

WESTCONNEX INQUIRY – QUESTIONS ON NOTICE

QUESTION 1

The Hon. GREG DONNELLY: Can you provide the Committee with a summary of what was discussed in terms of the Sydney Gateway project being an articulated part of the WestConnex project?

Mr RAY: There was one briefing where there was a discussion about what could be the proposal.

The Hon. GREG DONNELLY: Who was at that briefing?

Mr RAY: I think there was a range of people. There were people from Roads and Maritime Services.

The Hon. GREG DONNELLY: Who were they?

Mr RAY: That was some time ago.

The CHAIR: You can take the question on notice.

Mr RAY: I will have to do so.

Response

I can advise that the matter was discussed at a meeting where representatives from the WestConnex Delivery Authority presented to those present on the Sydney Gateway.

Roads and Maritime Services staff that attended the meeting were:

- Peter Duncan – Chief Executive
- Ken Kanofski – Chief Operating Officer
- Michael Batchelor – Project Director, WestConnex Delivery Interface
- Jane Drummond – A/Governance Manage, Private Motorways.

QUESTION 2

The Hon. GREG DONNELLY: You can take the specific names on notice. However, you were there and there were officers from Roads and Maritime Services. Who else was there?

Mr RAY: There was someone from the Sydney Motorway Corporation.

The Hon. GREG DONNELLY: Dennis Cliche?

Mr RAY: Yes.

The Hon. GREG DONNELLY: Was this a single meeting or a series of meetings?

Mr RAY: I recall only one.

The Hon. GREG DONNELLY: Do you remember what was discussed?

Mr RAY: It was a briefing in relation to progress with developing what might be the project for Sydney Gateway.

The Hon. GREG DONNELLY: As part of the WestConnex project?

Mr RAY: At that time, yes, it was.

The Hon. DANIEL MOOKHEY: When was that?

Mr RAY: I would have to check. Can I take the question on notice?

The Hon. GREG DONNELLY: Yes, you can take the specifics on notice.

Mr RAY: It was probably around 2016, but I will take the question on notice.

Response

The meeting was held on 10 September 2015

QUESTION 3

The Hon. DANIEL MOOKHEY: *It was 2016, but was it still being discussed as part of the WestConnex project?*

Mr RAY: *Yes, it was still being discussed as part of the WestConnex project.*

The Hon. GREG DONNELLY: *You said you attended a single briefing involving senior representatives from other bodies and organisations and government agencies. What happened after that? Did discussion stop about the Sydney Gateway project as part of the WestConnex project? Was there a meeting but then no further meetings?*

Mr RAY: *I cannot answer that question in those terms. I did not attend another meeting at which the Sydney Gateway was discussed.*

The Hon. GREG DONNELLY: *Could other senior departmental representatives have attended meetings to discuss it?*

Mr RAY: *They could have.*

The Hon. GREG DONNELLY: *How can we establish that? Sydney Gateway and WestConnex is an important issue. How can we establish whether further meetings took place after that 2016 meeting that you attended? Would there be records about that in the department?*

Mr RAY: *Yes, we would have records of that in the department.*

The Hon. GREG DONNELLY: *Can you provide the fine detail of subsequent meetings to the one you attended on notice where there was discussion about the Sydney Gateway project being connected to the overall WestConnex project?*

Mr RAY: *Yes.*

Response

I did not attend any further meetings regarding this matter. I can advise that senior officers of the Department have attended a number of meetings in relation to WestConnex and Sydney Gateway projects but none where there was specific discussion about the Sydney Gateway project being connected to the overall WestConnex project.

QUESTION 4

The Hon. GREG DONNELLY: *When was the last briefing had from the Government [in relation to the Sydney Gateway project]?*

Mr RAY: *I would have to take that on notice.*

The Hon. GREG DONNELLY: *If you could take that on notice that would be good.*

Response

The last briefing was on 25 October 2018.

QUESTION 5

The Hon. Dr PETER PHELPS: *There have been reports from previous witnesses that the Rozelle air monitoring facility in the Office of Environment and Heritage is inoperative, necessitating locals having to spend thousands of dollars on their own air monitoring equipment. Are you aware of whether the Rozelle air monitoring unit is operational at the current time?*

Mr RAY: *I am not aware.*

The Hon. Dr PETER PHELPS: *Could you take that on notice?*

Mr RAY: *Yes.*

Response

The Office of Environment and Heritage has advised that the air quality monitoring station in Callan Park, Rozelle was closed from 14 February to 25 May 2018 for upgrade works. The station has been back on line since this date, is currently operative and data from the station has been live on the OEH website since 31 May 2018.

