

18 November 2019

Attention: Naomi Moss
Senior Planning Officer & Assessment Planner
Department of Planning, Industry & Environment
GPO Box 39, Sydney NSW 2001

Dear Ms Moss,

Matter: M12 Motorway (SSI-9364)

Re: The University of Sydney's comment to the M12 Environmental Impact Statement (EIS)

We refer to the proposed M12 Motorway Environmental Impact Statement (**EIS**) submitted by the Roads and Maritime Services (**RMS**) to construct and operate the M12 Motorway to provide direct access between the Western Sydney Airport at Badgerys Creek (the **Airport**) and Sydney's motorway network. The M12 Motorway will run between the M7 Motorway at Cecil Hills, the Northern Road at Luddenham and entrance to the Airport, for a distance of about 16 kilometres within the local government areas of Fairfield, Liverpool and Penrith.

The University is the owner of a significant land holding (343 Ha) known as McGarvie Smith and Fleurs Farms (*Refer attachment A*) located to the north of Elizabeth Drive at the entry to the new Airport.

On 19 February 2018, the University lodged a planning proposal titled '*Western Sydney Airport Gateway (WSAG)*' - for the University's McGarvie Smith and Fleurs Farms at Badgerys Creek with PCC, Ref: RZ18/0002 (**Planning Proposal**) with Penrith City Council (**Council**). This followed a series of pre-lodgement consultation meetings during 2017 and 2018 with the Department of Planning and Environment (now the Department of Planning, Industry and Environment (the **Department**)), the Greater Sydney Commission (**GSC**), Transport for NSW (**TfNSW**), the RMS and Council.

Our Planning Proposal outlines the University's vision to curate, facilitate and deliver on an exciting new interface of education, industry and innovation on its lands at Badgerys Creek.

Since 2015, we have consulted with TfNSW, RMS and planning arms of government on what we consider to be best practice planning and design principles to ensure the M12 Motorway benefits the new Airport and Western Sydney as a whole. Furthermore, following the lodgement of our Planning Proposal, the University has continued to consult with RMS and TfNSW on the M12 Motorway design to ensure that design solutions result in effective outcomes for all parties.

Within this context, the University has undertaken a detailed review of the EIS and is disappointed that the principles and design solutions discussed with TfNSW and RMS over this extended consultation period have not been reflected in the EIS.

The University believes that all new infrastructure proposals need to acknowledge all the intended strategic objectives for the new Airport, the Western Sydney Employment Area (**WSEA**) land and the Western Sydney Aerotropolis (the **Aerotropolis**) as well as all existing and current planning and development proposals that are under assessment or determined. The University's submission (attached) makes a number of recommendations addressing the following concerns:

- **Airport interface and the protection of regional planning objectives-** The M12 Motorway design proposes no 'on' and 'off' ramps to the main road (Elizabeth Drive) intersecting the entrance to the Airport. As a result, traffic will need to follow a loop through the Airport in order to connect and access future employment lands in the Northern Gateway and surrounding precincts. Given Elizabeth Drive is designated as an 'arterial road' we strongly consider that 'on' and 'off' ramps must be provided as part of the M12 Motorway project to protect regional planning objectives and deliver the most optimal outcome for employment in the Aerotropolis and the new Airport. We note that the University's position on this issue is aligned with WSA Co. and surrounding landowners.
- **Fragmentation of future employment lands –** The M12 Motorway will cause the fragmentation of the University's land but will then only provide a minimal access solution to alleviate this. Without adequate future access, the Government's desire to create advanced manufacturing, logistics and other employment uses in this area will be heavily constrained. We consider this to be inconsistent with the objectives of the *Environmental Planning and Assessment Act 1979* (NSW) which seeks to promote, amongst other objectives, the orderly and economic use and development of land. As such, the University considers adequate intersections and local connections will better allow suitable access and not constrain development.
- **Regional connectivity between WSEA and the Airport –** The M12 Motorway needs to be developed in the context of a considered local and regional network plan which provides suitable and adequate links for future employment uses and incorporates opportunities for improved vehicle capacity and bridging connections. A consolidated transport network plan that is consistent with plans for the Aerotropolis is recommended.
- **Inadequate details about the acquisition of the University's land –** The RMS has not dealt with the potential acquisition of the University's land in sufficient detail and further information is required in order for the University to respond.
- **Lack of consideration of the University's Planning Proposal –** The EIS addresses a number of existing planning and development proposals surrounding the proposed M12 Motorway alignment. However, the EIS makes no mention of the University's Planning Proposal. We consider that our Planning Proposal should also be acknowledged in the assessment of the project by the Department.
- **Impacts on access and other issues during the construction phase -** Part of the University's land is proposed to be used to accommodate a construction camp/site office facility during the construction phase of the project. Further details are required on the potential impacts associated with this facility, particularly in relation to access to severed land.

