

**Rozelle Interchange Active Transport Non-compliance and Defects Report**  
**Submission to the Legislative Council Inquiry into the impacts of the Rozelle Interchange**  
**Keith Stallard / The Hub 26/04/2024**

This document was initially prepared ahead of my – Keith Stallard’s – hearing with the Inquiry Committee on 23 April. My introductory statement at the hearing was based on the Summary section below. This revised version submitted on 26 April 2024 confirms the willingness of the individuals engaged in consultation with Transport for NSW and its contractors to speak to the Committee. Typographical errors in the original version have been corrected and some minor adjustments to wording and formatting have been made to increase clarity. There have been no changes to the content.

### **Summary**

Good afternoon Ms Faehrmann and members of the Enquiry team. My name is Keith Stallard. My introductory statement focuses on the Rozelle Interchange’s impact - or lack of beneficial impact - on cycling in the strategic cycleway corridors of Victoria Road and Lilyfield Road. I will outline the reasons for these shortcomings and propose necessary corrective actions.

### **Impacts**

Transport for NSW states that *Strategic Cycleway Corridors*<sup>1</sup> should ‘provide safe and convenient cross-city cycleway connections’. The Environmental Impact Statement (EIS) encouragingly promised separated cycleways along Victoria Road all the way from the City West Link to the Iron Cove Bridge and along the full length of Lilyfield Road from Victoria Road to the northern end of the Greenway and the Bay Run. Regrettably, **none of this infrastructure has been built.**

The failure to deliver the promised infrastructure has made cycling in and through the Inner West more arduous and dangerous than it should be. This failure discourages a necessary mode shift from private cars to active transport thereby forsaking an opportunity to reduce pollution, lower greenhouse gas emissions, and bring associated health and social benefits, including reducing traffic congestion during the morning peak.

### **Causes**

We have continued the research we undertook to develop our *Active Transport Non-compliance and Defects Report* that we previously submitted to the Committee. This research suggests that the failure to deliver these sorely needed separated cycleways is the consequence of duplicitous use of the complex planning process and subsequent failure to comply with the Department of Planning’s legally binding conditions of approval, and applicable policies and laws.

### **Corrective action**

The non-delivery of significantly improved cycling infrastructure has adversely impacted Sydney’s cyclists while allowing Transport for NSW and its contractors to save money, time and effort. This money, time, and effort saved are owed to cyclists and should be used to deliver the cycling infrastructure that we were led to believe we would get. These commitments must be honoured to uphold the principles of integrity and accountability within our transport planning processes.

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<sup>1</sup> Transport for NSW, April 2022 Strategic Cycleway Corridors, Eastern Harbour City, [https://www.transport.nsw.gov.au/system/files/media/documents/2022/April\\_2022\\_Strategic\\_Cycleway\\_Corridors\\_Eastern\\_Harbour\\_City\\_Overview.pdf](https://www.transport.nsw.gov.au/system/files/media/documents/2022/April_2022_Strategic_Cycleway_Corridors_Eastern_Harbour_City_Overview.pdf)

This submission serves as a call to action to rectify these issues promptly and ensure that the development and expansion of our city's infrastructure include robust support for active transport, thereby promoting a healthier, more sustainable Sydney.

### Victoria Road Strategic Cycleway Corridor

Victoria Road is a busy cycle route to/from the City for cyclists from the Inner West and suburbs to the north of the Iron Cove Bridge. Transport for NSW has defined the route as a *Strategic Cycleway Corridor* that should *'provide safe and convenient cross-city cycleway connections'*<sup>2</sup> Austroads and Transport for NSW's design standards require such a route to be a separated cycleway. The construction of the Rozelle Interchange provided the perfect opportunity to provide such a cycleway. Alas, we have been left with poor-quality shared paths with numerous dangerous obstructions.

The EIS foresaw a 'separated cycleway connecting the intersection of Robert Street up and over Victoria Road to the intersection of Springfield Street'<sup>3</sup>. The first part of this separated path from the City West Link to Robert Street was to be delivered as part of the M4-M5 Link. The remaining, longer part was to be designed jointly by Transport for NSW and Inner West Council and delivered by Council. In the interim, TfNSW's contractors would remove or relocate 12 dangerously located poles in the existing cycle paths.

