

**Question 1**

Mr Kanofski, you made mention of the fact that the claim is now in arbitration following the determination by the expert. When did the expert make the determination?

**Question 2**

Thank you Mr Kanofski; I understand what you are saying. The point, broadly speaking, is the expert has determined that as a result—the way it has been termed is unforeseen planning approval changes—an additional liability is now owed and there is now a dispute as to the exact quantum of liability. That is probably a fair characterisation. When do you expect this to go to arbitration?

**Answer**

I am advised:

(1) - (2) This is a matter for the Minister for Western Sydney, Minister for WestConnex and Minister for Sport.

**Question 3**

What other claims have been presented through the linked claims regime that we have just gone through? Perhaps Mr Kanofski might be able to help us there as well. The linked claims regime.

Mrs MELINDA PAVEY: —my portfolio areas?

Mr KANOFSKI: I would have to take the question on notice.

The Hon. DANIEL MOOKHEY: Is it more than one or is this the only claim that we are currently—

Mr KANOFSKI: I think I have already taken the question on notice.

**Answer**

I am advised:

The management of contract claims and variations are a standard part of any large scale infrastructure project and risk allowances are factored into the overall budget. The nature and quantum of claims are commercially sensitive and the subject of negotiation with third parties.

**Question 4**

How many legal dollars have been spent by RMS in defending the claim made by the contractor?

Mr KANOFSKI: I take that question on notice.

The Hon. DANIEL MOOKHEY: Who exactly are our lawyers in that respect?

Mr KANOFSKI: I am not sure on that. I take it on notice.

The Hon. DANIEL MOOKHEY: Who was the expert who made that determination?

Mr KANOFSKI: I will take that on notice.

The Hon. DANIEL MOOKHEY: Who exactly is the arbitrator?

Mr KANOFSKI: I will take that on notice.

**Question 5**

We want to know the full cost, so we are also interested in the consultants that you have used as a result all the way through the dispute.

Mr KANOFSKI: I will take it on notice.

The Hon. DANIEL MOOKHEY: Who did you retain to represent you in the expert determination for the purposes of actually assessing compliance with planning laws?

Mr KANOFSKI: In terms of running the dispute—which is, as you say, under the linked claim regime—the SMC retains people and we retain people. We would retain obviously legal advice, planning advice—

The Hon. DANIEL MOOKHEY: How many?

Mr KANOFSKI: —all of those sorts of things. In terms of who the individual people are—

The Hon. DANIEL MOOKHEY: No, just the quantum.

Mr KANOFSKI: —I will take it on notice, which is what I have done earlier.

**Answer**

I am advised:

(4) - (5) This is a matter for the Minister for Western Sydney, Minister for WestConnex and Minister for Sport.

**Question 6**

As the Sydney light rail crosses South Dowling Street and the Eastern Distributor, the new crossing includes access for pedestrians and cyclists. Is it proposed that the existing pedestrian and cyclist bridge crossing at Parkham Road approximately 60 metres further south is going to be demolished?

No, I do not have the precise detail on that. We are happy to take it on notice and get back to you. Not to my knowledge is it being removed but I am happy to take it on notice.

Ms CATE FAEHRMANN: Not to your knowledge that the Parkham Street bridge is being removed?

Mr KANOFSKI: No.

Ms CATE FAEHRMANN: No? So—

Mr KANOFSKI: But I am happy to take it on notice.

Ms CATE FAEHRMANN: If you could also take on notice if it is going to be demolished, what the expected cost of the demolition will be and also whether the RMS has received any proposals to retain the existing bridge at Parkham Street.

**Answer**

I am advised:

This is a matter for the Minister for Transport and Infrastructure.

**Question 7**

Minister, I am specifically interested in separating cycling infrastructure. Do you have a breakdown of how much your government has spent?

Mrs MELINDA PAVEY: Yes, we do. I will take that on notice to give you more accurate figures. Ms Gardiner-Barnes, our deputy secretary, might be able to help us here in respect of our active transport. I understand we now have a cycleway that basically extends from the CBD to Homebush through this separation. You still have to go across some crossings, but there is separation.

**Answer**

I am advised:

This is a matter for the Minister for Transport and Infrastructure.

**Question 8**

I want to know what has happened to that and how much of that has been spent to date on cycling infrastructure.

Ms GARDINER-BARNES: I am not sure how much of the Restart money has already been allocated and spent, but I am happy to take that on notice.

Mrs MELINDA PAVEY: Did you say it was from the 2016 budget?