The University also notes that the Stage 2 Land Use and Infrastructure Implementation Plan (**Stage 2 LUIMP**) for the Aerotropolis has not yet been publicly exhibited for comment and review by key stakeholders and the broader community.

We trust that our attached submission is considered in advancing the planning assessment for the M12 Motorway and in continuing the productive relationship and dialogue between RMS and the University.

The University's land has the potential to significantly support the delivery of the government's agenda for economic and employment growth in Western Sydney and beyond. At the front door of the Airport, this site can be used to engage with the new and evolving industries in Western Sydney, via placements and joint research, using the University's existing expertise and industry partnerships in defence, advanced manufacturing, robotics, agriculture and aerospace industries to support new jobs and economic opportunity.

The University looks forward to working with the Government to deliver the best outcomes for Western Sydney and appreciate the ongoing opportunities to meet with the Department, the Western Sydney Planning Partnership and Council to discuss the University's Planning Proposal for our landholdings in Western Sydney.

If you have any questions about our submission, please do not hesitate to contact me on (02) 9144 0857 or via email g.robinson@sydney.edu.au.

Yours sincerely

(signature removed)

Greg Robinson
Director, Campus Infrastructure and Services

BACKGROUND INFORMATION

The University owns approximately 343 hectares of land at the entry to the Airport site at Badgerys Creek (refer to attachment A).

The University's site is located along Elizabeth Drive directly opposite the new Airport to the south and west. Existing developed employment lands in WSEA lies to the north-east.

The site is identified for the future growth and development in the Western City District Plan and Land Use and Infrastructure Implementation Plan (**Stage 1 LUIIP**). The McGarvie Smith portion of the site is within the Northern Gateway Precinct of the Aerotropolis area, which will be the focus of development for the next five years.

In February 2018, the University submitted its comprehensive Planning Proposal to Council, which was supported by evidence-based studies and a structure plan for the entire consolidated site. This followed a period of consultation with Council, the GSC, the Department of Planning and Environment (now DPIE), TfNSW as well as ongoing meetings with the RMS.

The Planning Proposal seeks to rezone the site to B7 Business Park other than the riparian corridor which will remain zoned E2 Environmental Conservation. The Planning Proposal considers the RMS project documentation that was available at the time and the needs to address local road infrastructure between the airport and the established employment lands that extend to Erskine Park and Eastern Creek. This connectivity enhances airport related employment as well as supporting the established businesses in the region to accelerate economic growth.

Since the Stage 1 LUIIP was released in August 2018, consultation with DPIE, RMS, TfNSW, Department of Premier and Cabinet, GSC, Council, WSA Co., the Western Sydney Partnership Office and the Western City and Aerotropolis Authority has continued and has centred on planning and connectivity issues.

In September 2019, the NSW State Government indicated in the Western Sydney Aerotropolis Community Consultation Report that rezoning of the Northern Gateway Precinct will be in mid-2020.

The University has outlined several key considerations and recommendations in relation to the EIS for further consideration below.

COMMENTS RELATED TO THE EIS

Since lodging our Planning Proposal, the University has been working closely with various levels of Government within the context of the new planning framework for the Aerotropolis. The University's intent is to rezone its landholdings at Badgerys Creek which is at the gateway to the new Airport and curate employment land uses in order that new jobs can be facilitated well before the new Airport is open.

