

## WESTCONNEX INQUIRY – QUESTIONS ON NOTICE

### **QUESTION 1**

**The Hon. GREG DONNELLY:** *With respect to that approval, I understand that there have been some modifications to it. Is that correct?*

**Mr SNOW:** *Yes.*

**The Hon. GREG DONNELLY:** *Do you have available to you the details of those modifications in terms of the numbers and the scope of them?*

**Mr SNOW:** *I do not have those in front of me, no.*

**The Hon. GREG DONNELLY:** *So you do not have any further information about these modifications?*

**Mr SNOW:** *All the information is available on the website, including when they were lodged and when they were determined, along with all the documentation associated with that.*

**The CHAIR:** *Will you take the question on notice?*

**Mr SNOW:** *Yes.*

### **Response**

I can advise that RMS made six (6) modification applications to the New M5 Project. The details of each of the modifications, why they were made and impacts may be found on the Department of Planning and Environment's major projects website (<http://majorprojects.planning.nsw.gov.au>).

### **QUESTION 2**

**The Hon. GREG DONNELLY:** *Okay, so that is one that you recall. Do you recall being involved in discussions about any other modifications?*

**Mr SNOW:** *I do not recall any other modifications in relation to settlement.*

**The Hon. LYNDA VOLTZ:** *Other than settlement?*

**The Hon. GREG DONNELLY:** *In terms of the M5 tunnel project, that is only modification discussions you have been involved with?*

**Mr SNOW:** *I cannot say. I have been involved in other modifications but I do not remember the exact details of those.*

**The Hon. GREG DONNELLY:** *Mr Ray, are you aware?*

**Mr RAY:** *No, I would have to take that on notice.*

### **Response**

I can advise that the Department's Transport Assessments team has been involved in discussions with RMS as part of its assessment of all six (6) modifications.

### **QUESTION 3**

**The Hon. GREG DONNELLY:** *Okay. With respect to the modifications, I understand that there were modifications approved on 30 August 2017, 14 November 2017, 7 December 2017, 5 April 2018, 20 April 2018 and 20 August 2018. There has been a total of six modifications to the original approval. With respect to those modifications, could you provide, on notice, details about who made the applications for those modifications; what the details were of the modifications; why they were made; and what the impacts of the modifications are?*

#### **Response**

I can advise that RMS made six (6) modification applications to the New M5 Project. The details of each of the modifications, why they were made and impacts may be found on the Department of Planning and Environment's major projects website (<http://majorprojects.planning.nsw.gov.au>).

### **QUESTION 4**

**The Hon. GREG DONNELLY:** *On notice, can you check to see if any discussions have taken place over these modifications?*

**Mr RAY:** *Yes, Mr Donnelly, I can partly answer your question. All the modifications would have been lodged by RMS.*

**The Hon. GREG DONNELLY:** *I would have thought so, yes.*

**Mr RAY:** *Yes. That would be the case because RMS is the holder of the approval and only the holder of the approval can apply to modify. So I am confident in respect to that answer and, of course, I will go away and answer those questions that you have asked on notice.*

#### **Response**

All the modification requests were made by RMS. Further, I can advise that the Department has had no discussions with the RMS regarding it indemnifying the Sydney Motorway Corporation.

### **QUESTION 5**

**Ms CATE FAEHRMANN:** *Has any other State significant infrastructure been given planning approval only at the conceptual design phase when most of the details about it is going to be built have not been decided? Is that usual?*

**Mr SNOW:** *I believe that the information that was provided for the M4 to M5 project is consistent with the information we receive on other projects.*

**Ms CATE FAEHRMANN:** *In terms of WestConnex or other projects broadly?*

**Mr SNOW:** *WestConnex and other projects broadly.*

**Ms CATE FAEHRMANN:** *What other projects?*

**Mr SNOW:** *My team looks after infrastructure projects across the State so rail, road projects across the State, Metro, inland rail—*

**Ms CATE FAEHRMANN:** *Will you take that question on notice if you do not know the specific details of which projects have been approved with this lack of detail?*

#### **Response**

Transport projects assessed as state significant infrastructure are typically based on a reference design. Proponents must construct projects consistently with the reference design and meet environmental parameters established in a state significant infrastructure approval. If the detailed design is not consistent with the approval then a modification will need to be applied for.