Ms CATE FAEHRMANN: Yes, 2016 for the next four years. I am hearing that there is potentially just one successful project in that, which is the Parramatta Escarpment Boardwalk, and not much cycling infrastructure. Would that be correct in respect of that four-year fund?

Mrs MELINDA PAVEY: No, I do not think so. I have had some major developments in my own electorate, for example.

Ms CATE FAEHRMANN: Out of that fund?

Mrs MELINDA PAVEY: Yes, out of that fund, and across New South Wales. We will take that on notice and come back to you with the data. As you said, it is \$80 million over four years that we announced in 2016. I would expect that a considerable part of that has been spent but, if it is over a four-year period, it will not all have been spent.

**Answer**

I am advised:

This is a matter for the Minister for Transport and Infrastructure.

**Question 9**

Minister, on 13 November last year, a cycle courier was killed on New South Head Road in the eastern suburbs. This follows two previous recent cyclist deaths on the road. Despite calls from the community and Woollahra council, there is currently no separated cycling infrastructure on this road and a lot of cyclists riding from the eastern suburbs that are coming into the CBD—therefore, obviously, reducing the number of cars on the road—are forced to ride on the shoulder of a three-lane road. Woollahra council has pledged \$450,000 for this. How much money has the Government spent to build separated cycling infrastructure on New South Head Road since these deaths over the past few years?

Mrs MELINDA PAVEY: I would have to take the specifics of that question on notice. It is an incredibly busy part of the Sydney road network and the road has been in existence for decades and decades. The challenge is dealing with our population as well as the growth in cycling activity, which is very popular.

Ms CATE FAEHRMANN: It has actually been declining in Sydney because Sydney is so unsafe.

Mrs MELINDA PAVEY: I do not think cycling across New South Wales has been declining. There are challenges, certainly, with such a busy thoroughfare and those tragedies on New South Head Road.

Ms CATE FAEHRMANN: Minister, in respect of New South Head Road—

Mrs MELINDA PAVEY: I said I would take that on notice.

**Answer**

I am advised:

This is a matter for the Minister for Transport and Infrastructure.

**Question 10**

How many containers originating from and destined for the Hunter region are currently being transported along the M1 to and from Port Botany?

Mrs MELINDA PAVEY: Thank you, Mr Primrose, for your question. In relation to ports and the delivery of containers into New South Wales, 85 per cent of containers that come into New South Wales are distributed within a 40-kilometre radius of Port Botany. The decisions around that are not ones that government make but that industry make—the carriers, the shipping lines and all those that are involved in that process. But in relation to the details of your question I will defer to Clare Gardiner-Barnes, our deputy secretary for freight.

Ms GARDINER-BARNES: The total volumes that you are referring to I am happy to take on notice.

**Answer**

I am advised:

Using 2016 figures, there were an estimated 200 daily container trips between Port Botany and the Hunter region on the M1.

### **Question 11**

The CHAIR: That would be an unfortunately short time in certain circumstances. Minister, what input would your department have had with perhaps I would suggest the planning department over the development that is called Melrose Park? It is a large residential development on Victoria Road. You are probably familiar with Victoria Road; it is a very constrained and constricted thoroughfare.

Mrs MELINDA PAVEY: Like New South Head Road.

The CHAIR: Yes, like that. The site is constrained by the Parramatta River, Victoria Road, Silverwater Bridge and Ryde Bridge. The development I understand is planned for a final count of about 10,000 units. It is obvious to me driving on the road every day that traffic planning would be a major component of any approvals. Could I ask what if any input your department has had in relation to the planning of that site?

Mrs MELINDA PAVEY: I have a very eager secretary and a very eager chief executive who would like to contribute to that answer because it is important that our agency is involved in the planning of projects and population dispersion across Sydney. I think they will both have significant contributions to make about the details to your question.

Mr STAPLES: Mr Kanofski would be best placed to talk specifics. I just want to give some assurance that through the development process in allocating where development goes that is certainly a matter for the Department of Planning and the Greater Sydney Commission in more recent times in the way the planning process occurs. As a transport cluster, with RMS as one of the key agencies and other agencies like Sydney Trains, we participate in that and provide feedback. Then ultimately the Department of Planning will determine what is allocated into various local environmental plans for council to consider.