None of this has been done. The section from City West Link to Robert Street is not a separated cycle path. Plans for the rest of the cycle path reached concept stage as part of Council's Rozelle Village Master Plan<sup>4</sup> but have stalled *'pending the disclosure by the NSW Government of the traffic data and modelling for our local traffic network when Westconnex Stage 3 opens'*<sup>5</sup>

We are unaware of the relocation or removal of any poles from the existing shared paths. However, we are aware of the addition of more dangerously located large poles by WestConnex. There are now 102 poles on the eastern shared path. Some resurfacing, signage, tree pruning and blue markings on the pavement are the only 'improvements'.

**The shared paths along Victoria have not been significantly improved, in some places, they are worse than before the Rozelle Interchange was constructed. They are still not fit for purpose.**

### Lilyfield Road Strategic Cycleway Corridor

Transport for NSW identified the completion of the Lilyfield Road connection as an *'immediate opportunity'*. The EIS promised a separate cycleway along the full length of Lilyfield Road from Victoria Road to the northern end of the Greenway and the Bay Run but didn't take advantage of building the Rozelle Interchange to do this. Alas, none of this 2.8 km of separated cycleway<sup>3</sup> has been delivered.

The UDLP promised that a much shorter separated cycleway linking Victoria Road and the CSELR Rozelle Maintenance Depot would be delivered as part of the M4-M5 link. None of this has been built either. **The shared path through the new Rozelle Parklands is pleasant for slow and recreational cycling but is not appropriate for one of the busiest cycle commuter routes in NSW.**

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<sup>2</sup> Transport for NSW, April 2022 Strategic Cycleway Corridors, Eastern Harbour City, [https://www.transport.nsw.gov.au/system/files/media/documents/2022/April\\_2022\\_Strategic\\_Cycleway\\_Corridors\\_Eastern\\_Harbour\\_City\\_Overview.pdf](https://www.transport.nsw.gov.au/system/files/media/documents/2022/April_2022_Strategic_Cycleway_Corridors_Eastern_Harbour_City_Overview.pdf)

<sup>3</sup> AECOM 2017, M4-M5 Link Environmental Impact Statement, Appendix N, section 7.0 Summary, page 33

<sup>4</sup> <https://yoursay.innerwest.nsw.gov.au/streets-alive-rozelle>

<sup>5</sup> Council Resolution Rozelle Public Domain Master Plan, 8-8-23 <https://yoursay.innerwest.nsw.gov.au/streets-alive-rozelle>

## Planning and consultation

Transport for NSW explains that the progressive downgrading of the cycling infrastructure delivered as part of the Rozelle Interchange has resulted from the planning process. Our research suggests that the planning process was not undertaken rigorously and in good faith; it was duplicitous. A few examples:

The UDLP states that it was developed to ensure that the Rozelle Interchange complies with 27 relevant standards and guidelines. The design of the Interchange also has to comply with all applicable laws and policies and must be maintained in compliance with future laws and policies as stated in Section 7.1, *Compliance with Law* of the Construction Deed<sup>6</sup>:

*The contractor must ... in the case of the Project Works (Rozelle Interchange), at the Date of Opening Completion ... comply with and are capable of continuing to comply with ... applicable Laws, including any changes in Law after the date of this deed; and NSW Government Policies. (Section 7.1, Compliance with Law)*

**There are, however, many examples of the cycling infrastructure not complying with laws policies and standards.** Below we list a few examples with which the cycling infrastructure delivered as part of the Rozelle Interchange does not comply.

