

Director, Transport Assessments Planning Services
Department of Planning, Industry and Environment
GPO Box 39
Sydney, NSW 2001

Dear Director Transport Assessments Planning Services,

Modification Application SSI-7485-Mod-2

This submission by Leichhardt Against WestConnex (**LAW**) responds to the proposed modification to M4-M5 Link, Mod 2 - *The Crescent overpass and changes to pedestrian infrastructure in North Annandale, Rozelle and Rozelle Bay Foreshore area (the Modification)*.

Introductory Comments

LAW is a community group with approximately 1000 members in the Leichhardt/Annandale and Lilyfield precinct. LAW is not affiliated with any political party and none of its three co-convenors are members of any political party. LAW was established in August 2016, initially to oppose the ill-conceived proposal to establish a major mid-tunnelling (dive) site at Darley Road in Leichhardt, a proposal that was ultimately abandoned by the project proponents.

LAW is opposed to the WestConnex project and remains concerned about issues arising as a result of poor project delivery, resulting in continued unacceptable impacts to the community and environment. LAW remains unconvinced that WestConnex will deliver any real relief from car congestion, which we acknowledge as an issue across Sydney. LAW considers that encouraging car use through constructing yet more toll roads is a retrograde step, and out of step with the pressing need to address climate change risk. It is LAW's position that congestion can only be properly addressed through provision of reliable and efficient public transport. LAW is also concerned with the health impacts of vehicle emissions which WestConnex does nothing to reduce by inducing car usage.

In responding to this Modification, we have also noted the poor project delivery thus far. Reports of unacceptable impacts on residents through compromised amenity, noise levels, WHS issues, breaches of conditions of approval, poor community consultation, inadequate compensation for compulsorily acquired properties, and unresolved property damage claims, are well-chronicled in the media. These concerns, which span the inception of WestConnex six years ago, were articulated by residents, local government and community bodies in the [Parliamentary Inquiry](#) held last year into the 'Impacts of the WestConnex.'

Documents

In preparing this submission, we have relied upon the following documents:

- Environmental Impact Statement (EIS) and the Preferred Infrastructure Report;
- Westconnex M4-M5 Link Rozelle Interchange - Modification: The Crescent overpass and active transport links Modification report (August 2019); and
- [*Community Guide to the Crescent overpass and active transport links Modification report*](#) (Modification report)(August 2019)¹ (the Community Guide)

In addition, regard has been had to the Report and Government responses on the [Parliamentary Inquiry into the Impacts of Westconnex](#).²

Background

We note that approval for the construction and operation of the M4-M5 Link (**the Project**) was granted on 17 April 2018 by the NSW Minister for Planning. We further note that this Modification falls within Stage 2 of the Project, namely the construction of the Rozelle Interchange (and Iron Cove link).

Objections to the Modification

1. *Poor community consultation*

The impact of a proposal such as this can only be properly measured when **all** stakeholders who are potentially impacted have had sufficient time - and accurate and adequate information - to enable them to make a well-informed submission. This is even more so in the case of a Modification, which references and relies upon an earlier 7,500 page Environmental Impact Statement (EIS) which was also approved 18 months prior. We further note that the planning and approval processes for 'critical state significant infrastructure' is complex - this Project has been delivered in multiple stages and sub-stages, making it challenging (at best) for stakeholders to understand and comment on the cumulative impacts of multiple stages. Unsurprisingly, there is confusion within the community about exactly what is proposed and which part of the modified proposal has already been approved - and what constitutes new impacts.

The delivery of earlier stages of the Westconnex Project has been mired by reports of lack of transparency and poor and inaccurate information³. The Government response to the Parliamentary inquiry found: "*That while extensive consultation for the WestConnex project has been*

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https://www.westconnex.com.au/sites/default/files/RI_The%20Crescent_Overpass_Modification_FINAL%20web.pdf

² Parliamentary Inquiry website - Impacts of the Westconnex Project:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2497>

³ Insert recommendations re consultation

*undertaken, it appears that this consultation has been ineffective and has lacked an empathetic approach.*⁴

We do not consider that the communication process with respect to this Modification addresses these findings, nor has it been of the requisite standard.