When it comes to individual development proposals it depends on the pathway by which the planning proposal is put forward as to how we participate, but certainly things that are adjacent to major roads or in the vicinity of major railways will have a referral process of some form no matter what. There are State environmental planning policies that also refer to us if there are corridor protections and so forth. There would be a consideration in relation to that. Obviously when we see density and larger development our preference is to have that located close to public transport so that we get as much walkability and as low an impact on the road network overall. It is probably just an assurance that there is definitely a planning framework and a way for us to participate in that. I might refer to Mr Kanofski about whether he has anything specific on that particular site.

Mr KANOFSKI: I do not have a lot of detail. I am happy to take the detail on notice.

### **Answer**

I am advised:

The DA concept masterplan approval was granted in 2015 for approximately 1078 dwellings for the site known as the former Putt Putt - Ermington (657-661 Victoria Road and 4-6 Wharf Road, Melrose Park). RMS received subsequent DA's in 2017/18 for demolition and site preparation (earthworks). To date, RMS has not received any DA for any population uplift on this site with the exception of Stage 1. The transport cluster, including RMS, has requested that this DA concept master approval be incorporated into the cumulative transport assessment for the potential uplift for Melrose Park.

RMS is part of the inter-agency Project Control Group meetings held monthly since end of 2017 and is working in collaboration with the NSW transport cluster to provide

a whole of government position to the potential land release. RMS and TfNSW have required the proponent to commission a Transport Management and Accessibility Plan (TMAP) including transport and traffic modelling to identify the traffic and transport impacts of the potential development uplift on the existing local and regional road and transport network. RMS and TfNSW will peer review the TMAP including the transport and traffic models to ensure they are 'fit for purpose' to test the development scenarios including any required transport and road infrastructure and associated staging of the development. The conditions are to be determined following the completion of the above TMAP and modelling exercises.

**Question 12**

Can you provide a list to the Committee of what is considered to be part of WestConnex—

The Hon. DANIEL MOOKHEY: As of this date.

The Hon. PENNY SHARPE: As of today? It is unclear.

The Hon. TREVOR KHAN: To you.

The Hon. PENNY SHARPE: Take it on notice if you need to, Minister.

The Hon. DANIEL MOOKHEY: We have media reports this week that the Gateway will not be tolled. Is that correct?

The CHAIR: Can you take that question on notice, Minister? What is in and what is out of WestConnex?

Mrs MELINDA PAVEY: That can be put on notice this afternoon with Mr Ayres.

**Answer**

I am advised:

WestConnex is part of an integrated transport plan. It consists of:

- M4 widening between Parrmatta and Homebush
- M4 East between Homebush and Haberfield
- New M5 East from King George Road
- M4-M5 connecting the M4 at Haberfield with the M5 at St Peters, and includes the Rozelle Interchange.

This is a matter for the Minister for Western Sydney, Minister for WestConnex and Minister for Sport.

**Question 13**

Do you have an estimate of how much land is required to be obtained from Sydney Airport? Not what it is—do you have an estimate?

Mrs MELINDA PAVEY: I will take that on notice, unless the chief executive would like to respond to that.

**Answer**

I am advised:

Approximately 10 hectares.

**Question 14**

I put a question to you about the Windsor Bridge project. As you aware, this committee has tabled its report. The Government is yet to respond so I will not get into the detail. I have since received correspondence, and your office may have received the same correspondence, about the protection of the colonial and Indigenous heritage during the early stages of construction. Because the project is into construction, are you able to offer the Committee an update on what is being done to protect the colonial in-ground heritage, particularly, being the box drains, the tunnel, and Indigenous heritage on site?

The CHAIR: Is there a single document that describes what process is being undertaken? Is there a report of some sort?

Mr KANOFSKI: I will take that on notice. I fully expect there to be a single document that would do that.

The CHAIR: Take that question on notice. If the document is available could you provide it as part of the notice?

**Answer**

I am advised:

The processes for the heritage management of the brick barrel and brick block drains in Thompson Square are available in report titled "Thompson Square Drain Heritage Mitigation and Options Report" available on the RMS project website. Further information is also available on the "Detailed Salvage Strategy – Aboriginal and Historical" which is also available on the RMS project website.

**Question 15**

The in-tunnel air quality policy in relation to nitrogen dioxide sets a limit of 0.5 parts per million for nitrogen dioxide emissions in tunnels to limit the exposure to drivers and passengers. The policy notes that this standard would result in an exposure of less than 0.2 parts per million in passenger vehicles with the windows up and air vents set to recirculate. I note that the Sydney tunnels website suggests that people are encouraged to wind up their windows and turn on the headlights, I think as a result of a long-standing campaign by The Greens for a number of years. What does the Government recommend to motorcyclists using the tunnels? I understand that the health assessments for the pollution limits are based on up to a 30-minute exposure. Is that right?