**Transport for NSW's Active Transport Strategy** requires:

- *Improving the safety and comfort of people walking and riding bikes by providing fit-for-purpose active transport infrastructure and appropriate road speeds*
- *Encouraging a shift to walking and cycling trips by delivering walking and cycling infrastructure to support mode shift*

**Transport for NSW's Providing for Walking and Cycling in Transport Projects Policy** requires that:

- *Every transport project funded by Transport must include provision for walking and cycling within the core scope of the project. This is particularly relevant to infrastructure projects, where early consideration and delivery of safe, integrated, reliable, accessible and connected walking and cycling infrastructure will enhance the local environment, help drive behavioural change and achieve a sustained uptake in mode share of walking and cycling. As part of this, Transport will focus on getting more out of existing investments by reallocating road space to more sustainable and efficient modes.*
- *Early consideration and delivery of safe, integrated, reliable, accessible and connected walking and cycling infrastructure will enhance the local environment, help to drive behavioural change and achieve a sustained uptake in mode share of walking and cycling.*
- *Walking and cycling facilities must be designed and built to be, safe, sustainable and fit for purpose in consultation with relevant subject matter experts.*

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<sup>6</sup> Transport for NSW, undated, Rozelle Interchange and Western Harbour Tunnel Enabling Works Design and Construction Deed, <https://www.transport.nsw.gov.au/system/files/media/documents/2022/rozelle-interchange-western-harbour-tunnel-enabling-works-design-construction-deed-executed.pdf>

## Austrroads' Guide to Road Design Part 6A, Paths for Walking and Cycling<sup>7</sup>

For example:

- **Speed maintenance**

*For bicycles to be most effective as a means of transport, cyclists must be able to maintain speed without having to slow or stop often. While many cyclists typically travel at speeds between 20 km/h and 30 km/h, a significant number of cyclists travel at speeds in excess of 35 km/h to 40 km/h on the flat and may reach speeds in excess of 50 km/h on downhill gradients. Once slowed or stopped it takes considerable time and effort to regain the desired operating speed.*

*Bicycle routes, especially off-road, should be designed for continuous riding, minimising the need to slow or stop for any reason including steep gradients, rough surfaces, sharp corners, obscured sight lines, intersections, or to give way to other people because the width available is too narrow.*

- **5.2 Bicycle Operating Speeds**

*It is important to recognise that under appropriate conditions many fit cyclists can maintain relatively high speeds. Speeds in excess of 35 km/h can be maintained on the flat while speeds of over 50 km/h can be attained on moderate gradients.*

*It is recommended that paths be designed for a speed of at least 30 km/h (Shepherd 1994) wherever possible and desirable given the purpose of the path, and in other cases for the anticipated operating speeds.*

**The shared path through the Rozelle Parklands is not a substitute for the separated cycleway promised in the EIS** which would allow commuter cyclists to travel quickly and safely. TfNSW has informed us that there have already been complaints about cyclist-pedestrian interactions on the Parklands' shared paths as a result of which TfNSW has installed signs indicating a maximum speed of 10 km/h. This is ridiculous for a commuter cyclist route and incompatible with Austrroads' requirements.

### Transport for NSW's Cycleway Design Toolbox<sup>8</sup>

*The aim of the Cycleway Design Toolbox (the Toolbox) is to provide guidance for practitioners on how to design for cycling and micromobility in the context of New South Wales and Greater Sydney.*

**Our Rozelle Interchange Active Transport Non-compliance and Defects Report<sup>9</sup> details many examples of the cycling infrastructure not respecting TfNSW's own Cycleway Design Toolbox.**

### Consultation

The planning documents such as the UDLP and our correspondents in TfNSW and its contractors repeatedly claim that the planned cycling infrastructure was designed in consultation with Bicycle NSW and other cyclists.

Bastien Wallace<sup>10</sup>, the General Manager of Public Affairs for Bicycle NSW from 28 August 2018 to 23 December 2021 was intimately involved in these consultations. Neil Tonkin (Advocacy Co-ordinator for the Inner West Bicycle Coalition<sup>11</sup>), Bob Moore (President of Bike Leichhardt<sup>12</sup>), and Col Jones (President

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<sup>7</sup> Austrroads Ltd, 2017, Guide to Road Design Part 6A, Paths for Walking and Cycling, ISBN 978-1-1925451-75-7, <https://austrroads.com.au/publications/road-design/agrd06a>

<sup>8</sup> Transport for NSW, December 2020, Cycleway Design Toolbox - Designing for cycling and micromobility, [https://www.transport.nsw.gov.au/system/files?file=media/documents/2022/Cycleway-Design-Toolbox-Web\\_0.pdf](https://www.transport.nsw.gov.au/system/files?file=media/documents/2022/Cycleway-Design-Toolbox-Web_0.pdf)

