

Modification of Infrastructure Approval

Section 5.25 of the *Environmental Planning & Assessment Act 1979*

I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

30th September

Sydney

2020

SCHEDULE 1

Infrastructure Approval:

SSI 7485 granted by the Minister for Planning on 17 April 2018

For the following:

Development for the purposes of WestConnex M4-M5 Link project being a new multi-lane road link connecting the M4 East project at Haberfield with the New M5 project at St Peters comprising:

- new twin multi-lane tunnels between Wattle Street at Haberfield and the St Peters Interchange;
- new interchange at Rozelle which includes stub tunnels, ramps and related infrastructure for a potential future Western Harbour Tunnel;
- a twin tunnel connection from the Rozelle Interchange to the Iron Cove Bridge;
- motorway operations complexes and ventilation facilities;
- new and upgraded pedestrian and cyclist infrastructure at Lilyfield / Rozelle / Annandale and along Victoria Road at Rozelle;
- the provision of new open space within the former Rozelle Rail Yards; and
- new road works, widening road works and intersection modifications to facilitate connection between surface roads and the Rozelle Interchange, and along Victoria Road to accommodate the Iron Cove Link.

Declaration as Critical

State Significant Infrastructure: The proposal is Critical State Significant Infrastructure by virtue of clause 4 of Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011 (NSW) and section 5.13 of the Environmental Planning and Assessment Act 1979 (NSW).

Modification:

Construction of a vehicular overpass at The Crescent, Annandale.

Construction of a shared pedestrian and cyclist green link west of the intersection of The Crescent and City West Link, Annandale, linking the Rozelle Rail Yards to the Rozelle Bay light rail stop.

Construction of a ramp from the Rozelle Bay light rail stop along the western side of The Crescent to allow for shared use by pedestrians and cyclists.

Upgrades to the intersection of The Crescent/ Johnstone Street/ Chapman Road, Annandale including widening of the existing at-grade signalised pedestrian crossing of The Crescent at its intersection with Johnston Street.

Changes to road layouts including the approach roads leading to the Anzac Bridge from Victoria Road, The Crescent and the Rozelle Interchange, and the lanes of the City West Link and The Crescent.

Establishment of a construction ancillary facility (C6a) on the south side of The Crescent adjacent to Rozelle Bay.

Removal of the approved land bridge linking the Rozelle Rail Yards, Rozelle Bay foreshore and Rozelle Bay Light Rail stop.

SCHEDULE 2

Note: In amended conditions words that have been deleted are shown as: ~~deleted~~;

In amended conditions, words that have been added are shown as: added

1. Amend Condition A1 as follows:

- A1** The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the *WestConnex M4-M5 Link Environmental Impact Statement – Volumes 1A-C and 2A-J* (dated August 2017) (the EIS) as amended by:
- (a) the *WestConnex M4-M5 Link Submissions and Preferred Infrastructure Report* (dated January 2018) (the SPIR);
 - (b) the *WestConnex M4-M5 Link Mainline Tunnel Modification Report* (dated September 2018) (Modification 1 Report) as amended by the *WestConnex M4-M5 Link Mainline Tunnel Modification Response to Submissions* (dated November 2018) (Modification 1 RtS);
 - (c) the *WestConnex M4-M5 Link Rozelle Interchange Iron Cove Ventilation Underground Modification Report* (dated November 2019) (Modification 3 Report) as amended by the *WestConnex M5-M5 Link Rozelle Interchange Iron Cove Ventilation Underground Modification Response to Submissions Report* (dated March 2020) (Modification 3 RtS); and
 - (d) the *WestConnex M4-M5 Link Rozelle Interchange Glebe Island Construction Ancillary Facility Modification Report* (dated June 2020); and
 - (e) the WestConnex M4-M5 Link Rozelle Interchange The Crescent overpass and active transport links Modification report (dated August 2019) (Modification 2 Report) as amended by the (i) WestConnex M5-M5 Link Rozelle Interchange Modification The Crescent overpass and active transport links Design amendment report (dated April 2020) (Modification 2 Amendment Report), (ii) WestConnex M5-M5 Link Rozelle Interchange Modification The Crescent overpass and active transport links Response to Submissions Report (dated April 2020) (Modification 2 RtS), and (iii) WestConnex M5-M5 Link Rozelle Interchange Modification The Crescent overpass and active transport links Response to Submissions on the Design amendment report (dated June 2020) (Modification 2 Amendment RtS).

2. Remove 'UrbanGrowth NSW' and its definition from Table 1: Definition and Terms

3. Replace all references to 'UrbanGrowth NSW' with 'Infrastructure NSW' in the instrument.

4. Amend Condition E55 as follows:

- E55** The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant capacity, design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.

Note: This includes ensuring sufficient capacity to accommodate pedestrians and cyclists waiting during non-crossing phases at the corner of The Crescent and Johnston Street intersection.

