to individual properties near the project alignment. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> • The Proponent must reinstate affected property access. • The project must minimise intrusion and disruption to agricultural operations/activities in surrounding properties. • The Proponent must employ a suitably qualified and experienced independent agricultural expert to assist in identifying management measures to address any impacts that may affect the viability of existing agricultural operations.