

Supplementary  
Submission  
No 381a

## INQUIRY INTO IMPACT OF THE WESTERN HARBOUR TUNNEL AND BEACHES LINK

**Organisation:** Anzac Park Public School P & C Association

**Date Received:** 29 October 2021

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Mr Mookhey, Mr Banasiak, Ms Boyd,  
Mr Farraway, Mr Kahn, Mr Mallard and Ms Moriarty,  
Committee Members  
Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link  
Public Works Committee  
Legislative Council  
NSW Parliament  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Mookhey, Mr Banasiak, Ms Boyd,  
Mr Farraway, Mr Kahn, Mr Mallard and Ms Moriarty,

**Re: Supplementary Submission**  
**Anzac Park Public School P & C Association**  
**Submission no. 381**  
**Consultation**

Thank you to the Committee for allowing us to submit a Submission and appear at the Inquiry Hearings.

We would like the opportunity to lodge a Supplementary Submission adding to our earlier Submission and evidence at the Inquiry Hearings.

We note the Supplementary Submission relates to the following Terms of Reference-

- f) the consultation methods and effectiveness, both with affected communities and stakeholders,
- j) impact on the environment,
- k) the adequacy of the processes for accessing and responding to noise, vibration and other impacts on residents during construction and operationally.

We note the Inquiry relates to Western Harbour Tunnel (WHT) and Beaches Link (BL), and that presently the only actual works underway relate to the Warringah Freeway Upgrade (WFU). We submit the WFU works are related to WHT and BL, and the interaction we have with Transport for NSW (TfNSW) and Contractors (SPA) to date in relation to the WFU works are important in assisting the Committee in making recommendations relating to the abovementioned Terms of reference points.

We note the Committee has reviewed the large number of Submissions and taken in the evidence given at the Inquiry Hearings to date. We are not sure whether SPA or the newly appointed Contractor for the main WFU works will be providing Submissions and/or evidence.

Given our direct interaction with TfNSW and DPIE to date we anticipate in their written submissions they (TfNSW and DPIE) will refer to-

1. the particular terms of the SEARS and EIS's as well as the Conditions of Approval where relevant to support their positions.
2. the terms of their guidelines for consultation with the public and their past interaction with the public.
3. the procedures and processes in their documentation they rely on to identify and manage any risks including those raised by parties who have made Submissions and/or given evidence in the Inquiry Hearings to date.

We want to take this opportunity to outline some aspects of our interaction with TfNSW, DPIE and SPA during the early works of the WFU and indicate why these are important in assessing the Submissions and evidence of TfNSW and DPIE (and SPA if they are involved).

We note this Supplementary Submission relates to-

- i. the terms governing the actions of TfNSW, DPIE and SPA,
- ii. the challenges in getting TfNSW, DPIE and SPA to "react" when necessary for the health and wellbeing of the School population and the community as a whole,
- iii. the activities of TfNSW, DPIE and SPA.
- iv. recent endeavours with further representations to the Premier, Government Ministers and the nearest current local member.

The main purpose here for us is to highlight that notwithstanding all the wordage in all their documentation they use to support their positions when you get down to the "coal face" of direct interaction, you might see all is not what it seems in relation to the manner in which "business" is conducted.

Also we wanted to comment on our endeavours in relation getting a response to the aspect of the proposed pollution stacks which does not appear to be addressed anywhere in the paperwork to date.

- a. Meetings with TfNSW and SPA-

We note this is important for the Committee when determining its findings and recommendations in particular with regard to TfNSW, DPIE and Contractors (incl SPA) (collectively them/their) operating with the "modelling" and "reports" in their documentation, the need to put in place necessary "independent monitors" to oversee their activities and their ability /appetite to "react" appropriately to real problems that arise but which might impact on their ability to progress with a set time line.

Any reference to things said is on the basis it is "words to that effect" as we are still waiting on meeting minutes from TfNSW.

1. May-August 2021:

The divide and conquer rule. TfNSW and SPA kindly conduct separate meetings with our Principal and Department of Education reps.

Prior to our first meeting with TfNSW, DPIE and SPA, TfNSW and SPA had met with our Principal and advised DPIE as part of their compliance with requirements to get approval to operate trucks and sites near the School not included in the EIS, that they (TfNSW & SPA) had “consulted” with the School. They had not met with us, the P & C nor approached us to discuss the issues about that application. Further there is an issue as to whether they actually informed our Principal of the local truck traffic they were getting approval for at that initial meeting. TfNSW claim they did but our Principal recalls they only focussed on the truck traffic from the Cammeray Golf Course site indicating the trucks would come and go from the Freeway direct and not near the School.

After much persistence about the lack of proper consultation and the wording of the approval for that additional truck traffic we were able to get a meeting with TfNSW, DPIE and SPA (see no. 2 below), which was the genesis for further consultations.

Further, from what we are able to glean our Principal was told our activities extend beyond the School and that our School population has no interest in the Tunnels as there has been no requests to be joined to the TfNSW mailing/emailing list from parents.

