

# 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 modification
Application number and project name	SSI 7485 MOD 7 WestConnex M4-M5 Link Modification 7 - Northcote Street Closure
Applicant	Transport for New South Wales
Approving authority	Minister for Planning

### Decision

The Director, Transport Assessments under delegation from 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 at <https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-7-northcote-street-closure>

A copy of the Planning Secretary's assessment report is available at <https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-7-northcote-street-closure>

### Date of decision

14 October 2022

### Reasons for decision

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

- the Planning Secretary's assessment report on the infrastructure and the reports, advice and recommendations contained in the report;
- all information submitted to the Department during the assessment of the modification application;
- the objects of the EP&A Act;
- 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 reduce traffic on Northcote Street, improve residential safety and amenity for residents, and reinstate pedestrian access with Parramatta Road
- 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 changes to the modification 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 18 May 2022 until 31 May 2022 (14 days) and received 17 unique submissions. Of the unique submissions received, 16 were from the community and one was from local council, Inner West Council. Three community submissions objected to the proposed modification, six were in support and seven provided comments. Council provided comments.

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 traffic and transport, and place and design. Other issues are addressed in the Planning Secretary's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic, transport and access</i></p> <ul style="list-style-type: none"> <li>Increased traffic and safety risk and amenity impacts in surrounding streets, including Wolseley Street.</li> <li>Loss of parking.</li> <li>Creation of a 'rat-run' on Wolseley Street</li> <li>There is no assessment on the impacts to residents at Wolseley Street.</li> <li>Requirement for direct cycle access and consideration of future active transport links within Haberfield.</li> <li>Concern of future end state and access to residual lots via Northcote Street.</li> <li>A turning circle should be incorporated in the design of the Northcote Street cul-de-sac.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The permanent closure would not generate additional traffic to the surrounding area.</li> <li>Alternative routes to/from Parramatta Road are available and detrimental safety impacts are not expected at surrounding locations.</li> <li>The permanent closure would not impact upon the existing amenity and safety for the residents of surrounding streets, including Wolseley Street.</li> <li>The intersection of Northcote Street and Parramatta Road is not identified as a key pedestrian or cycle route and no diversions were required during the temporary closure. As such, direct cycle access is not proposed under the modification. The proposed modification would not prevent cyclists from the ability to dismount and use the pedestrian connection.</li> <li>Further assessment of pedestrian, cyclist and vehicular traffic generation is outside of the scope of the proposed modification.</li> <li>The future end state and access to the residual lots are not within the scope of the proposed modification.</li> <li>The proposed modification will retain the 'as is' cul-de-sac configuration in Northcote Street.</li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>A refined cul-de-sac configuration is required to be considered in the final design of the Northcote Street closure</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>Request to install raised garden beds at the closure point to reduce the acoustic and visual impact from heavy traffic on Parramatta Road.</li> <li>Objection to increased traffic noise on Wolseley Street.</li> <li>Request for a permanent acoustic wall at the closure point, with pedestrian access.</li> <li>Support for the reduction of traffic noise by the permanent closure Northcote Street.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposed impacts are consistent with the approved project or can be addressed through existing conditions, including an update to the Operational Noise and Vibration Review.</li> </ul> <p><i>Recommended conditions</i></p> <p>No further conditions are required.</p>
<p><i>Design and public space</i></p> <ul style="list-style-type: none"> <li>Support opportunity for greenspace, although the current design is minimalist and should consider the established streetscape and the local identity of Haberfield.</li> <li>Request for additional landscaped areas, trees (specifically mature trees to replace the trees removed during the initial closure of Northcote Street), street furniture, shading, a children's playground and a drinking fountain.</li> <li>Opportunity to create</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposed modification is considered appropriate as an interim design.</li> <li>The Proponent has updated the interim design in response to submissions to better reflect local context and improve pedestrian safety.</li> <li>Location of stormwater pits will be finalised during detailed design in consultation with Council and the Design Review Panel.</li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>The UDLP will address the interim and final design of Northcote Street. The final design must have regard to the Haberfield heritage conservation area (in consideration of the character of Haberfield), integration with the existing streetscape and adjoining development, and interface with Parramatta Road</li> </ul>