While the University does not object to the M12 Motorway project, we remain most concerned that our Planning Proposal has not been taken into consideration. The University's landholdings have been impacted in areas where connections, linkages and access remain uncertain. It is also evident that the M12 Motorway design will impact the form and scale of development on the University's site.

Our main areas of concern are summarised as follows:

- M12 interfaces with the Airport and the Aerotropolis
- Fragmentation of the University's landholdings
- Regional connectivity between WSEA and the Airport
- Heritage conditions
- Uncertainty about the property acquisition process
- Recognition of the University's Planning Proposal
- Uncertainty about construction phase access and impacts

These main areas of concern are addressed below.

1) M12 interfaces with the Airport and the Aerotropolis

a) M12 Motorway 'on' and 'off' ramps

The M12 Motorway design proposes grade separation at the intersection between the M12 Motorway and Elizabeth Drive.

While the University does not object to grade separation at this interface and at the Northern Gateway Precinct between the Airport and WSEA, the proposal does not allow for users of the motorway to easily access Elizabeth Drive and the surrounding employment lands. As a result, future businesses, industry and the public users of the M12 Motorway will need to enter and follow a three-kilometre loop road within the Airport footprint before exiting back onto Elizabeth Drive in order to connect and access employment lands in the Northern Gateway and surrounding precincts. Not only will general traffic and logistics vehicles destined for employment lands result in increased traffic congestion within and around the Airport and reduce the serviceability of a busy passenger Airport, it will also impact the economic viability of the WSA precinct as a whole.

Given Elizabeth Drive is designated as an 'arterial road' we strongly consider that 'on' and 'off' ramps must be provided as part of the M12 Motorway project to connect from the realigned Elizabeth Drive to the M12 Motorway.

b) Elizabeth Drive access

The McGarvie Smith Farm is currently accessed directly from Elizabeth Drive opposite Badgerys Creek Road.

The EIS proposes two signalised intersections on Elizabeth Drive east and west of the M12 Motorway Airport main access road primarily to access the future employment lands adjacent to the Airport. Furthermore, it is noted that these intersections will be carried out 'by others' with no timeline provided as to when or who will carry out this work.

The University's concern is that the EIS does not fully recognise the importance of these intersections to land north of the Airport which will be significantly impacted if the current access is not reinstated with the M12 Motorway. It is incumbent on the RMS to include these intersections as part of the M12 Motorway scope of works so the McGarvie Smith Farm as well as the Northern Gateway Precinct identified in the Stage 1 LUIP can be accessed.

In addition, these intersections must be adopted to inform the Precinct Plan to be prepared for the Northern Gateway Precinct and ensure that access and connectivity priorities do not impede the economic function and viability of the WSA or the delivery of the vision and planning objectives for the broader Sydney region.

2) Fragmentation of the University's landholdings

The proposed M12 Motorway traverses the University's landholdings and will result in the fragmentation of the University's land, significantly reducing connectivity, limiting efficient development of the site and jeopardising the realisation of the objectives and vision of the WSA.

We therefore request that the M12 Motorway project consider the intent of Stage 1 LUIP (and the future Stage 2 LUIP) to inform the design, to ensure that access and connectivity priorities do not impede the economic function and viability of the Aerotropolis.

The key areas of fragmentation are:

a) Fleurs Farm fragmentation

The entirety of the Fleurs Farm is currently accessible continuously along the full east-west alignment of the M12 Motorway.

The M12 Motorway design proposes only one access route as indicated (EIS Appendix H Figure 6.3 Access to Lot 101/DP848215) along the future east-west alignment of the M12 Motorway.

In our view, additional points of access are necessary, with space/height allowances made for potential links under viaducts and/or adjacent to abutments, to provide future connectivity for Lot 21/DP258414 to the north of the M12 Motorway and Lot 1/DP88836 to the south of the M12 Motorway.

b) McGarvie Smith Farm fragmentation

The McGarvie Smith Farm (approximately 161 ha of land) is currently accessible along its full length and width. The M12 Motorway design will divide the McGarvie Smith Farm into two sections, east and west of the M12 Motorway, which will impact the efficiency of any proposed development in the future.