QUESTION 6

The Hon. SHAYNE MALLARD: *Are we are talking double glazing, triple glazing, sealing, air conditioning?*

Mr RAY: *Air conditioning, yes—a range of measures.*

The Hon. SHAYNE MALLARD: *How many properties have had those treatments?*

Mr SNOW: *I am not sure. It is mapped in the approval.*

The CHAIR: *You can take that on notice.*

Mr SNOW: *We can take it on notice, but it is mapped in the approval, though.*

Response

A total of 2 apartment blocks and 43 houses and a multi-unit dwelling (comprising of a house and 2 units) within the vicinity of the construction works at Haberfield and Ashfield, 2 apartment blocks and 124 houses at Rozelle, and 2 apartment blocks and 65 houses at Iron Cove are eligible to receive at-property treatments to reduce construction noise impacts.

Appendices D and E of the Minister's infrastructure approval for the M4-M5 Link project show those properties in Haberfield, Ashfield, Rozelle and Iron Cove that are eligible to receive at-property treatments to reduce construction noise impacts. A copy of the appendices is attached (Attachment A).

QUESTION 7

The CHAIR: *There was mention of cautions and breaches. Would you put on the record how many cautions and breaches have been issued?*

Mr RAY: *Yes, I did put that on the record. It is three penalty notices and 33 official cautions.*

The Hon. DANIEL MOOKHEY: *What were they for?*

Mr RAY: *If you will just bear with me, I have that somewhere.*

The CHAIR: *Is that an unusually high number compared to other projects?*

Mr RAY: *There are three joint venture principal contractors and we have to issue three official cautions because they are all working together. In some cases there was only one breach but there were three official cautions issued. In other cases there was one breach and it was issued to a subcontractor or it was issued to the SMC or RMS.*

Ms CATE FAEHRMANN: To clarify, the figures you quoted to us before in respect of numbers, sometimes you were talking about the one breach but you had to issue various things to more than one contractor?

Mr RAY: In relation to the official cautions, yes.

The Hon. DANIEL MOOKHEY: What were they for again?

The CHAIR: We should focus on the actual number of breaches, because it is misleading.

Mr RAY: Yes, I can actually get you the number of breaches, but I can—

The Hon. Dr PETER PHELPS: Mr Mookhey also wanted to know what they were for. Would you be able to take that on notice?

Mr RAY: Yes, I can take that on notice.

The Hon. DANIEL MOOKHEY: If you have it here, feel free to tell us.

Mr RAY: The penalty notices were for trucks not being on appropriate roads, being on local roads, so there were three separate breaches for that. The official cautions related to blocking residential access, inadequate notification of night-time works where there were short notice periods given to the community. It was in breach of the requirements. There were also a number of breaches relating to a shipping container noise wall and removal of on-street parking.

Ms CATE FAEHRMANN: How many official cautions does a contractor have to receive before they are issued with a penalty for the night-time noise? Do they continue receiving official cautions or at some point do they receive a penalty notice?

Mr RAY: Each breach is assessed on its merits in accordance with the department's compliance policy. The question of official cautions goes to the extent of the harm and whether the harm was able to be rectified very quickly, and the willingness of the person or the company that undertook the breach to fix the problem systemically. In some cases that was not able to be done and there was a penalty notice issued.

The Hon. DANIEL MOOKHEY: You were telling us the other nature of the incidents. I think we interrupted you.

Mr RAY: Yes. I will give you any other matters on notice, if that is okay.

Response

The Department has issued 3 separate penalty notices to subcontractors for use of local roads contrary to the approval. In addition, 33 official cautions have been issued for 13 separate breaches, and 5 Directions issued for three separate matters. Details on the penalty notices, cautions and directions are provided at Attachment B.

The official cautions in relation to non-compliances broadly relate to failure to maintain residents' access, insufficient community notification of works, trucks utilising local roads, and removal of on-street parking. The official cautions have been issued in lieu of penalty notices due to the parties actively working with the Department to implement measures ensuring the breaches are not repeated and where no significant environmental impact occurred as a result of the non-compliance.