<sup>9</sup> Report submitted to the Inquiry Committee on 17 March 2023

<sup>10</sup> Bastien is no longer with Bicycle NSW but can be contacted through the author of this submission, Keith Stallard

<sup>11</sup> Inner West Bicycle Coalition: W: <http://www.iwbc.org.au/>

<sup>12</sup> Bike Leichhardt: W: <http://www.bikeleichhardt.org/bp/> E

of Ashfield Bicycle Users Group<sup>13</sup>) were also involved. All these cycling experts recount a perfunctory and frustrating process with little meaningful engagement. Very little of the advice offered was incorporated into the infrastructure that has been delivered. All of the people mentioned above would be keen to provide the Committee with more details on the consultation process in which they were involved should the Committee wish.

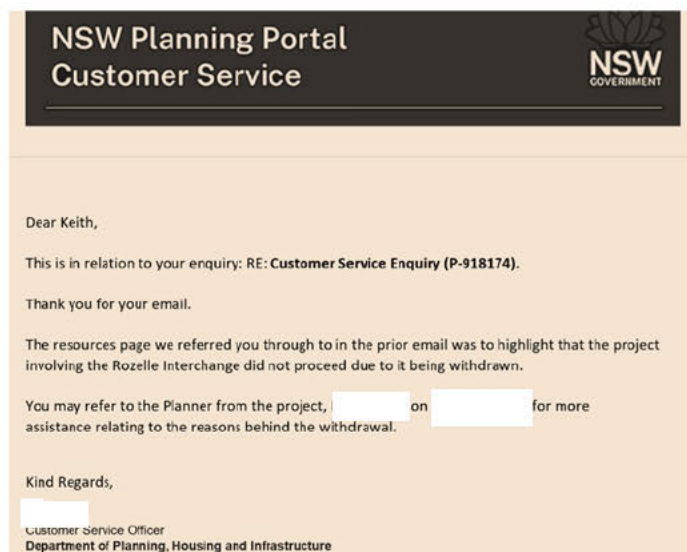
### Compliance with the conditions of approval

As stated in our Non-compliance and Defects Report and this document, we believe that much of the cycling infrastructure provided - and not provided - as part of the Rozelle Interchange fails to comply with the Department of Planning's conditions of approval. Further research has reinforced our belief. However, the Environmental Planning and Assessment Act 1979 is complex and we are still trying to confirm that a significant failure to deliver a commitment in the EIS is also a failure to comply with the conditions of approval unless otherwise agreed by the Department of Planning.

### Responses from the Department of Planning and Transport for NSW

On 11 April, some eight weeks after receiving our Non-compliance and Defects Report, TfNSW sent a response. I attach a copy of the letter. at the end of this section. The contents of the letter are consistent with other exchanges we have had with both TfNSW and its contractors. That is, the letter repeats that the infrastructure was designed in consultation with Bicycle NSW amongst others and that it complies with the various conditions of approval.

The letter does not address the issues we raised in our report and have expanded upon in this document. Interestingly the response refers to a new letter of approval issued by the Department of Planning just four days after receipt of our report. This letter of approval is not available on the WestConnex document library. Nor is it on the website of the Department of Planning. Repeated requests to the Department of Planning have resulted in spurious explanations, the last of which informs us that the letter of approval is not available because *"the Rozelle Interchange did not proceed due to it being withdrawn"* (see box above). We are still corresponding with the DPHI but it seems unlikely that I will have reviewed the latest approval letter before the hearing on Tuesday.



### Solution

Those responsible – the senior managers of Transport for NSW and the Department of Planning, Housing and Infrastructure – need to ensure that the active transport elements of the Rozelle Interchange are brought into compliance with the Conditions of Approval and all applicable policies, guidelines and standards. This will not only benefit pedestrians and cyclists but will bring environmental, health and social benefits to the wider community. It will encourage 'mode shift' from private cars to active transport and should alleviate, at least slightly, the congestion at the Rozelle Interchange. It would also increase public confidence in the government's planning processes.