We request that connectivity between the east and west sides of the McGarvie Smith Farm be retained on a 'like-for like' basis so that it can provide adequate accessibility to the remainder of the Northern Gateway Precinct.

c) Fleurs / McGarvie Smith fragmentation

The University currently has direct access between the McGarvie Smith and Fleurs Farm at the alignment of the western end of the proposed twin bridges BR05 across Badgerys Creek. It is incumbent on the RMS to maintain the connection between the two farms to ensure Fleurs Farm has access to Elizabeth Drive via the McGarvie Smith Farm.

RMS has not identified any practical solutions to preserve the linkage between the two farms.

3) Regional connectivity between WSEA and the Airport

a) Clifton Avenue Access

The University does not object to the proposed connection between the Fleurs Farm and the land east towards Mamre Road ensuring it is aligned to the future employment and logistics user requirements proposed by the WSEA. It is consistent with the University's understanding as contemplated by the Council.

However, the proposed design parameters in regards to Clifton Avenue and its associated bridge only allows for vehicles up to a 19 metres which excludes B-Double vehicles above 19 metres.

It is important that new sections of Clifton Avenue are designed for both the short and medium terms and with design parameters that accommodate typical logistics and employment uses, including B-Double vehicles.

b) Private property access bridge

The University does not object to the RMS proposal to replace the old DMR bridge across South Creek. The new private property access bridge will need to be compliant to the 1:100 flood level and in a location that aligns with future planning for the Aerotropolis.

However, the proposed location of the private property access bridge does not allow for future uses and limits the potential for the future precinct.

We therefore request that evaluation of the private property access bridge on the University's land be reconsidered so that the bridge may be part of a future public collector/local road and road network.

4) **Heritage conditions**

The EIS identifies the South, Kemps and Badgerys Creek Confluence Weirs Scenic Landscape as a heritage item based on rural landscape aesthetic. This landscape assessment has been derived from the 1990 Perumal Murphy Heritage Study for the Council (**Heritage Study**). The item was not listed as a heritage item in the Penrith Local Environmental Plan (2010).

The Heritage Study does not include the landscape as a cultural item for consideration in the listing and includes Perumal Murphy's statement (Davies 2007: vol.3:15:

'This area with its remnant stands of paper bark and river she-oak along drainage lines and paddocks was listed as an area of high visual natural importance. However, it is not an item that belongs in a cultural heritage study and should not be listed in the revised LEP schedule.

The item is not recommended for listing on the LEP schedule.'

On the above basis, we consider that the M12 Motorway non-Aboriginal Heritage report should be addressing the impact areas caused by the M12 Motorway project and not address areas not address areas outside the M12 Motorway.

5) Uncertainty about the property acquisition process

Section 5.23 (and Appendix H) of the EIS addresses property access and acquisition. As the M12 Motorway has significant impacts on the University's landholdings, the EIS should provide more detail on these impacts. There are substantial uncertainties in the land acquisition process as presented.

The University understands that as part of the final design process, plans will be developed that outline the final determination of road levels, grade separated intersection details, interconnections (overpasses and underpasses) and motorway boundary setbacks. Although an accurate assessment of land to be acquired is not possible at this stage, the University considers it incumbent on RMS to ensure that the extent of private land to be acquired for the M12 Motorway is minimised.

The principle of minimum land take has been discussed with the University and RMS as it will mitigate costs for RMS, result in a smaller land loss for the University and help provide better long-term public benefits. To circumvent uncertainties and protect the University, the University is seeking to reach an agreement with RMS that upon completion of the roadworks, a survey plan is required to be prepared by RMS reflecting only the actual land required for the permanent road.

6) Recognition of the University's Planning Proposal

Following consultation with the DPIE, the University was advised to lodge its Planning Proposal with Council.

The Planning Proposal seeks to rezone our landholdings for a variety of appropriate employment land uses and supporting environmental corridors in line with Government planned activities for land surrounding the Airport and WSEA. The University also formally forwarded this Planning Proposal and all accompanying documentation directly to the DPIE and GSC on 20 February 2019. The Planning Proposal followed a series of pre-lodgement consultation meetings during 2017 and 2018 with DPIE, TfNSW, RMS and PCC.