Five Directions have been issued and these relate to provision of noise mitigation to a residential property in Haberfield, odour issues at the St Peters Interchange site, and updating of the Community Communication Strategy to improve out-of-hours work notifications.

QUESTION 8

The CHAIR: In your statement there was a reference to having to deal with hydraulics subsidence. Can you tell us where that occurred and how serious it was?

Mr RAY: *There are groundwater issues and subsidence issues, particularly relating to both the M5 and the M4-M5 Link. I think not so much relating to the M4 East, but I can get you more details of those, if you wish.*

The CHAIR: *Particularly the main location where that was occurring.*

Mr RAY: *I will take that on notice.*

Response

In my opening statement on 11 October 2018 to the Committee I stated that to minimise the impacts of the WestConnex projects, the infrastructure approvals include requirements relating to a range of environmental issues including subsidence.

In assessing the potential impacts of tunnelling, the Department took into consideration the potential for settlement arising from groundwater drawdown and tunnel boring. Preliminary ground movement investigations carried out for the M4 East, New M5 and M4-M5 Link indicated that there is the potential for settlement along parts of the motorway tunnels where the tunnels would be closer to the surface or intersect paleochannels, including at the St Peters Interchange, near Dobroyd Canal at Haberfield, the Concord Road Interchange and areas to the north and north-west of the Rozelle Rail Yards.

To minimise the potential for settlement impacts, the Department recommended a suite of settlement-related conditions in each of the approvals including preparation of geotechnical models to assess potential settlement, settlement criteria, monitoring requirements, pre- and post-construction dilapidation surveys, and requirements for rectifying damage to property and infrastructure arising from settlement.

Geotechnical models have since been developed for the M4 East and New M5 and pre-dilapidation surveys undertaken for the two projects.

The Department has not been advised of any buildings, structures or lands being affected by subsidence.

QUESTION 9

The CHAIR: *You indicated that the M4-M5 Link will reduce traffic volumes, et cetera, by up to 50 per cent. It seems to be a large percentage.*

Mr RAY: *I did not say 50 per cent, Chair. It will reduce traffic volumes on local roads, but I did not give a percentage.*

The CHAIR: *That is part of the submission from the New South Wales Government. Did you have any role in preparing that submission?*

Mr RAY: *I did not have any role in preparing that submission.*

The CHAIR: *Do you feel you should have been consulted as the key planning people, or that you should have approved it to make sure it is factually correct?*

Mr RAY: *We did not see it.*

The CHAIR: *You have never seen the submission?*

Mr RAY: *No. Not before it was lodged, no.*

The CHAIR: *You were not consulted in this compilation?*

Mr RAY: *No.*

Ms CATE FAEHRMANN: *Do you doubt those figures?*

Mr RAY: *No, I do not doubt those figures.*

The Hon. DANIEL MOOKHEY: *You just do not verify them.*

The CHAIR: *It puts in question in our minds the accuracy of those figures and where they have come from.*

Mr RAY: *Can I take that on notice and provide you with that information?*

The CHAIR: *Yes, particularly the reduction in traffic volumes by up to 50 per cent. The other one was reducing greenhouse gas emissions by more than 610,000 tonnes a year.*

