

**In reply please quote:** 19/29449  
**Your reference:** SS1 9364

**Contact:** Andrew Mooney 9725 0214

20 November 2019

Naomi Moss  
Acting Team Leader  
Transport Assessments  
Department of Planning, Industry and Environment  
Level 24, 320 Pitt Street  
SYDNEY 2001

Dear Ms Moss

**M12 MOTORWAY (SSI-9364) – ENVIRONMENTAL IMPACT STATEMENT (EIS)**

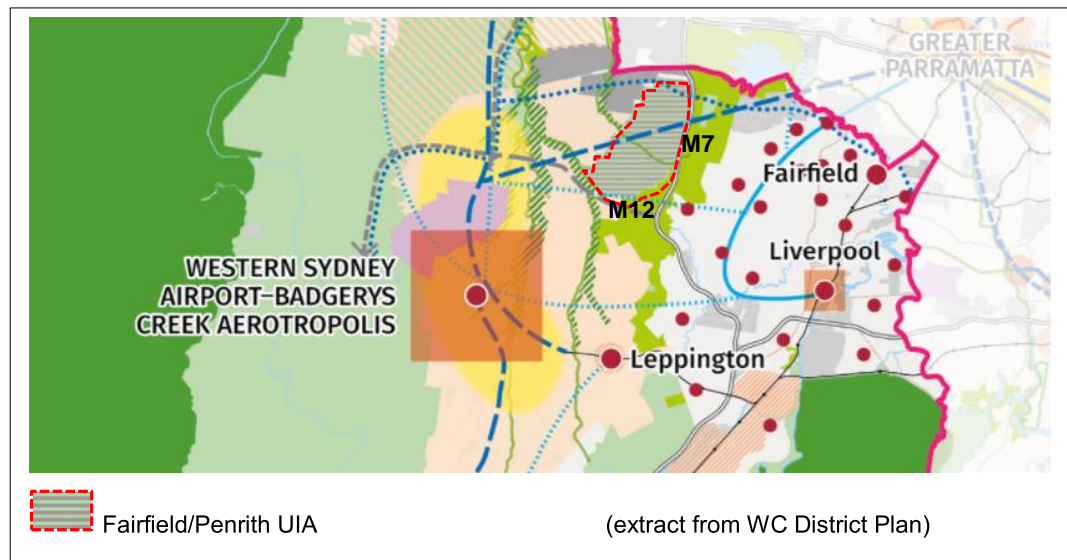
Council at its meeting of the 19 November 2019 resolved to advise the Department of Planning Industry and Environment (DPIE) that it has the following concerns in relation to the M12 Environmental Impact Statement (EIS).

1. The EIS fails to take into account the impacts of the M12 project on the Fairfield/Penrith Urban Investigation Area (UIA) and proposed future population of the area.
2. Inadequate assessment and modelling of traffic generation issues has been included in the EIS in relation to the road network and intersections of Fairfield City surrounding the proposed M12 corridor, having regard to their interaction with the Fairfield/Penrith UIA.
3. There will be unacceptable traffic noise impacts on the existing and future community of Cecil Park and Horsley Park and the EIS has inadequate consideration of measures required to mitigate the detrimental effects on the residential amenity of the area.
4. Based on the above concerns, the EIS is considered inconsistent with the Secretary's Environmental Assessment Requirements (SEARs) for the Project and relevant provisions of the Environmental Planning and Assessment Act (EP&A) Regulations.

Further information and advice in relation to Council's concerns and related issues is detailed further below.

## A. Land Use Planning

None of the EIS technical reports associated with the M12 proposal make any reference to or undertake an analysis of the impacts of the proposal on the Fairfield/Penrith Rural Lands Urban Investigation Area (UIA,) as identified in the Western City District Plan (image below), comprising the suburbs of Horsley Park, Cecil Park and Mount Vernon. Rather these areas are treated as rural lands.



In 2018 a UIA Steering Committee (chaired by the Greater Sydney Commission), comprising senior officers from State Government agencies and Council was established to oversee the preparation of a draft preferred Structure Plan (attached to this submission) relating to the Fairfield section of the UIA.