The Planning Proposal outlines the University's vision to curate, facilitate and deliver the interface of education, industry and innovation so the future uses of these lands benefit Western Sydney as a whole.

On request, further information was also submitted to Council and the Planning Partnership in May 2019 to assist in the preparation of a Precinct Plan for the area. Since 2015, and following the 2018 lodgement of the Planning Proposal, the University has continued to consult with RMS on the M12 Motorway design to ensure that design solutions result in effective outcomes for all parties.

The EIS recognises major developments in the area, however the University's Planning Proposal is not mentioned or considered in the M12 Motorway design.

7) Impacts on access during the construction phase

The RMS has accepted the University's invitation for part of the McGarvie Smith Farm to be used to accommodate a construction camp/site office facility during the construction phase of the project.

The RMS needs to provide more detail regarding the arrangements to separate farm operations and access during construction.

RECOMMENDATIONS

The University requests that DPIE consider the following recommendations when assessing the M12 Motorway project:

1. M12 Motorway interface of Airport and Aerotropolis lands

Reconsideration of connections, 'on' and 'off' ramps of the proposed M12 Motorway at Elizabeth Drive to protect regional planning objectives and deliver the most optimal outcome for employment in the Aerotropolis and the new Airport.

2. Fragmentation of the University's landholdings

- a) Additional access points to land parcels to the North (Lot 21/DP258414) and South (Lot 1/DP88836) of the M12 Motorway, on Fleurs Farm.
- b) Replacement bridge across South Creek in a location and specification that aligns with future uses and connects land above the 1:100 to both sides of South Creek.
- c) Investigate linkage options to preserve the access provided on Badgerys Creek that joins McGarvie Smith and Fleurs Farms.

3. Regional connectivity between WSEA and Aerotropolis (East)

- a) Clifton Avenue, Clifton Avenue Bridge and other new local roads are to be designed to accommodate B-Double vehicles and uses associated with the future advanced manufacturing, logistics and other employment user requirements.
- b) The private property access bridge across South Creek is to be located so that it aligns with future uses and connects land above the 1:100 flood level on both sides of South Creek. It should also comply to the specification requirements as noted in Item 3a).

4. Heritage conditions

The conditions of consent should be limited to the impact areas caused by the M12 Motorway project and not address areas outside the M12 Motorway.

5. Uncertainty about the property acquisition process

Upon completion of the roadworks, a survey plan is required to be prepared by RMS reflecting only the actual land required for the permanent road, with any land not required by the M12 Motorway returned to the University.

6. Recognition of the University's Planning Proposal

The EIS addresses a number of existing Planning & Development proposals surrounding the proposed M12 Motorway alignment. The University's Planning Proposal should also be acknowledged in the assessment by DPIE.

ATTACHMENT A - BADGERYS CREEK LANDS

The University's McGarvie Smith and Fleurs Farms consist of the following lots and are directly located on Elizabeth Drive directly opposite the new Airport.

- Lot 1 on DP 74574
- Lot 1 on DP 88836
- Lot 21 on DP 258414
- Lot 62 on DP1087838
- Lot 63 on DP1087838
- Lot 3 on DP 164242