Response

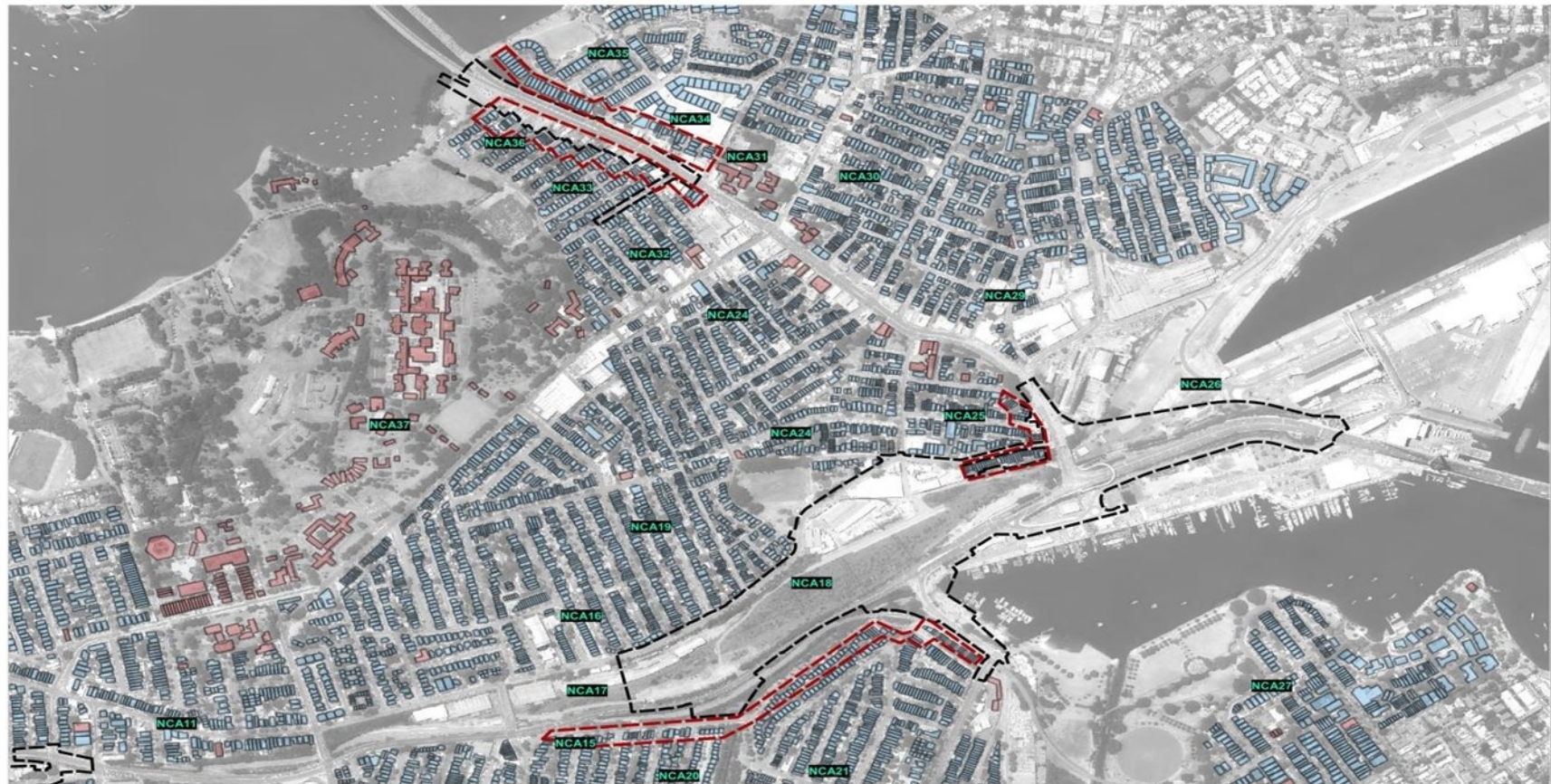
I have reviewed the NSW Government's submission and note that page 4 of that submission states that the M4-M5 Link will reduce traffic volumes on Victoria Road between Iron Cove Bridge and ANZAC Bridge by up to 50%.

The NSW Government's statement is consistent with those made in the M4-M5 Link Concept Design Report and M4-M5 Link Community Feedback Report prepared by Roads and Maritime Services.

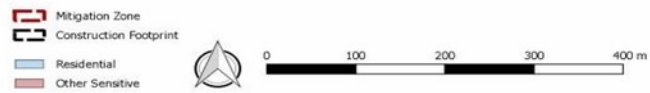
The EIS and Submissions and Preferred Infrastructure Report for the M4-M5 Link state that a large volume of traffic is forecast to shift to the M4-M5 Link, including the Iron Cove Link, with significant reductions in daily traffic volumes forecast on Parramatta Road (east of the M4 East Parramatta Road ramps), City West Link and Victoria Road (east of Iron Cove Bridge – approximately 34,000 vehicles in 2023).

The Department of Planning and Environment has also been asked to confirm the statement that WestConnex would result in greenhouse gas emissions being reduced by more than 610,000 tonnes a year by 2021. This figure is consistent with the *WestConnex Updated Strategic Business Case November 2015*.