## **QUESTION 6**

**The Hon. Dr PETER PHELPS:** *How many monitoring locations are there for the benchmark study over the length of the M4-M5 project?*

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

**The Hon. Dr PETER PHELPS:** *That is okay; take it on notice. Is it two or three, or 10? What sort of numbers are we looking at? The argument will be that "you only set up a small number of monitors and you are not accurately assessing what is happening in my street".*

**Mr SNOW:** *I can provide some advice on that. I can find the numbers for you, but the monitoring locations also assist in verifying the model and that assists in determining the air quality at specific locations.*

### **Response**

I can advise that Sydney Motorway Corporation established two (2) new air quality monitoring stations for the M4-M5 project, to supplement the existing OEH and RMS monitoring. These stations are located adjacent to City West Link, Rozelle and adjacent to Ramsay Street, Haberfield.

## **QUESTION 7**

**Mr GAINSFORD:** *I am not an air quality specialist by what I can say is, based on the modelling results that the department has assessed and has had independent experts assess, the results are indicating that there are some locations where there is a negligible increase in certain types of pollutants but in the vast majority of locations there is a reduction.*

**The Hon. Dr PETER PHELPS:** *What is the level of the negligible increase?*

**Mr GAINSFORD:** *It obviously varies between projects and locations.*

**The Hon. Dr PETER PHELPS:** *Would you be able to take that on notice and provide those individual locations to the Committee?*

**Mr GAINSFORD:** *I am happy to do that. All of that information is within the approval document.*

### **Response**

I can advise that the modelling predicts that there are some locations where there is a negligible increase in both NO<sub>2</sub> and PM<sub>2.5</sub> predicted as a result of the projects.

The annual average criteria for PM<sub>2.5</sub> is 8 µg/m<sup>3</sup> (NEPM).

The one-hour average criteria for NO<sub>2</sub> is 0.12ppm (245 µg/m<sup>3</sup>) (NEPM).

For the M4 East project, the predicted increases are focused around Sydney Olympic Park, Parramatta Road, Haberfield and City West Link, Haberfield. The increases in PM<sub>2.5</sub> are between 0.2 and 0.8 µg/m<sup>3</sup>, while the increases in NO<sub>2</sub> levels are between 50 and 100 µg/m<sup>3</sup> along Marlborough Rd, Homebush Bay West and the M4.

For the New M5 project the predicted increases are around Mascot, along Stoney Creek Road and the Princes Highway. The increases in PM<sub>2.5</sub> are between 0.2 and 0.8 µg/m<sup>3</sup>, and the increases in NO<sub>2</sub> are between 20 and 50 µg/m<sup>3</sup>.

For the M4-M5 project the predicted increases are around Mascot, City West Link/Anzac Bridge and Iron Cove Bridge. The increases in PM<sub>2.5</sub> are between 0.18 and 1 µg/m<sup>3</sup>, and the increases in NO<sub>2</sub> are between 20 and 50 µg/m<sup>3</sup>.

### **QUESTION 8**

**The Hon. LYNDA VOLTZ:** *So in areas such as Bedwin Road, which is one of the access roads for the Marrickville Metro Shopping Centre, would a reduction of that from two lanes to one lane have been part of the assessment process?*

**Mr SNOW:** *I cannot recall the detail. I will have to take that on notice.*

#### **Response**

Lane closures on Bedwin Rd were assessed as part of the New M5 project.

### **QUESTION 9**

**The Hon. LYNDA VOLTZ:** *Has the Turrella stack ever exceeded the levels that are considered safe?*

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

#### **Response**

The Department is unaware of the M5 East Turrella ventilation facility exceeding levels that are considered safe.