Firstly, we consider that 28 days (extended by 7 days at the last minute) is an insufficient period for community consultation, noting that this is a proposal that represents a material change to the project which was approved 18 months ago. A period of 60 or 90 days would have been more appropriate.

Community consultation with respect to this Modification has been largely non-existent. Our observation from speaking with residents in the immediate impact zone in Annandale is that they were largely unaware of this proposal until advised by community groups (such as LAW and No Westconnex Annandale). Many became aware of what was proposed only once the destruction of Buruwan Park commenced (10 September 2019). While the Modification states that 'briefings/discussions,' were held with Councillors, council officers and two Members of Parliament, there is limited details of any information sessions or meetings with residents being held.⁵ Chapter 5 of the Modification sets out proposed community consultation with communities.⁶ We query whether any of these actions have in fact been taken and whether this will even be verified by the Department of Planning in making its determination. We are aware that two community consultations sessions took place in one location on the same day. It was poorly promoted; many people found out about the sessions after they were held. Reports from those who attended the session point to a lack of transparency about the overpass and selective use of slides and artist's impressions, and the lack of images from the Lilyfield Road side.

ABC Sydney radio covered the Modification on 17th September 2019 and residents texted or called to state that they had received no notification of any consultation. Camilla Drover from RMS seemed unaware that this was the case and appeared to concede the need for an extended period of consultation. The fact that Ms Driver had to come on the radio to explain the Modification shows that the consultation process has failed.

The impacts of the Modification extend beyond the location of the intersection itself, yet those impacted in the wider area have not been notified or consulted whatsoever. The institution of 'no right turn' onto the Crescent from Johnston St will impact many local residents who wish to access the Crescent to travel to Forest Lodge and the Tramsheds, childcare centre and businesses adjacent. Traffic will find its way through residential streets instead, creating additional traffic problems in an already congested area.

⁴ Parliamentary Inquiry Report -

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2497/Final%20report%20-%20Impact%20of%20the%20WestConnex%20Project%20-%20FINAL%20-%2014%20December%202018.pdf>

⁵ Modification at x

⁶ A5 5-8 to 5-9.

The images provided to the community to depict the modification are inadequate for the purposes of making the impacts clear to the community. In particular, despite all the digital technology available today to provide a visual representation of the proposed flyover in 3 D or use of computer generated images, no such visualisation has been provided. It has fallen to members of community to create this themselves so that the community can envisage what the flyover will actually look like. We note that RMS and Sydney Motorway Corporation have in the past marketed the toll road using digital technology to present videos of what it would look like at completion - yet no such collateral has been made available for this Modification. We have asked SMC and RMS to provide 3D models of its plans so the community can see what the end result will look like. Yet again they have failed to do so.

In other words, what we have observed is the standard approach, being the hallmark of Westconnex, wherein information is delivered in a manner that ensures that any adverse impacts are minimised and that the community does not fully understand what they will end up with.

Failure to properly consult and inform the community about this Modification in a transparent manner is a significant issue.

LAW objects to the modification on the basis of inadequate community consultation and seeks the following:

- Extension of the period of consultation to ensure that a period of 60 or 90 days is provided.
- The Modification should not proceed until additional community consultation sessions have been provided, including provision of a 3D model and cgi videos depicting what the flyover and pedestrian/bike bridge will look like from all angles.
- An independently facilitated community round table should be held where representatives from interested groups can question RMS and the JV team about the Modification.
- Notification and information about the Modification should be provided to residents across Annandale, Rozelle, Lilyfield, Leichhardt and Forest Lodge, all of whom will be impacted by the proposed changes to the arterial and local road network.