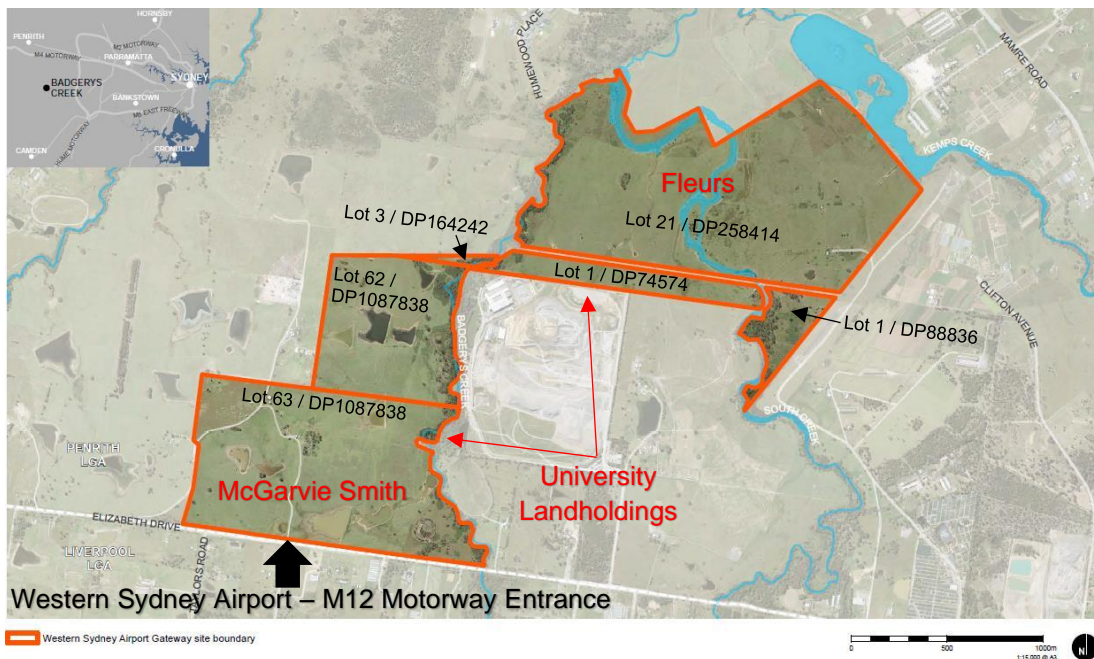


Figure 1 – University's landholdings (343Ha total)

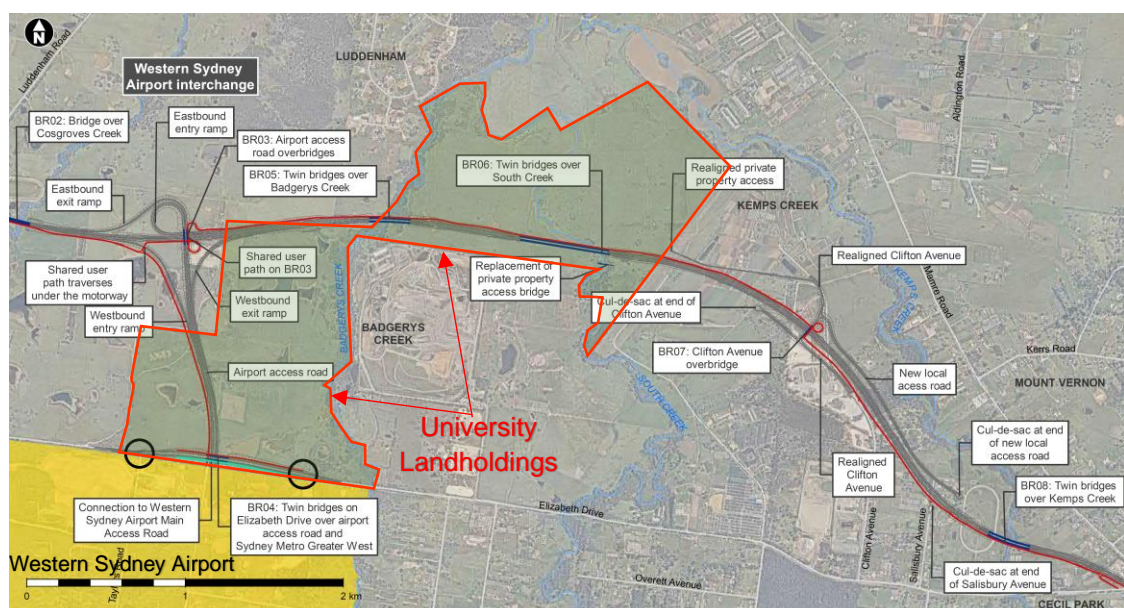


Figure 2 – M12 Motorway project overview (EIS Ch1 pg6, Figure 1-3) & University' landholdings (indicative boundaries)