



# WestConnex M4-M5 Link Modification 5

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Modification to allow the establishment of additional  
ancillary facilities

State Significant Infrastructure Modification Assessment  
(SSI 7485 MOD 5)

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# Glossary

Abbreviation	Definition
<b>Approval</b>	Infrastructure Approval
<b>CNVMP</b>	Construction Noise and Vibration Management Plan
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Minister</b>	Minister for Planning and Public Spaces
<b>MOD</b>	Modification
<b>Proponent</b>	Transport for NSW (formerly Roads and Maritime Services)
<b>Secretary</b>	Planning Secretary of the Department of Planning, Industry and Environment
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW
<b>The approved project</b>	WestConnex M4-M5 Link (SSI-7485)

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# 1 Introduction

This report provides an assessment of an application to modify the State significant infrastructure (SSI) approval for WestConnex M4-M5 Link (SSI-7485) (the approved project).

The modification application seeks approval to include a new condition to allow the establishment of additional minor ancillary facilities that are likely to have minimal environmental impact. The Proponent notes this is required to facilitate the efficient delivery of project stages through allowing additional sites to be used during construction.

The request to modify was lodged on 26 October 2020 by Transport for NSW (TfNSW) (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

WestConnex M4-M5 Link forms part of the broader WestConnex motorway project, designed to improve connections between industrial, commercial and residential areas in Sydney's west, east and south-west. The Project creates road network links between the Sydney Central Business District (CBD) and Parramatta CBD. The M4-M5 Link project involves building twin tunnels of approximately 7.5km in length between the M4 East at Haberfield and New M5 at St Peters, including associated surface works to connect to the existing road network. Construction commenced in 2018 with the tunnels expected to open to traffic in 2023.

Since the project was approved, the Proponent has identified the need to modify the infrastructure approval on four previous occasions. The scope of these modifications are described in Section 1.2.

## 1.2 Approval history

The WestConnex M4-M5 Link project (SSI 7485) was approved on 17 April 2018 by the then NSW Minister for Planning. The project approval has been modified on four previous occasions (see **Table 1**).

**Table 1 |** Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Civil Sites & Ancillary Facilities	Minister	5.25	25 February 2019
<b>MOD 2</b>	The Crescent overpass and active transport links	Minister	5.25	30 September 2020
<b>MOD 3</b>	Iron Cove ventilation underground	Minister	5.25	28 July 2020
<b>MOD 4</b>	Glebe Island Construction Ancillary Facility	Department	5.25	30 July 2020

## 2 Proposed modification

The Proponent has requested to modify the approval for WestConnex M4-M5 Link to include a new condition to allow the establishment of additional minor ancillary facilities that are likely to have minimal environmental impacts, as follows.

*Ancillary facilities that are not identified by description and location in the documents referred to in condition A1 can only be established and used in each case if:*

- a) They are located within or immediately adjacent to the construction boundary; and*
- b) They are not located next to sensitive receiver(s) (including where an access road is between the facility and the receiver), unless the sensitive receiver(s) (both the landowner(s) and occupier(s)) have given written acceptance to the carrying out of the relevant facility in the proposed location; and*
- c) They have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and*
- d) The establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.*

The Proponent is requesting this additional condition to facilitate the efficient delivery of the project stages through allowing additional sites to be utilised during construction that were not included in the Environmental Impact Statement (EIS) or Preferred Infrastructure Report (PIR).

## 3 Statutory context

### 3.1 Scope of modifications

In accordance with section 5.25 of the EP&A Act, a Proponent may request the Minister to modify the approval for State significant infrastructure. The Minister's approval for modification is not required if the infrastructure as modified will be consistent with the existing approval. The administrative changes requested by the Proponent are not consistent with the existing approval. Consequently, modification of the Minister's approval under section 5.25 of the EP&A Act is required.

### 3.2 Delegated authority

The Minister will be the approval authority under section 5.25 of the EP&A Act unless the Minister has delegated his determination functions to the Department.

### 3.3 Ministers delegate as determining authority

Under the Instrument of Delegation dated 11 October 2017, the functions and powers of the Minister for Planning and Public Spaces under section 5.25 of the EP&A Act to determine a modification of the Minister's approval may be delegated whereby:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

The proposed modification meets the terms of this delegation. As such, the Director, Transport Assessments, is the delegated authority to determine the modification request.



## 4 Engagement

### 4.1 Department's engagement

Under section 5.28(1)(g) of the EP&A Act, the Planning Secretary is required to make requests for modifications of approvals determined by the Minister publicly available. Accordingly, the Department made the Modification Report publicly available on its website.

## 5 Assessment

The Department has reviewed the Proponent's Modification Report and supporting information and considered the potential impacts of the proposed modification as set out below. The proposed changes are considered administrative and minor in nature.

The modification seeks to enable the ability to establish additional ancillary sites for use during construction that were not assessed in the EIS or PIR. These sites may not have been available for consideration during the preparation of the EIS and PIR but have since become available. The Proponent has indicated that the inclusion of a new condition allowing the establishment of additional ancillary facilities would help facilitate the efficient delivery of project stages.

The proposed condition places parameters on the establishment of additional ancillary facilities to ensure impacts are minimised and acceptable. These include the requirement for new facilities to be located adjacent to the construction boundary, not be located next to sensitive receivers, not impact on heritage or biodiversity (beyond that anticipated in the EIS/PIR), and ensure outcomes of the terms of the approval can continue to be met.

The Proponent advises that the identification of new sites would be in accordance with the requirements of the proposed condition and any impacts resulting from the use of these sites would be appropriately managed, minimised, or offset to an acceptable level. It is also noted that any site would be operated in accordance with the management plans already developed, including the Construction Environment Management Plan for the applicable stages.

As such, the Department considers the proposed administration modification is acceptable and minor in nature, allowing greater flexibility and remaining consistent with approvals for other recently approved major infrastructure projects, such as the M6 (F6 Stage 1) project.

Further, the proposed modification would also result in a minor update to Condition A1 listing the relevant documentation considered.

## 6 Evaluation

The Department has reviewed the Modification Report and other supporting information and evaluated the merits of the modification. The Department considers the modification should be approved, subject to conditions. The key reasons are as follows.

- 1 The modification request complies with relevant statutory provisions and remains consistent with the EP&A Act (refer to **Section 3**);
- 2 The development to which the modification relates remains substantially the same;
- 3 The request to include an additional condition would provide flexibility in the location of ancillary facilities; and
- 4 The modification would not result in adverse impacts on the environment, and the risks can be managed through conditions of approval.

Consequently, it is recommended that the modification as recommended be approved.

## 7 Recommendation

It is recommended that the Director, Transport Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application WestConnex M4-M5 Link Modification 5 – Other Ancillary Facilities Condition (SSI-7485 MOD 5) falls within the scope of section 5.25 of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the approval SSI-7485
- **signs** the attached Notice of Modification (see appendix C).

**Recommended by:**



**Annika Hather**  
Student Planner  
Transport Assessments

**Recommended by:**



**Andrew Beattie**  
Team Leader  
Transport Assessments

## 8 Determination

The recommendation is **Adopted/Not adopted** by:



**Glenn Snow**

Director

Transport Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## **Appendix A – Modification Report**

<https://www.planningportal.nsw.gov.au/major-projects/project/40386>

## **Appendix B – Consolidated Approval**

<https://www.planningportal.nsw.gov.au/major-projects/project/40386>

## **Appendix C – Notice of Modification**

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