2. *Does not achieve the basis for or justification of the original design*

The Concept Design as presented to the community in the EIS was developed in line with a number of principles, including to improve connections between Rozelle/Lilyfield and Annandale, to open space and to the harbour. A number of features were key to the design included:

- extended areas of open space for recreation, habitat creation and connection to other areas of open space and active transport around the Rozelle Rail Yards;
- minimising the number of surface roads within the Rozelle Rail Yards. Surface roads within the Rozelle Rail Yards would include:
 - a connection to the New M5 in the western part of the park; and

- the proposed future Western Harbour Tunnel entry and exit located next to the City West Link and opposite The Crescent. The design advised that the majority of this roadway would be concealed by a pedestrian and cyclist overbridge that would effectively cover these links beneath.

This Modification involves the construction of a new, above-ground Crescent Overpass of approximately 800 metres that was not contained in the earlier 7,500 page EIS which was approved 18 months ago. This structure will rise approximately 12 metres from the surface and will form an intrusive (visual and auditory) impact on the area and affect the amenity of the entire bay area.

Most significantly, it does not provide the same standard of access proposed in the EIS, to the foreshore area and impact on access to the Anzac Bridge, for pedestrians and cyclists. While the Government may argue that 22 kilometres of this road is underground, with only 800 metres above, we note that the impact of this project was deemed acceptable in the EIS on the basis that it was largely underground. For the Government to now claim that they cannot deliver what was approved calls into play the basis for the Project's approval. If it was not possible to build this Project underground, why was approval sought and granted?

Rather than create connections between the Rozelle railyards and the bay area, the Overpass creates a visual and physical barrier between Annandale and the foreshore and is inconsistent with the Government's stated aim for the Bays West, which according to the Infrastructure NSW website, is to provide:

"...an opportunity to deliver innovation and attract jobs of the future and reinforce Sydney's reputation as a resilient and prosperous global city to live, work and visit. Homes will be planned to welcome a mixed and inclusive community and the site's iconic heritage assets, ongoing port, maritime and cruise facilities will be integrated with new public spaces, transport investments and foreshore access."

The Infrastructure NSW website states that:

"The NSW Government remains committed to this vision and will continue to work with the community to build on the objectives, principles and benchmarks set within it. Future opportunities and plans for Bays West will involve community consultation, ensuring that the aspirations and views of the surrounding community and future users are captured and integrated."

There is nothing visionary or world class about a flyover adjacent to prime Sydney harbour foreshore and parks. The flyover is an expedient and clumsy response to the problem created when (by design), all roads lead to Rozelle and the local road network is compromised as a result.

We also note that the justification for this Modification is to improve the interchange for car users, including users of the toll roads such as the Harbour Bridge, Westconnex and future Western Harbour Tunnel and Beaches Link (the Harbour Tunnel being not even at EIS stage, let alone approved). While the Modification is described as containing 'a number of potential design and constructability improvements',⁷ the benefits (such as they are) flow entirely to the car user, with the local community and non-car user's interest being severely compromised. The result for the pedestrian and cyclist is an inferior experience and a reduction in the promised connectivity. Yet again revenue streams for toll roads are prioritised ahead of local communities and our environment and the community's amenity is degraded as a result.

LAW objects to the Modification because it is inferior to the EIS approved design in terms of pedestrian and bike access and usability.

LAW objects to the Modification because it prioritises traffic travelling through Annandale to access the toll roads, ahead of locals who wish to turn right from Johnston Street into the Crescent and is inferior to the EIS approved design in terms of pedestrian and bike access and usability.

3. *Reduced access to the foreshore parks for pedestrians and cyclists*

This intersection is one of the main access points to the foreshore parks and to the Tramsheds and local pedestrians are again being inconvenienced with more circuitous crossings at road level and the ridiculous foot bridge going in the wrong direction the long way round. RMS should be ensuring easy access for walkers, families, the elderly and people with a disability to our open spaces, not inserting major motorway feeder roads in the way. There should be pedestrian crossings over the Crescent both at the northern side of Johnston St and the southern side.