Mr KANOFSKI: I will have to take the detail of that on notice.

**Answer**

I am advised:

The In-Tunnel Air Quality (Nitrogen Dioxide) Policy is based on exposures of up to 30 minutes.

### **Question 16**

FAEHRMANN: In terms of taking the question on notice in relation to the 30-minute exposure, I was particularly interested to know whether that is just a one-off or a cumulative. If people—for example, courier drivers or motorcycle couriers or whatever—are travelling through tunnels quite significantly throughout the day with congestion and everything, is that a 30-minute exposure over the day or each time?

Mr KANOFSKI: I will take that on notice but the cumulative impact is part of the consideration in terms of New South Wales.

### **Answer**

I am advised:

In 2013, the NSW Government requested the NSW Chief Scientist & Engineer chair the Advisory Committee on Tunnel Air Quality (the Advisory Committee) to provide advice to the NSW Government based on national and international practice and experience with motorway tunnels.

The *In-tunnel Air Quality (Nitrogen Dioxide) Policy* developed by the Committee was approved by the Government in 2015 and requires all new road tunnels over one kilometre in length to be designed and operated so that the tunnel average nitrogen dioxide concentration is less than 0.5 ppm as a rolling 15 minute average.

It is unlikely that the currently approved Sydney road tunnel network would result in exposures of greater than 30 minutes for a single trip. However, proposed projects such as Beaches Link, Western Harbour Tunnel and F6 would allow continuous tunnel trips over 20 km, such as from the Northern Beaches to Taren Point, which increases the likelihood of occasional trips greater than 30-minutes in duration.

To ensure that the In-tunnel Air Quality (Nitrogen Dioxide) Policy is appropriate for the proposed extended Sydney tunnel network and extended transits of up to one hour, the Advisory committee commissioned a review of international literature and approaches for assessing and managing nitrogen oxides in tunnels for durations up to 60 minutes.

The review report supported the conclusions drawn in previous reports even with an extended exposure period from 30 to 60 minutes.

The review report was peer reviewed by the Chief Health Officer's Environmental Health Expert Advisory Panel and Professor Brian Priestly from Monash University. Professor Priestly is a recognised international expert in Environmental and Human Health Risk Assessment and regulatory control of hazardous chemicals

In May 2018, the Advisory Committee considered the review report and concluded that the In-tunnel Air Quality (Nitrogen Dioxide) Policy is appropriate for the assessment of the currently planned extensions of the Sydney tunnel network.

**Question 17**

Has modelling been done—and I suspect this was prior to finalisation of the project—that suggested that the congestion caused by the light rail could cause gridlock back to the airport?

Mr STAPLES: I do not have any knowledge of a report making those statements. If you have one, I am happy for it to be tabled.

The Hon. PENNY SHARPE: Could you have a look and confirm to the Committee that it does not exist, if it does not exist?

Mr STAPLES: We can endeavour to see whether we have evidence of that in some form, but it is a bit of a difficult question to answer on notice, I would have to say.

The Hon. PENNY SHARPE: I am happy for you to take it on notice. You will have 21 days—that is fine. I want to know where you are at with pedestrian concerns in Surry Hills in relation to Bourke Street Public School

**Answer**

I am advised:

Bourke Street Public School fronts Bourke, Mort and Parkham Streets and Parkham Place which are all Local roads. City of Sydney is responsible for local roads.

Any concerns about pedestrian safety should be directed to the Council.

**Question 18**

Can I ask you about Hillsborough Road? Why has no funding been allocated to the intersection of Hillsborough Road and Chadwick Street at Hillsborough, given that it was recommended as a short-term priority in the draft Lake Macquarie Transport Study?

Mrs MELINDA PAVEY: I will take that on notice.

The Hon. PETER PRIMROSE: It has nothing to do with WestConnex, Minister. Through you may I ask whether one of your officers could answer?

Mr KANOFSKI: In regard to the specifics we need to take it on notice, but the reality is that there are a lot of competing priorities in the Roads portfolio. We provide all of those opportunities to the Government and the Government, through its budget processes, decides where to allocate the money.

The Hon. PETER PRIMROSE: That is a very insightful comment, but can I ask you then what planning is underway to widen Hillsborough Road?

Mr KANOFSKI: I would have to take it on notice.