### **QUESTION 10**

**The Hon. Dr PETER PHELPS:** *Thank you very much. Mr Ray or anyone from the Department of Planning and Environment [DPE], I want to go back to the issue of independent air quality monitoring. Is it unusual or usual for a proponent to be required to pay for independent air quality monitoring where that may well be an issue in the development?*

**Mr GAINSFORD:** *My understanding is that it is consistent across toll infrastructure approvals that have happened for quite some period of time, so it is not unusual.*

**The Hon. Dr PETER PHELPS:** *Would you be able to take on notice other instances where the proponent, rather than the Office of Environment and Heritage [OEH], has been required to fund the air quality monitoring?*

**Mr GAINSFORD:** *I can confidently say that is for all the infrastructure approvals for toll projects that the department has had a role in.*

**The Hon. Dr PETER PHELPS:** *So there has never been an instance, as far as you are aware, where the OEH has effectively been tasked with the independent air quality monitoring of any infrastructure project?*

**Mr GAINSFORD:** *This is correct.*

**The Hon. Dr PETER PHELPS:** *So it is not an unusual set of affairs; in fact, it is de rigueur for projects where there are air quality issues requiring monitoring.*

**Mr GAINSFORD:** *That is my understanding, yes.*

**The Hon. Dr PETER PHELPS:** *I just want to put aside the conspiracy notion that because you pay for independent data somehow it is going to be skewed to suit the proponent. Would it be fair to say that your department does not consider that to be an issue?*

**Mr GAINSFORD:** *Certainly, we would not see that as an issue. There are a series of requirements in the conditions as well to have auditing, effectively auditing, of the monitoring work that is done as well. There are a series of checks and balances.*

**The Hon. Dr PETER PHELPS:** *Would you be able to take on notice, just to clarify for the record, whether OEH has ever undertaken independent air quality monitoring on one of these State-significant infrastructure projects?*

**Mr GAINSFORD:** *I am happy to take it on notice.*

#### **Response**

The Department does not require the OEH to undertake independent air quality monitoring of state significant infrastructure road projects and is unaware of the OEH undertaking such monitoring.

### **QUESTION 11**

**The Hon. Dr PETER PHELPS:** So, for example, the development of Rhodes on the old industrial sites there, proponents there presumably would have been required to pay for independent water quality monitoring of the Parramatta River surrounding that development?

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

**The Hon. Dr PETER PHELPS:** If you could take it on notice.

**Mr RAY:** I would take it on notice.

**The Hon. Dr PETER PHELPS:** I just want to get that there is a set pattern in relation to how DPE requires monitoring of externalities and how that it is not done by government but it is monitored and assessed by government, based on independent contractors, who are not paid by government, who are rightly paid –

### **Response**

The management of site pollutants and associated monitoring, including of surrounding waters, would be the responsibility of the consent holder which would usually be the party undertaking the works. The consent authority would have a role in ensuring compliance with any monitoring requirements.

### **QUESTION 12**

**The Hon. LYNDA VOLTZ:** The 10 hectares of Rozelle that has been returned, that is the Rozelle rail yard site, is that correct?

**Mr GAINSFORD:** That is correct, yes.

**The Hon. LYNDA VOLTZ:** Mr Gifford, did you do any assessment of that site with regards to free-floating fuels and contamination?

**Mr GIFFORD:** I am not aware of that. I would have to take that on notice.

**The Hon. LYNDA VOLTZ:** Mr Gainsford, was remediation on that site identified? Did you do remediation testing?

**The Hon. Dr PETER PHELPS:** That was asked in the previous hearing and yes, it was.

**The Hon. LYNDA VOLTZ:** Was it heavily contaminated?

**Mr GAINSFORD:** I am not familiar with the details of the contamination on that site. I know RMS have conducted a fair bit of remediation on that site already.

**The Hon. LYNDA VOLTZ:** You are not aware of the sites being capped? That was not part of your assessment process?

**Mr GAINSFORD:** RMS have undertaken some early work on that site as part of the remediation process, as I understand it, which was separate to the infrastructure approval process that we assessed.

**The Hon. LYNDA VOLTZ:** Can you take on notice whether there are any free-floating fuels identified at that site?

**Mr GAINSFORD:** If it has been identified in the documentation, yes, absolutely.

### **Response**

Free floating fuels across the Rozelle site were not identified in the EIS.