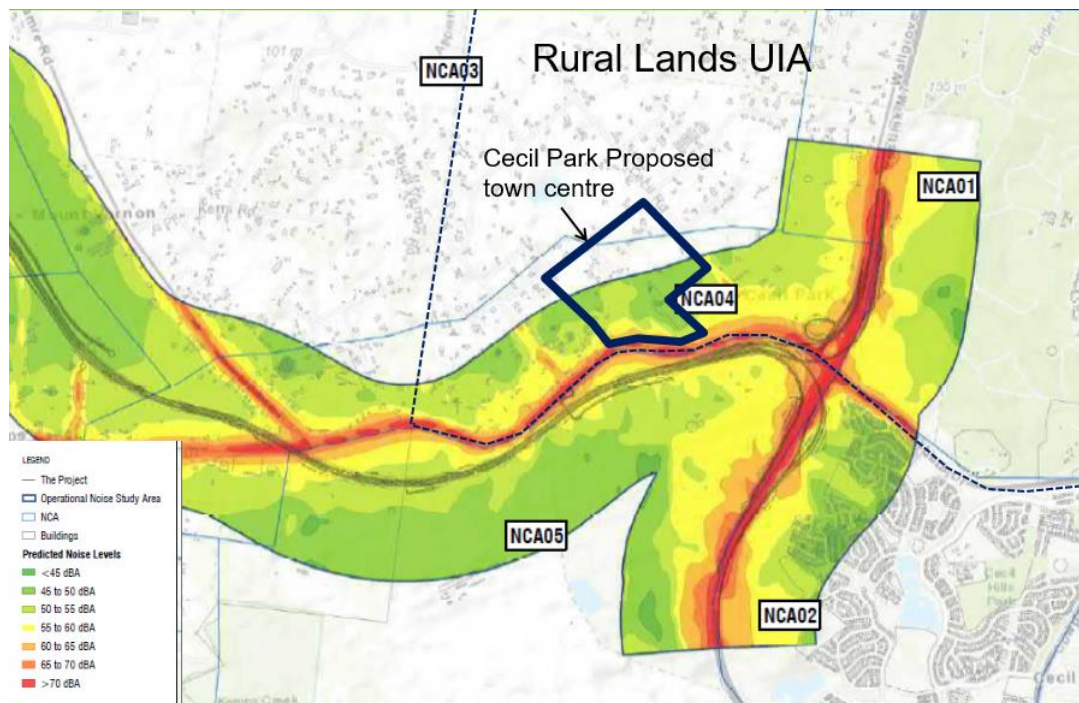
The project has involved extensive consultation with the local community and adoption of the draft Structure Plan by Fairfield City Council, providing the basis for further detailed planning investigations for the Fairfield section of the UIA. The current draft preferred Structure Plan has potential to generate up to 20,000 dwellings in Horsley Park/Cecil Park with medium to higher density housing being located to the south the WSA 20-25 ANEF in Cecil Park.

The lack of regard to the UIA and draft preferred Structure Plan is considered a significant flaw in the EIS as it fails to examine both the cumulative impacts of the proposal on the future population of the UIA, as well as the implications of traffic generation from the UIA on the M12 and associated road network providing access to the motorway.

This includes a number of critical road corridors/intersections located in Fairfield City associated with The Horsley Drive, Wallgrove Road, Elizabeth Drive, Cowpasture Road and M7. Comments from Council's Traffic Coordinator relating to traffic and road capacity issues are detailed further in this report.

The Fairfield section of the UIA includes a proposed future town centre in Cecil Park, located at the existing Brickworks Site on Cecil Road. In future, this centre would have potential to support a passenger rail station on the proposed east/west rail line from the WSA to Parramatta. Council is currently collaborating with Transport for NSW and other State agencies in investigating this corridor.

Information included in the EIS (image below) indicates the location of the proposed town centre in Cecil Park would be highly impacted by traffic noise associated with operation of the M12 corridor that would reach levels of between 40-60dba at night-time by 2036.



Extract from M12 EIS – Noise impacts 2036

Traffic noise impacts on existing and future residential properties in the Cecil Park would be compounded by the proposed future upgrading of Elizabeth Drive to dual carriageways to act as a secondary east/west connection to the WSA.

A major source for traffic noise levels will be from heavy vehicles supporting the 24 hour freight operations of the WSA. The traffic noise levels from the M12 would significantly compromise the amenity of the potential town centre that would support higher residential densities if a railway station was provided at Cecil Park.

This fact is not acknowledged in the EIS that treats the locality as rural lands and does not consider the constraints created for potential future high density residential development in the area. This includes the need for mitigation measures both in design of the M12 (including noise attenuation measures) and implications for the design and layout of the potential Cecil Park Town Centre.

In addition to the above, the noise impact assessment undertaken for the M12 corridor focuses on a relatively narrow study area running along the length of the proposed motorway corridor. Information about the extent of noise impacts on the remainder of the UIA in Cecil Park has not been included in the EIS. Again, this is a major shortcoming of the EIS. Further information in regard to noise impacts is detailed further in this submission.

