

Decision Statement

Project details	
Project name	M5 Motorway Westbound Traffic Upgrade
Project location	Moorebank, Casula, Liverpool and Wattle Grove in Liverpool local government area, Sydney
Activity description	Upgrade of the M5 Motorway westbound between Moorebank Avenue, Moorebank and the Hume Highway, Casula (the proposal). The proposal would ease congestion by improving connectivity between the M5 Motorway and the Hume Highway.

Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to the proposal. A review of environmental factors (REF) has been prepared and considered against the requirements of sections 5.5 and 5.7 of the EP&A Act. This assessment is considered to be in accordance with the factors required to be considered under section 171 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

In addition, this assessment has considered impacts to threatened species, ecological communities and migratory species listed under *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)* (EPBC Act).

Following public display of the REF, a submissions report was prepared to address submissions and finalise the environmental safeguards.

Transport for NSW has determined under delegated authority that the activity detailed in the M5 Motorway Westbound Traffic Upgrade REF and submissions report may proceed for the following reasons:

1. Significance of impact on the environment

The proposal described in the REF and submissions report will have some environmental impacts which can be ameliorated satisfactorily. This assessment has considered that these impacts are unlikely to be significant and therefore an environmental impact statement does not need to be prepared and approval for the proposal does not need to be sought under Division 5.2 of the *EP&A Act*. Various safeguards and management measures are proposed.

2. Significance of impact on NSW-listed biodiversity matters

The REF and submissions report have considered the potential impacts of the proposal on areas of outstanding biodiversity value and on threatened species, ecological communities or their habitats for both terrestrial and aquatic species as defined by the *BC Act* and the *Fisheries Management Act 1994*.

The proposal described in the REF and submissions report will not affect areas of outstanding value or significantly affect other biodiversity values listed under the *BC Act*. Therefore, the concurrence of the Agency Head, Environment and Heritage, NSW Department Climate Change, Environment, Energy, the Environment and Water and a species impact statement or a Biodiversity Development Assessment Report (BDAR) is not required.

The proposal described in the REF and submissions report will not significantly affect biodiversity values listed under the FM Act.

In addition to the above, the assessment considered the effect of the proposal on:

- Conservation agreements under the *National Parks and Wildlife Act 1974* (NPW Act)
- Plans of management under the *NPW Act*.
- Biodiversity stewardship sites under the *BC Act*.
- Wilderness areas under the *Wilderness Act 1987*.

The proposal would impact a biodiversity stewardship site under the BC Act. Therefore, Transport will require consent from the NSW Minister for Environment under the BC Act prior to carrying out work on land subject to a biodiversity stewardship agreement.

The proposal would not impact upon any conservation agreements or plans of management under the NPW Act or wilderness areas under the Wilderness Act 1987.

Offsets and replacement for any impacted biodiversity values have been considered in accordance with Transport for NSW Biodiversity Policy and associated guidelines.

3. Significance of impact on nationally-listed biodiversity matters

The REF and submissions report has considered the potential impacts of the proposal on threatened species, ecological communities and migratory species as defined in the EPBC Act.

The proposal is not likely to significantly impact nationally-listed threatened species, ecological communities or migratory species.

4. Impacts to Commonwealth land and matters of national environmental significance

The assessment has also addressed the potential impacts of the proposal on other matters of national environmental significance and any impacts on the environment of Commonwealth land and concluded that there will be no significant impacts. Therefore, there is no need for a referral to be made to the Australian Department of Climate Change, Energy, the Environment and Water for a decision by the Australian Government Minister for the Environment on whether assessment and approval is required under the EPBC Act.

5. Tree and hollow replacement (including amenity trees)

Trees and hollows to be removed have been assessed and replacement has been identified in accordance with Transport for NSW's Tree and Hollow Replacement Guideline.

6. Environmental safeguards and management measures

The REF identified a range of environmental outcomes and safeguards that would be required to avoid or reduce the environmental impacts. After consideration of the issues raised in the public submissions, the environmental safeguards for the proposal have been updated as outlined in section 6 of the submissions report.

7. Determination

Having regard to the Review of Environmental Factors and the Submissions Report, I determine the activity may proceed:

Authorised person	Director Western Parkland City
Branch	Community and Place
Division	Greater Sydney
Date of determination	26 March 2024