At 4.1.8 Appendix B states:

*"Pedestrians currently accessing Bicentennial Park from Johnston Street would be required to use the new signalised pedestrian crossing, **which would not provide as direct an access to Bicentennial Park**. The total number of traffic lanes crossed on The Crescent would be the same as presented in the EIS (five lanes), **but moving it to the eastern side, would split the crossing into two sections** – one crossing of three lanes and one crossing of two lanes."*

Planning should not approve the new pedestrian crossing arrangement, but should require RMS go back to the drawing board and find a way to preserve access to the foreshore parks from Johnston Street which does not require multiple crossings. This is a high pedestrian area, please prioritise pedestrians not cars.

LAW objects to the Modification on the grounds of the reduced direct access to the foreshore parks for pedestrians and cyclists.

⁷ Modification Rozelle Interchange at (ix)

4. *Inadequacy of consideration of impacts of the Modification*

The Modification is required to address impacts; however, with respect to traffic and transport, the 'operational impacts' that are set out in the Modification are limited to 'operational impacts' on the vehicular traffic (pages 9(xi) - 9(x) contain). There is no commentary whatsoever in the Modification on the impact of the changes on pedestrian/cyclist movement and access to the bay area.

The Modification involves removing the right-hand turn into the Crescent from Johnston Street, stating that 'the number of traffic movements are limited and alternative traffic routes are available'. We are not sure as to the basis for stating that such movements are 'limited'; the reality is that the local traffic from Annandale will be severely impacted by this change, which makes it difficult for them to access the eastern section of the Crescent towards Forest Lodge. The reference to 'alternative routes' is also not further explained. The only option for such traffic that can no longer turn right into the Crescent is to access via local streets. This is an unacceptable impacts on the road system which should not be permitted. The Government should be directed to redesign this intersection so as to maintain access via the local road network to the Crescent.

Little consideration throughout the Modification has been given to its impact on the homes in the vicinity, pedestrians and cyclists ('sensitive receptors'), who appear to be merely collateral damage in a proposal driven by the needs of the car user. This area of Annandale is historically significant and village-like. Annandale will be forever impacted negatively by the approval of an Overpass as proposed.

LAW objects to the Modification because it fails to properly assess the cumulative impacts of the Project on this area.

5. *Impacts on noise and air quality*

The discussion in the Modification on noise and air quality is perfunctory and fails to consider and have regard to the existing impacts of this project the subject of approval in the EIS. It acknowledges that a small number of 'receptors' will be impacted and that a noise wall would not be effective for the overpass. This brief comment fails to acknowledge the overall impacts of the Project on these residents. It is noted that all trees along the Crescent, City West Link and Bay area are in the process of being removed. This includes several 100 year old fig trees, and many casuarinas. These trees provided a visual and auditor buffer from the City West link and Crescent surface traffic.

Not only will the surface traffic be dramatically increased due to the construction of the Crescent interchange, the Modification with its new Overpass will provide yet another impact that will further reduce the amenity of the area.

It is important that the overpass construction is not considered in isolation - the cumulative impact of the stripping of the area of all trees and vegetation, the funnelling of significant surface traffic to the

area, need to be borne in mind. Given all of these factors, we consider that the impact of the Overpass is unacceptable.

LAW objects to the Modification on the basis of unacceptable impacts on noise and air quality.

6. *Heritage listed items*

The Modification does not address how the heritage (and potential) heritage listed items will be managed. It simply states that; ‘These impacts can be managed via the relevant environmental management measures contained in the SPIR (as modified) and through the relevant CaA (as modified)⁸.

LAW objects to this Modification on the basis that it fails to properly explain how heritage items will be protected.