<sup>13</sup> Ashfield Bicycle Group (AshBUG): W: <https://ashbug.org.au/> E:

The Rozelle Parklands Active Transport and Community Hub Incorporated  
17 / 110 Reynolds Street  
Balmain, NSW 2041, Australia

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Re: Rozelle Interchange - Active Transport Non-compliance and Defects  
Report

11 April 2024

Dear Mr Stallard,

Thank you for your correspondence regarding active transport at Rozelle Interchange. I have been asked to respond on behalf of Mr Collins.

The Rozelle Parklands (the Parklands) was developed, designed, and constructed to be a multi-purpose open space, following consultation with experts, councils (including Inner West Council) Bicycle NSW and the broader community, including bike riders. Around 14 kilometres of new pathways within the Parklands, and around the Rozelle Interchange project, benefit pedestrians and cyclists. They connect to existing active transport links between Iron Cove and Anzac Bridge, and Rozelle, Lilyfield, Annandale, and beyond.

The new pedestrian and bike riding paths (active transport) in and around the Rozelle Interchange project were designed and constructed in accordance with the Ministers' conditions of approval (MCoA) and consistent with the project's approved Urban Design and Landscape Plan ([UDLP](#)) and the [Pedestrian and Cycle Implementation Strategy](#), as required by Condition E133 and reviewed by the Design Review Panel. The Project (including the design and construction work of the project contractor JHCPB) has met the MCoA requirements E58, E58A, E59 and E60 and is compliant with the Conditions of Approval of SSI 7485.

The Pedestrian and Cycle Implementation Strategy within the UDLP was updated to reflect construction progress, following further engagement with Inner West Council and Bicycle NSW. This most recent revision of *The Pedestrian and Cycle Implementation Strategy: Robert Street to Springside Street* was approved on 21 February 2024 by Department of Planning, Housing, and Infrastructure. This Strategy (required by MCoA E60) details:

- connectivity improvements being made for cyclist and pedestrians between Robert Street and Springside Street (E58).
- east-west connectivity for cyclists and pedestrians through the Parklands and north-south connectivity through the Parklands area generally between Gordon Street Rozelle and The Crescent (E58A), and
- cycle facilities at Rozelle Bay light rail stop (E59).

This Strategy is consistent with the Active Transport Strategy in Volume 2F, Appendix N of the EIS and incorporates the requirements of Conditions E58, E58A and E59 and includes details of selected routes and connections to existing local and regional routes.

Transport (and JHCPB) has engaged in extensive public consultation throughout the planning, design and construction of the project and continues to engage directly with Inner West Council, Bicycle NSW, the community, and key stakeholders.

Sincerely,

Steven Issa  
Executive Director Community & Place, Greater Sydney  
Transport for NSW

## Timeline of advocacy by the Hub for delivery of promised active transport infrastructure

The table below summarises our advocacy for the delivery of the active transport infrastructure promised as part of the Rozelle Interchange.