Insert new Condition E58A after E58:

E58A The Proponent must provide east-west connectivity for cyclists and pedestrians through the Rozelle Rail Yards open space area and north-south connectivity through the Rozelle Rail Yards open space area generally between Gordon Street, Rozelle and The Crescent and incorporate these in the **Pedestrian and Cycle Implementation Strategy** required by **Condition E60**.

5. Amend Condition E60 as follows:

E60 A detailed **Pedestrian and Cycle Implementation Strategy** must be included as a component of the Urban Design and Landscape Plan required by **Condition E133** and reviewed by the Design Review Panel. The Strategy must be prepared in consultation with relevant council(s) and Bicycle NSW. The Strategy must be consistent with the Active Transport Strategy in Volume 2F, Appendix N of the EIS and must incorporate the requirements of **Conditions E58, E58A and E59** and include:

- ~~(a) pedestrian and cycle engineering and safety standards;~~
- ~~(b) a safety audit of existing and proposed pedestrian and cycle facilities to address the above standards;~~
- (a) details of selected routes and connections to existing local and regional routes;
- (b) timing and staging of all works;
- (c) infrastructure details, including lighting, safety, security, and standards compliance;
- (d) signage and wayfinding measures; and
- (e) details of associated landscaping works, *including on the southern portion of the pedestrian and cycling green link.*

All identified works arising from this condition are to be implemented prior to the commencement of project operations, except as permitted by this approval.

6. Amend Condition E120 as follows:

E120 A pedestrian and cycling green link, as described in the EIS *Modification 2 Report and amended by the Modification 2 Amendment Report*, to be provided from the Rozelle Rail Yards ~~and spanning City West Link to the park adjacent Chapman Road to the Rozelle Bay light rail stop~~, must have adequate soil depth to facilitate planting along the majority of the bridge across the bridge of with a diverse range of vegetation consistent with the cross section provided at Figure 8 of Appendix L, Volume 2F of the EIS. The bridge must be a minimum width of 15 metres where the pedestrian and cycling green link spans from Rozelle Rail Yards across the City West Link including the slip lane onto The Crescent, unless otherwise agreed by the Secretary.

7. Replace Condition E121 as follows:

Whites Creek

E121 The mouth of Whites Creek north east of The Crescent and to the west of the proposed utilities bridge, must not be fully enclosed. Infrastructure over this section of the creek must be limited to the utilities bridge / shared user path, unless otherwise agreed by the Secretary.

8. Amend Condition E127 as follows:

E127 The **Design Review Panel** must be given the opportunity to and may review and refine the design objectives for place making, public realm and urban and heritage interpretation applicable to the length of the project and provide advice on the application of the objectives to key design elements in relation to place making, architecture, heritage, urban and landscape design and public art and aesthetic aspects of the CSSI. The Panel must be given the opportunity to also review all the Urban Design and Landscape Plan(s), prior to these being submitted to the Secretary. Evidence of this review and the Proponent's consideration of the review is to be provided to the Secretary. Where the Panel has decided to not review a plan, it must provide a written statement to this effect.

9. Amend Condition E131 as follows:

E131 Once the **Design Review Panel** is composed, and prior to the detailed design of the CSSI, a **Design Review Panel Terms of Reference** is to be developed and endorsed by all panel members. The Terms of Reference must be submitted to the Secretary for information and:

- (a) establish best practice governance and protocols for the operation of the **Design Review Panel**;
- (b) include a Code of Conduct;
- (c) outline the agreed frequency of **Design Review Panel** meetings, coordinated with Proponent program requirements, to ensure timely advice and design adjustment; and
- (d) outline secretariat functions and administration including the recording and storing of meeting agendas, minutes and actions.

Details on the design and landscaping should be presented to the Design Review Panel by the suitably qualified and experienced urban design and landscape specialists who have been engaged on the CSSI.

10. Amend Condition E134 as follows:

E134 The **Urban Design and Landscape Plan(s)** must be prepared by a suitably qualified and experienced person(s) in consultation with the relevant council(s), ~~Urban Growth~~ Infrastructure NSW, the community and affected landowners and businesses. The **UDLP(s)** must include, but not necessarily be limited to:

Objectives, Principles and Standards

- (a) demonstrated consideration of design objectives, principles and standards including:
 - (i) local environmental and heritage values,
 - (ii) urban design context,
 - (iii) sustainable design and maintenance,

- (iv) community safety, amenity and privacy including 'safer by design' principles where relevant,
- (v) relevant design standards and guidelines,
- (vi) prioritising the visual amenity and values of adjoining receivers over the road user experience,
- (vii) minimising the footprint of the project (including operational facilities), and
- (viii) the urban design principles outlined in the documents referred to in **Condition A1**, and
- (ix) the urban design principles outlined in *Better Placed and Greener Places* by the NSW Government Architect; and
- (x) **DRP** review.