## **B. Traffic Management**

1. The NSW Government proposes to establish rapid bus services from the Metropolitan centres of Penrith, Liverpool and Campbelltown to the Western Sydney Aerotropolis and to the Western Sydney Airport before it opens. There is no direct connection proposed from Fairfield to Western Sydney Airport. A rapid bus service linking Bonnyrigg T-way Station to Western Sydney Airport via Elizabeth Drive or the M12 should be provided with the opening of the airport.
2. The EIS does not provide details on how residents immediately east of the M7 would access the M12 Motorway – would they need to travel on the M7 (and pay a toll) to access the M12. This issue needs to be clarified.
3. Affected property owners must be consulted in regard to any impact on access arrangements associated with construction activities.
4. In the short to medium term, the primary means of access to Western Sydney Aerotropolis will be by road. The existing roads that surround Western Sydney Aerotropolis, including Elizabeth Drive and M7 Motorway are reaching the limits of their capacity during peak periods. To address the capacity constraint, the upgrade of Elizabeth Drive and M7 will need to be brought forward.
5. The proposed east-west rail from Parramatta to WSA/Aerotropolis should be brought forward to alleviate the effects of increased traffic on the regional road network.
6. Insufficient information and modelling has been included in the EIS to understand the traffic impacts of the proposed on-ramp from M12 onto Wallgrove Road including the associated impact of the proposed ramp from M12 to M7.
7. The location of the new interchange should be at a sufficient distance from the existing interchange at Elizabeth Drive so that there are no adverse impacts on the traffic network on the M7 Motorway and Elizabeth Drive ramps.

## **B. Acoustics Impacts**

### **1. Operational Assessment**

The operational noise assessment compares road traffic noise levels predicted due to the project in 2026 (modelled as the year 'at opening') and 2036 (modelled as 10 years after opening) with those predicted without the project. The noise assessment has a fatal deficiency in that it does not account for the Fairfield Rural Lands UIA.

The UIA has progressed to the point that rural areas directly impacted by the proposed M12 are identified for potential residential, commercial and industrial zones following the opening of the M12. This scenario has not been accounted for in the noise operational assessment.

The addition of the UIA scenario would affect recommendations for type and amount of noise mitigation for the operational phase of the M12.

### **2. Construction Assessment**

The noise assessment states:

*"The project would apply all feasible and reasonable work practices to reduce the potential impacts. Specific strategies will be determined as the project progresses and would be detailed in the Construction Environmental Management Plan (CEMP) for the project.*

*Site specific Construction Noise and Vibration Management Plans (CNVMP) and Construction Noise and Vibration Impact Statements (CNVIS) will also be developed before any works begin.*

*These plans would provide a detailed assessment of the potential impacts from the work (including re-modelling of construction noise impacts) and would define the site-specific environmental management measures to be used to control the impacts, particularly where evening or night-time works are required."*

At a bare minimum, draft copies of the above-mentioned documents should have been included in the EIS for review. The noise assessment details that there is going to be evening and night-time works; predicting "high" impact on the surrounds.

Being in the form and not limited to that the sleep disturbance criterion is likely to be exceeded when night works are occurring near residential receivers

## **Catchment Planning**

### **1. Flooding**

Council records show that the small amount of the project area within the Fairfield LGA is partially affected by the low and medium flood risk precincts as a result of mainstream flooding as mapped in the Rural Area Flood Study.

Additionally, Ropes Creek, which is proposed to be traversed by a bridge, is shown as high, medium and low flood risk precinct. However, the report states that *“the motorway elements within the Fairfield Council area are not located in a main-watercourse flooding zone”* is incorrect.

It is proposed that the existing bridge over Ropes Creek on the M7 Motorway is widened. The bridge widening has been designed to match the existing bridge with similar bridge type, bridge spans and piers arrangement.

Council's Catchment Branch concur with the following critical statement in the EIS:

*“Further flood investigations and hydrological and hydraulic modelling will be undertaken during detailed design to ensure the flood immunity objectives and design criteria for the project are met.*

*The modelling will be used to define the nature of both main stream flooding and major overland flow along the full length of the project corridor under pre- and post- project conditions and to define the full extent of any impact that the project will have on patterns of both main stream flooding and major overland flow.*

*The hydraulic model(s) will be based on 2-dimensional hydraulic modelling software. The modelling will take into account any updated regional flood modelling and information available at the time.”*

The results of this additional modelling must be referred to Fairfield City Council for review and comment.

## 2. Stormwater Quantity

During the project's detailed design, further modelling is required to verify the project's impacts on minor drainage lines to ensure the free flow of water through the culverts, taking into consideration appropriate blockage factors and potential development upstream.