17 December 2023	<b>Rozelle Parklands and associated active transport routes open.</b> Cyclists from Inner West BUGs note defects on the new shared paths.
20 December	<b>Outline draft of 'Defects Report'</b> developed under the banner of the Hub with support from the Inner West Bicycle Coalition and its constituent Bicycle User Groups (Bike Leichhardt, Ashfield BUG and Marrickville BUG)
18 January 2024	Darcy Byrne accepted KS offer to be a member of his <b>Rozelle Interchange Community Oversight Panel</b>
22 January	Bicycle NSW and Bike Marrickville agree to support the Defects Report
15 February	The Rozelle Parklands Active Transport and Community Hub Incorporated <b>submitted a 'Rozelle Interchange Active Transport Non-compliance and Defects Report'</b> to Howard Collins, (Co-ordinator-General for Transport for NSW) with copies to the Department of Planning, Housing and Infrastructure, Darcy Byrne (Mayor of Inner West Council) and Kobi Shetty (Member for Balmain).
7 February	Establishment of <b>Upper House Inquiry into the impact of the Rozelle Interchange.</b>
19 February	Sent the Non-compliance and Defects Report to _____, Senior Transport Planner at Inner West Council (responsible for cycling) and asked to discuss with her. (No response)
20 February	Kobi Shetty, member for Balmain, sent the <b>Non-compliance and Defects Report to the Hon. Jo Haylen, Minister for Transport</b> urging her to examine the concerns we expressed in the report and get back to her. No response has been received to date (to my knowledge).
20 February	<b>Inaugural meeting of the Mayor's Rozelle Interchange Community Oversight Panel</b> with Transport for NSW (Howard Collins, Coordinator-General, Steve Issa (Executive Director, Community and Place), _____ and _____ (Director, Operational Improvement). Mayor Byrne did not attend. Essentially introductions and some updates from TfNSW.
8 March	<b>Invitation to Howard Collins</b> (who is a cyclist) to join two members of the Mayor's RIC Oversight panel on a cycle ride to inspect the active transport infrastructure delivered as part of the Rozelle Interchange. No response received to date.
11 March	Sent a reminder to IWC's _____ about the request to discuss the report. No response
17 March	Submitted the <b>Non-compliance and Defects Report to the Upper House Inquiry Committee</b> together with three other documents including (i) correspondence on the failure to construct the cycle paths along Lilyfield Road as committed to in the EIS and, hence, the conditions of assessment. (non-compliance) and (ii) correspondence with the WestConnex Project Team on the failure to deliver the active transport infrastructure in the Victoria Road corridor that TfNSW committed to in the EIS and subsequently formalised in the conditions of approval.



- 27 March Reminder sent to Howard Collins seeking a meeting to discuss the Non-compliance and Defects Report. We received an automatic response explaining that Mr Collins was on leave and would return on Monday 15 April. We followed the advice in the automatic reply and forwarded the report to Matt Longland (Acting Coordinator-General from Wednesday 20 March to COB Monday 1 April 2024), Grant Knoetze (Acting Coordinator-General from Tuesday 2 April to COB Friday 12 April 2024) and (office of the Coordinator-General).
- 2 April Sent second reminder sent to IWC's Senior Transport Planner, , re request to discuss the Non-compliance and Defects Report. Proposed involving two members of the IWC's Bicycle Working Group who contributed to the report No response to date.
- 3 April **Second meeting (without TfNSW) of the IWC Mayor's Rozelle Interchange Community Oversight Panel.** IWC's Transport Planning Manager, , participated and I spoke to him briefly about the Non-compliance and Defects Report that he hadn't seen.
- 4 April **Non-compliance and Defects Report sent to , Transport Planning Manager at Inner West Council** seeking a meeting to discuss the report and to better understand the responsibilities of Council and Transport for NSW for cycling infrastructure along the Victoria Road and Lilyfield Road corridors, and what is being considered. No response has been received to date.
- 10 April Attended the all-day **hearing of the Upper House Inquiry into the impacts of the Rozelle Interchange** and made a 4-minute presentation to the Committee. Invited members of the Committee to a guided cycle inspection of the Rozelle Interchange active transport infrastructure. The Committee accepted.
- Received a **letter (see previous pages) from Steven Issa, Executive Director Community & Place, Greater Sydney for Transport for NSW responding to the Non-compliance and Defects Report.** The letter refers to a new letter of Approval provided to TfNSW four days after the receipt of the Non-compliance and Defects Report. This letter of approval is not publicly available. Repeated requests to TfNSW and the DPHI to obtain the letter have been unfruitful to date. The letter from TfNSW repeats claims of consultation with Bicycle NSW and that the works and the Pedestrian and Cycle Implementation Strategy comply with the conditions of approval. The suggestions to the contrary in the Non-compliance report are not addressed.
- 21 April Initialhis document sent to the **Inquiry Committee.**
- 23 April **Second hearing with the Upper House Inquiry Committee.**
- 26 April This **revised version of the document sent to the Inquiry Committee.** This revised version confirms the willingness of the individuals engaged in consultation with Transport for NSW and its contractors to speak to the Committee. Typographical errors have been corrected and some minor adjustments to wording and formatting have been made to increase clarity. There have been no changes to the content.