Consultation

- (b) details of where and how recommendations from the **Design Review Panel** have been incorporated into the Plan;
- (c) evidence of consultation with the relevant council(s), ~~Urban Growth~~ Infrastructure NSW and the community on the proposed urban design and landscape measures, prior to finalisation of the **UDLP**, and details of how the outcomes of this consultation have informed the development of the **UDLP**;

Context and Form

- (d) an analysis of the built, natural and community context and the urban design objectives, principles and standards for the CSSI;
- (e) detailed consideration of integration and continuity with urban design and landscape outcomes for the M4 East and New M5 projects taking into account the respective **UDLP(s)** for each project;
- (f) landscaping (*soft and/or hard*) and building *and bridge* design opportunities to mitigate the visual impacts of road *and active transport* infrastructure and operational fixed facilities (including ventilation outlets, tunnel portals, Motorway Operations Complexes, noise walls *etc and The Crescent overpass (and related pedestrian and cycling green link, traffic islands and medians)*) including:
 - (i) building placement, designs and landscaping that are reflective of the local built form,
 - (ii) a living vertical garden(s) or alternative treatment for ventilation outlets consistent with the requirements of **Condition E118**, *and*
 - (iii) *enhancing the amenity and interface between the pedestrian and cycling green link, light rail stop and shared user path ramp, to provide a sense of place;*

Access

- (g) the **Pedestrian and Cycle Implementation Strategy** identified in **Condition E60**;
- (h) the following interim park infrastructure must be provided at Rozelle Rail Yards to support passive recreational uses of the land: toilet facilities, seating, bins and bicycle parking;
- (i) details of staging to maximise progressive public access and use of the Rozelle Rail Yards site;

Design

- (j) the design of the project landform and earthworks,
- (k) the design of the CSSI elements including their form, materials and detail (including the *City West Link* pedestrian and cycling green link and shared user path ramp identified in **Condition E120**);
- (l) a description of the CSSI design features, including graphics such as sections, perspective views and sketches of key elements of the CSSI *including -*

- (i) visualisations (from a distance and within the intersections) of The Crescent overpass, the pedestrian and cycling green link, shared user path ramp and the at-grade pedestrian and cyclist crossing of The Crescent, and;
- (ii) cross sections showing the full width of The Crescent between Johnston Street and The Crescent/City West Link intersection;
- (m) visual screening requirements;
- (n) development and delivery of public art opportunities throughout the Rozelle Rail Yards and where possible within the construction footprint surrounding the intersection of The Crescent and City West Link using local artists;
- (o) demonstrated integration of Crime Prevention Through Environmental Design principles into the detailed design process;

Lighting

- (p) an assessment of the location, design and impacts of operational lighting associated with the CSSI and measures proposed to minimise lighting impacts in accordance with **Conditions E122, E123 and E124;**
- (q) development of a **Rozelle Rail Yards Lighting and Wayfinding Strategy** that provides for effective, safe and innovative lighting and wayfinding throughout the Rozelle Rail Yards land and that also explores lighting as a public art opportunity whilst ensuring adherence to **Conditions E122, E123 and E124;**

Heritage

- (r) the location of existing heritage items;
- (s) information on the reuse of heritage items and items of significance to the urban form and landscape character including identification of opportunities for interpretative and innovative reuse of salvaged items from the Rozelle Rail Yards to ensure the character of the land remains connected to previous and surrounding industrial, transport and maritime land uses;

Landscaping

- (t) a description of disturbed areas (including construction ancillary facilities) and details of the strategies to progressively rehabilitate, regenerate and/or revegetate these areas;
- (u) details on the location of existing vegetation and proposed landscaping (including use of endemic and advanced tree stock where appropriate). Details of species to be replanted/revegetated must be provided, including their appropriateness to the areas and habitat for threatened species;
- (v) demonstrated integration of water-sensitive urban design principles into the detailed design process and maximisation of integration of existing and enhanced water features into the open space features of the site including enhancements to Whites Creek and other waterways as well as the constructed wetland;

Implementation and monitoring

- (w) the timing for implementation of access, landscape and open space initiatives; and
- (x) monitoring and maintenance procedures for the built elements, rehabilitated vegetation and landscaping (including weed control) including performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail.

11. Amend Condition E164 as follows:

E164 Archival recording as required by **Condition E163** must also be undertaken for the Cadden Le Messurier, former Hotel and the former Bank of NSW building, should these structures be demolished, and for The Crescent Mural at Annandale.

Note: The Crescent Mural must not be destroyed.

12. Delete Appendix D and replace with the following:

APPENDIX D
OUT-OF-HOURS MITIGATION
(Condition E87)