## 3. Stormwater Quality and Waterway Health

Where stream flow velocities are increased above the natural threshold of erosion, scour protection must be provided to eliminate any risks of erosion to the infrastructure and the waterway.

This would occur at the bridge abutments, around the piers and at culvert outlets. The design methodology should minimise changes in peak flows and velocities as much as possible.

Water Sensitive Urban Design should be considered at the detailed design stage to ensure that the project objective of maintaining or improving water quality is achieved.

This should not be limited to the areas deemed as environmentally sensitive, but to all waterways in the project area. This should include the impact of additional impervious areas as well as the pollutants that will be introduced to the catchment from the addition of thousands of vehicles daily.

### **Biodiversity Issues**

The EIS provides broad information in relation to the following impacts of biodiversity:

- Potential impacts to the existing BioBanking agreement site that would require appropriate offset in recognition that the associated biodiversity credits have already been retired to satisfy the offset requirement for a completed infrastructure project.
- Potential impacts on aquatic habitat through installation of instream structures (bridges/culverts) and through the mobilisation of sediments and pollutants, which may enter into creeks.
- Regional habitat corridors could be directly and indirectly impacted.
- Potential direct and indirect impacts to bushland corridors in the Western Sydney Parklands, including an area of revegetation.
- A potential barrier to fauna movement, particularly through Western Sydney Parklands and along creek lines.
- Potential increase in vehicle strike to native fauna.
- New sources of light and noise may impact upon bats and other fauna species.
- Remove about 55.20 hectares of foraging habitat, which would impact on the sub-population that uses nearby camps and forages in the area.
- Removal of approximately 38.92 hectares of 2 TECs listed under the EPBC Act, as presented in Table 7-22.
- The removal of 38.48 hectares of Cumberland Plain Woodland is likely to constitute a significant impact on the CEEC. Mitigation measures are proposed in Section 7.1.6 to manage impacts on this CEEC.
- The removal of 0.44 hectares of Western Sydney Dry Rainforest and Moist Woodland on Shale was considered unlikely to represent a significant impact on the community.

The EIS does not include detailed information or reports relating the next stages required for detailed assessment of the loss of biodiversity as required under the NSW Biodiversity Conservation Act 2016, including measures to mitigate the above impacts and proposed offsetting measures covering the loss of biodiversity in Fairfield City.

In this regard, these reports will need to be referred to Council for review and comment.

### **CONCLUSION**

Council acknowledges that construction of the M12 is critical in supporting the successful operation of the Western Sydney Airport and in ensuring that the impacts of additional traffic generated by the airport (including freight transport) on the existing M7 and regional traffic network are minimised.

Notwithstanding the benefits of the project, Council has major concerns in relation to the deficiencies of the M12 EIS in failing to have regard to the cumulative impacts of the project for the Fairfield/Penrith UIA. In particular there is a lack of assessment of traffic and noise impacts on the UIA as well as the measures required to mitigate these impacts.

In light of the above, Council has concerns that the EIS is deficient in addressing the Secretary Environmental Assessment Requirements (SEARs) issued for the project, that also generates inconsistencies with relevant provisions of the NSW EP&A Regulation covering the preparation of the EIS.

Please contact the undersigned if you require any further clarification on the above.