7. *Traffic impacts*

Many residents appear unaware of the new no right turn from Johnston St into the Crescent proposed in this Modification. This is a high impact change yet has not been highlighted as such in the Modification. The no right turn into the Crescent is egregious and will cause rat running throughout Annandale. It is unacceptable for RMS to stop local drivers accessing the Crescent at that point. Why should our local trips across our district be made less convenient by this project and why should the residents of the streets that will become the new rat runs have to lose their amenity so that toll road traffic can be induced into Johnston St? At the Community Reference Working Group, LAW was told by the JV that local traffic was expected to use the City West Link to access the Tramsheds instead! But this is the same City West Link that will be grid locked as a result of the extra traffic from the M4 East for the next 5 years and after that from traffic coming out of and going into the tunnels. This Project is supposed to reduce congestion but this no-right turn will only increase it.

The Modification will not improve the performance of the Crescent / Johnston St intersection in the AM peak hour which will remain at C both with and without, the modification and which will only improve marginally from F to E in the PM peak hour. (Table 4-5 Appendix B: *Traffic and transport assessment*).

At 4.1.10, Impacts on connectivity are described only in terms of peak hour observations. This ignores the impact on off peak use of the intersection and additionally does not offer any detailed analysis of what roads through Annandale it is expected will be used to get to the Crescent. :

LAW objects to the no right turn and calls on Planning to require RMS to look again at how to make this intersection fair for all road users, both local traffic and toll road customers.

⁸ Modification at Xiii

The Modification will also increase queues on Victoria Road leading to longer bus journeys to Druitt St. As shown in Fig 4-10 Appendix B: *Traffic and transport assessment*:

“In the outbound direction in the AM peak, bus travel time is forecast to increase for the same reasons that affect the general traffic travel times i.e. the additional traffic on Victoria Road northbound, as discussed in section 4.1.5. The increased traffic volumes on Victoria Road means that the queue caused by the capacity constraint to the northern end of Victoria Road in Drummoyne is longer and takes longer to dissipate. In 2023, bus travel times are forecast to increase from about 17 minutes to about 20 minutes, while in 2033, bus travel times are forecast to increase from about 19 minutes to about 25 minutes.”

Planning should **not** approve a Modification that increases travel times for public transport users.

LAW objects to the Modification on the grounds of the increased travel times for citybound buses.

8. *Air quality*

Table 5-1 of Appendix D *Air quality assessment* shows the Total traffic emissions in the vicinity of the proposed project Modification. The data discloses that total emissions of NO_x will be 50% higher at 54.5 tonnes per year in 2033 with the Modification (compared to 36 tonnes per year without the modification.

LAW objects to the Modification on the basis that it will make air quality worse in the vicinity and therefore should be rejected on those grounds.

Table 5-2 shows that by 2033 absolute changes in total traffic emissions of NO_x in the vicinity will reduce by 40.47% without the Modification and only 22.04% with the Modification.

Again the Modification will lead to worse air quality so should not be approved.

The Modification states:

“As for the EIS, cumulative concentrations for each of the pollutants, exceed their relevant air quality criteria. As noted earlier, this is due to the high background values used. No major changes can be identified between the EIS and the proposed modification. Differences can be attributed, in part, to the changes in elevation and the position of the traffic along The Crescent as it approaches the overpass from the southeast. The lanes are slightly closer to the light-rail line and Bayview Crescent for the proposed modification. There is also a gradient of around 6% as northbound traffic climbs the overpass which increases emissions at that location.”

The differences are the increased NO_x levels and are directly attributable to the Modification.

The Modification also moves road links and emissions closer to receptors along the Crescent (Appendix D Air quality Assessment modelling results page 20.) The modelling shows that there are more receptors that show a predicted increase in NO₂ concentration. Even a small increase is not acceptable. It is inconceivable that a Modification that increases the exposure for receptors would be submitted, let alone approved.

The Conclusion to Appendix D Air quality assessment (7) also fails to make any conclusions about operational air quality and describes only construction related impacts even though the preceding analysis relates to both construction and operational impacts.

LAW objects to this Modification and urges the Department of Planning not to issue approval.

25 September 2019