<i>Issue</i>	<i>Consideration</i>
<p>greenspace along the Parramatta Road corridor.</p> <ul style="list-style-type: none"> <li>Request to address safety in the pedestrian connection design</li> </ul>	
<p><i>Non-Aboriginal heritage</i></p> <ul style="list-style-type: none"> <li>Need to consider the heritage character of Haberfield as a 'Garden Suburb'.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposed impacts to heritage (with respect to the visual amenity of the Haberfield heritage conservation area) are appropriately managed as an interim measure through the provision of additional landscaping and landscaped features as identified in the Response to Submissions RtS Report.</li> <li>It is considered appropriate to achieve a greater outcome for the design to incorporate the established streetscape and consider the Haberfield heritage conservation area in the final design of Northcote Street.</li> </ul> <p><i>Recommended conditions / Response</i></p> <ul style="list-style-type: none"> <li>The UDLP for the final design is to have regard for the Haberfield heritage conservation area and integrate with the established streetscape. The UDLP final design must be prepared in consultation with Council and reviewed by the Design Review Panel.</li> </ul>
<p><i>Future development</i></p> <ul style="list-style-type: none"> <li>The future development of residual lots owned by the Proponent.</li> <li>The existing residential and business zoning of the residual lots.</li> <li>Future of the residential zoning and potential for future development to be relocated closer to residential properties on Northcote Street.</li> <li>The permanent closure may be reinstated as a through road.</li> <li>Request the proposed modification be clearly referenced as an interim design with a final design to follow, subject to separate consultation, consideration and approval.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposed modification is a permanent closure with an interim design.</li> <li>Future planning and development of the adjoining residual lots is not within the scope of the proposed modification.</li> </ul> <p><i>Recommended conditions</i></p> <p>No further conditions are required.</p>
<p><i>Flooding and hydrology</i></p> <ul style="list-style-type: none"> <li>Ensure there are no adverse flooding and drainage impacts.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Surface water will naturally drain from southeast to northwest towards Parramatta Road and the proposed paved surface of the residual land, discharging into the recommissioned drainage pits and the drainage network on Parramatta Road.</li> <li>The modification must be consistent with existing flooding and hydrology conditions.</li> </ul> <p><i>Recommended conditions / Response</i></p> <p>No further conditions are required.</p>
<p><i>Land use and property</i></p> <ul style="list-style-type: none"> <li>Future property access to the residual lots at Northcote Street.</li> <li>Concern the existing hoarding would remain and maintenance of the hoarding along a residential property.</li> <li>There is a ground level discrepancy and requirement for a retaining wall between the residual lots and residential property.</li> <li>Loss of property access</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Future property access to the residual lots is not in the scope of the proposed modification. The proposed modification is being presented as an interim design.</li> <li>The Proponent would maintain the hoarding until its removal upon divestment of the residual lots in accordance with the M4 East Residual Land Management Plan (RLMP).</li> <li>The finished ground level of the residual lots would be considered as part of the future planning and assessment of these lots.</li> <li>No loss of property access has been identified.</li> </ul> <p><i>Recommended conditions</i></p> <p>No further conditions are required.</p>

<i>Issue</i>	<i>Consideration</i>
<p>Contamination</p> <ul style="list-style-type: none"> <li>Ensure there are no impacts on contamination.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>In accordance with the condition E183, a copy of the Site Audit Statement and Site Audit Report will be submitted to the Secretary and Council for information no later than one month prior to the commencement of operation.</li> </ul> <p><i>Recommended conditions</i></p> <p>No further conditions are required.</p>
<p><i>MOD 7 justification</i></p> <ul style="list-style-type: none"> <li>The permanent closure of Northcote Street should be considered as a final option.</li> <li>The proposed modification does not benefit the residents of Wolseley Street.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The permanent closure of Northcote Street was identified as the preferred option by the Proponent in consultation with Council and the community and therefore is within the public interest.</li> <li>The proposed modification is considered to not impose negative impact to amenity and safety on Wolseley Street, as the permanent closure would not generate additional traffic since the temporary closure began in 2016.</li> </ul> <p><i>Recommended conditions</i></p> <p>No further conditions are required.</p>