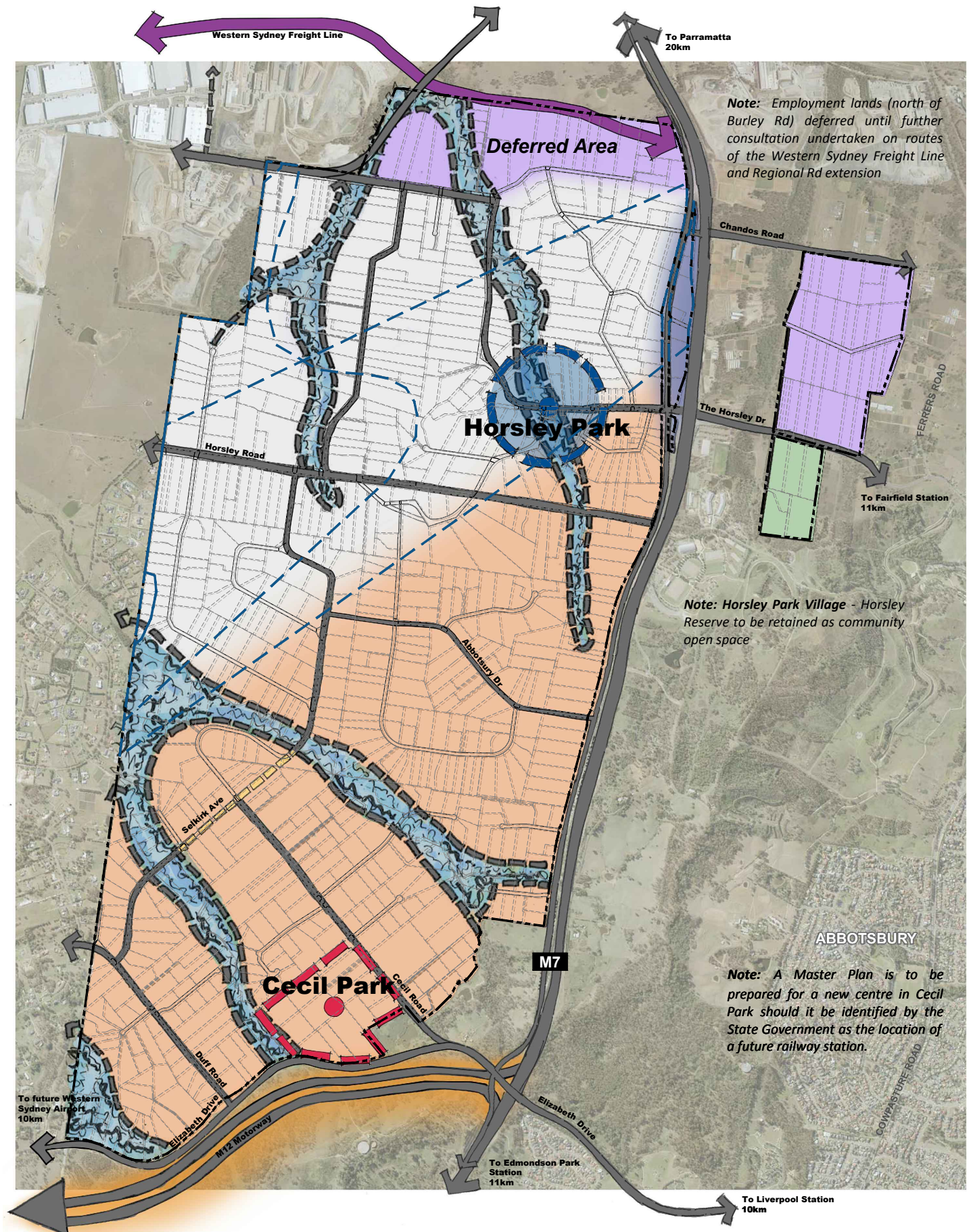
Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew Mooney', with a stylized, cursive script.

Andrew Mooney  
**EXECUTIVE STRATEGIC PLANNER**

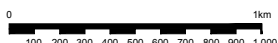
Attachment: Fairfield UIA draft preferred Structure Plan (2 pages)





## DRAFT PREFERRED STRUCTURE PLAN OPTION

LOW DENSITY RESIDENTIAL (half hectare/1 acre) AND SMALL LOT SINGLE DWELLING HOUSING (rail station enabled)



- Low Density: Agribusiness and Estate Homes (1 acre)
- Small Lot Single Dwelling Housing
- Employment Land
- Rural Landscape
- Environmental Living and Vegetation Corridors (1 acre)
- Enterprise Corridor



Major Roads



Potential Road Extension



M12 Motorway



Western Sydney Freight Line corridor



Commercial Village Centre



Civic Village Centre



Western Sydney Airport ANEC Boundary

Low Density Residential (Half hectare/1 acre) and Small Lot Single Dwelling Housing (Rail station enabled)

12/04/2019

APPROXIMATE YIELD

LAND USE	AREA (ha.) (approximate)	% OF LAND (approximate)	DENSITY RANGE (du per ha)		DWELLING UNITS	
			Low	High	Low	High
Low Density: Agricultural and Estate Homes	520.8	33.1%	0.5	2	260	1,042
Small lot single dwelling housing	690.1	43.8%	20	27	13,801	18,597
Minimum approx lot size: - 500m2 (45% of area)	310.5	19.7%	15	20	4,658	6,210
Minimum approx lot size: - 360m2 (40% of area)	276.0	17.5%	20	28	5,520	7,729
Minimum approx lot size: - 220m2 (15% of area)	103.5	6.6%	35	45	3,623	4,658
Employment	174.0	11.0%	-	-	-	-
Enterprise Corridor	15.7	1.0%	-	-	-	-
Environmental Living & Vegetation Corridors	180.3	11.4%	0.5	2	90	361
TOTAL	1,575.6	100%	9	12	14,152	20,000