**Question 19**

When will the Hillsborough Road traffic study, the Charlestown to Warners Bay corridor study, the Lake Macquarie traffic study and future transport study be released?

Mrs MELINDA PAVEY: Again, that is a reasonably detailed question.

The Hon. PETER PRIMROSE: Yes, and I am asking the Minister and the department.

Mrs MELINDA PAVEY: We are happy to take that on notice.

**Answer**

I am advised:

(18) - (19) I refer you to my response to supplementary question 213 to 216.

**Question 20**

I will go to another road, Canterbury Road. Has a master strategic plan been designed for Canterbury Road to ease congestion in light of the increasing housing development along the corridor?

Mrs MELINDA PAVEY: Canterbury Road plays an important part in the road network and certainly there is a lot of public transport and buses on that section of road. As I said earlier today, we are doing enormous amounts of work easing congestion and improving clearways across Sydney. But I will refer to my chief executive, Ken Kanofski, for some detailed information about Canterbury Road.

Mr KANOFSKI: For all of Sydney's roads we do corridor plans, or network plans if you like, for each of those. We are in the process of going through and updating all of those network plans currently. We are about halfway through updating those. There are 66 to be done and we are about halfway through that. Specifically whether Canterbury Road has been recently updated or whether we are dealing with an older one I would have to take on notice, but we are about halfway through updating the 66 Sydney road corridor plans.

The CHAIR: If I may interrupt, when you provide that information I take it that Victoria Road will be included in the list somewhere?

**Answer**

I am advised:

Roads and Maritime have undertaken a Road Network Plan for Canterbury Road to understand the customer needs for all road users. The NSW Government is currently delivering major infrastructure that will positively influence the traffic environment on Canterbury Road, including the Sydney Metro South West and WestConnex projects. The increased capacity of the M5 will reduce the need for regional traffic on Canterbury Road. The Sydney Metro South West and supporting bus network improvements will reduce reliance on car travel for growth along the corridor.

**Question 21**

Planning work has been done on Canterbury Road. In part of that work we identified a pinch point project on Canterbury Road which is the widening of a new shared right turn and through lane and a no stopping zone extension at Canterbury Road and New Canterbury Road at Dulwich Hill and Hurlstone Park.

The Hon. PETER PRIMROSE: When will that be constructed?

Mr KANOFSKI: It is currently in progress, so I am presuming that it is in planning at the moment. The pinch points program is being delivered over the next three to four years, so it would be in that time frame. I can take the specifics of that project on notice.

The Hon. PETER PRIMROSE: Please take it on notice. That would be valuable.

Minister, how many vehicle accidents have occurred at the intersection of Spring Hill Road and Masters Road at Spring Hill from the commencement of, let us say, 2012?

Mrs MELINDA PAVEY: We will take that on notice.

**Answer**

I am advised:

The Pinch Point Project at Canterbury Road/New Canterbury Road is being constructed as part of the NSW Government's \$300 Million Urban Roads Pinch Points Program. Construction commenced in June 2018 and is expected to be completed in early 2019.

**Question 22**

Minister, how much money has been spent since March 2016 on education programs directly related to informing drivers about the minimum passing distance for cyclists—the one-metre rule?

Mrs MELINDA PAVEY: I would have to take that on notice for the exact amount, but it has been a focus of our social media campaigns. We have done some good work in relation to that, but Ms Gardiner-Barnes, our Deputy Secretary, may have some more information on this.

**Answer**

I am advised:

Since 1 March 2016, \$600,318 was spent on informing drivers about the minimum passing distance rule, including the Go Together campaign.

**Question 23**

Minister, has any data been gathered in relation to the awareness of the minimum passing distance among motorists?

Mrs MELINDA PAVEY: I am not aware of data that has been received, but we will take that on notice with the Centre for Road Safety.

**Answer**

I am advised:

A summary of the evaluation findings of the minimum passing distance trial is available on the Centre for Road Safety's website.

**Question 24**

The Minister was then seeking to answer another question. The question I have now asked is in relation to the new Toongabbie bridge railway overpass. My question is: When will construction of a new Toongabbie bridge railway overpass commence, with all the associated roadworks?

Mrs MELINDA PAVEY: I will take that question on notice, but also acknowledge that we are spending a record amount of money throughout Western Sydney on roads—

**Answer**

I am advised:

The railway overpass is a project being undertaken by Transport for NSW, and Wentworth Ave is a regional road under responsibility of local council.