ATTACHMENT A
APPENDIX D – M4-M5 LINK INFRASTRUCTURE APPROVAL
PROPERTIES ELIGIBLE FOR CONSTRUCTION NOISE MITIGATION DUE TO OUT-OF HOURS WORKS –
IRON COVE AND ROZELLE



APPENDIX E - M4-M5 LINK INFRASTRUCTURE APPROVAL
PROPERTIES ELIGIBLE FOR CONSTRUCTION NOISE MITIGATION DUE TO CONSTRUCTION FATIGUE AND AMENITY –
HABERFIELD AND ASHFIELD



ATTACHMENT B

PENALTY NOTICES, OFFICIAL CAUTIONS AND DIRECTIONS ISSUED BY THE DEPARTMENT OF PLANNING AND ENVIRONMENT ON WESTCONNEX PROJECTS

Penalty Notices

Project	Date of Penalty Notice	Issue
M4 East	30 March 2017	Use of local road by heavy vehicle
M4 East	13 October 2017	Use of local road by heavy vehicle
M4 East	25 May 2018	Use of local road by heavy vehicle

Official Cautions (note – items are grouped where the cautions all relate to the one incident, but multiple cautions are issued as it is a joint venture)

Project	Date of Caution	Issue
M4 Widening	28 March 2017	Non-compliance with notification requirements, starting work with less than 5 days notice
M4 Widening	28 March 2017	Non-compliance with notification requirements, starting work with less than 5 days notice
M4 Widening	28 March 2017	Works carried out prior to approval of UDLP
M4 East	7 November 2016	Disturbance of area outside of approved footprint (Reg Coady Reserve)
M4 East	7 February 2017	Disturbance of area outside of approved footprint (Reg Coady Reserve)
M4 East	7 February 2017	Disturbance of area outside of approved footprint (Reg Coady Reserve)
M4 East	7 February 2017	Disturbance of area outside of approved footprint (Reg Coady Reserve)
M4 East	18 September 2017	Heavy vehicle (utility) on local road
M4 East	18 September 2017	Heavy vehicle (utility) on local road
M4 East	18 September 2017	Heavy vehicle (utility) on local road
M4 East	18 September 2017	Heavy vehicle (utility) on local road
M4 East	19 March 2018	Failure to maintain safe pedestrian access
M4 East	19 March 2018	Failure to maintain safe pedestrian access
M4 East	19 March 2018	Failure to maintain safe pedestrian access
M4 East	24 July 2018	Heavy vehicle on local road

New M5	7 July 2017	Failure to maintain resident access
New M5	7 July 2017	Failure to maintain resident access
New M5	7 July 2017	Failure to maintain resident access
New M5	18 July 2017	Failure to maintain resident access
New M5	18 July 2017	Failure to maintain resident access
New M5	18 July 2017	Failure to maintain resident access
New M5	9 January 2018	Notification non-compliance re Community Communication Strategy
New M5	9 January 2018	Notification non-compliance re Community Communication Strategy
New M5	9 January 2018	Notification non-compliance re Community Communication Strategy
New M5	9 March 2018	Shipping container noise wall not consistent with EIS
New M5	9 March 2018	Shipping container noise wall not consistent with EIS
New M5	9 March 2018	Shipping container noise wall not consistent with EIS
New M5	10 April 2018	Notification non-compliance re Community Communication Strategy
New M5	10 April 2018	Notification non-compliance re Community Communication Strategy
New M5	10 April 2018	Notification non-compliance re Community Communication Strategy
New M5	17 May 2018	Removal of on street parking
New M5	17 May 2018	Removal of on street parking
New M5	17 May 2018	Removal of on street parking

Directions (note – items are grouped where the Directions all relate to the one incident, but multiple cautions are issued as it is a joint venture)

Project	Date of Penalty Notice	Issue
M4 East	22 February 2017	At property treatment for 154 Ramsay Street, Haberfield
M4 East	22 December 2017	Amend the Community Communication Strategy in relation to notification of out-of-hours works
M4 East	22 December 2017	Amend the Community Communication Strategy in relation to notification of out-of-hours works
M4 East	22 December 2017	Amend the Community Communication Strategy in relation to notification of out-of-hours works
New M5	13 July 2017	Odour at St Peters Interchange – review mitigation measures