Aside from being a member of the Council Precinct in which the School is situated and being part of a WhatsApp group of Schools close to the Projects proposed locations we have no affiliation with any other group and our motivation relates to the health and wellbeing of the School population.

As we post the TfNSW regular works updates on the School parents Facebook page (approx. 800 members), parents get the information and do not need to join separately.

2. May 2021:

Strict interpretation of approval documentation by DPIE, the party engaged to ensure risk minimisation undertaken by TfNSW and SPA, resulting, in the absence of common sense prevailing, in heightened risk to the community.

DPIE granted special approval in relation to truck traffic outside the School and along roads which had major child foot traffic before and after school. We raised with TfNSW and DPIE that there needed to be safety measures incorporated to minimise the safety risk to children.

We were able to organise a meeting which included TfNSW, DPIE and SPA.

At that meeting DPIE reps (in the presence of DPIE compliance officers) advised that under the Conditions of Approval there were no limitations on truck traffic and TfNSW and SPA could run whatever size trucks at whatever time they liked and had no obligation to take into account any safety risk to schoolchildren.

Common sense prevailed and SPA with TfNSW acquiescence agreed to limit truck traffic so it did not occur during before and after school hours and they incorporated traffic controls to be present to direct traffic during truck movements.

3. June – September 2021:

Responses to inquiry about aspects depends on what is being asked and “DPIE asleep at the wheel”.

There have been detailed site investigation reports (DSI) into three early works sites near the School. These reports, albeit prepared by one of the companies in SPA, ie Jacobs, noted inter alia there were levels of contamination on these sites and special requirements were needed for any subsoil activity on these sites.

We had observed a WEPA report indicating concerns about the DSI’s and the activities of TfNSW and SPA.

We asked questions of TfNSW and SPA about these concerns in two different ways to try and get a response to assure our School population there were no concerns. We have not had a reply.

One of the multiple recipients on the TfNSW and SPA side is the whtbl email address which is monitored by DPIE to ensure TfNSW responds appropriately to concerns raised. We have had no communication from DPIE either over the questions raised.

4. August 2021:

Novel replies to parent concerns.

During lockdown the School daily population on the premises has reduced substantially (from 798 down to around 100). During that time SPA put in place illuminated back of truck signage on Ernest Street near Anzac Ave, close to the School entrance and near School population traffic to and from School. The signs were powered by the truck’s battery which required the truck to be idling constantly. When a parent inquired directly they were told they (SPA) would look into a separate battery.

We also inquired and were initially told the truck battery was the only means of powering but they would turn of the truck at to and from School travel times.

After querying that reply SPA were ultimately able to locate an alternative, a separate battery.

5. July – September 2021:

One requests “A” but ultimately gets “B”.

For our second quarterly meeting we requested a Jacob’s rep be present to answer queries about the DSI’s. We felt the company having the required expertise would be able to answer questions, and ideally it would be the reports’ author.

However for the meeting they had a fellow who is the environment manager of one of the other parties to SPA and not from Jacobs and he did not have air quality and/or contamination expertise (as per his LinkedIn profile).

6. September 2021:

We had our second meeting and had provided questions had of that meeting, here are some of the questions and replies as well as our comments.

- a. Q-the EIS had provision for independent audit of potential contamination sites but in the response document from TfNSW that was altered to 'complex' contamination only in response to community concerns, why was that done?

A-a direct reply was not provided rather an outline of the EIS and works process, it was noted the DPIE conditions of approval take priority.

Comment- from what we understand the TfNSW responses to community concerns to the EIS not the EIS are the items upon which general DPIE conditions of approval are based. One suspects that the community concern may have caused the redefining of the need for independent audit to 'complex' contamination to reduce TfNSW exposure post commencement to calls for independent audit. This has played out in the responses (or lack thereof to us) to WEPA who we understand have been following up the early works sites (as set out in their Submission and evidence).

- b. Q-in the executive summary of the Anzac Park DSI report there are several recommendations that were made, which have been or are to be followed by SPA and Transport for NSW?

A-The response was not clear.

Part of the recommendations relate to an area not accessed but if it is they will follow what has been noted.

The Construction Environmental Management Plan (CEMP) is a document that is changed and updated as new information is known.

Comment-We think they will follow the recommendations but that was by no means clear. Nor was it clear how and when CEMPs are changed and updated.

With the general recommendations issue in the DSI's, we appeared to be on a loop around CEMPs and DSIs, not really clear which was first, which applied in what order and whether the contamination report author had sighted the CEMP etc.

It appears the CEMP is a 'fluid' document which is amended as required, they were not sure if the report author's general recommendations has been added to the CEMP.

- c. Q-in the Anzac Park DSI report there is a brief discussion about the word 'risk', what is that interpreted to mean by TfNSW & SPA?

A-This question was taken on notice, a reply to follow.

Comment-reply is pending

- d. Q-In the EIS response document the word 'complex' is used to determine whether an independent audit is required, who interprets that word (TfNSW or SPA) and what is the interpretation for these early works?

A-The comment was there were no complex sites in Anzac Park, an example of complex being a site which used to house a petrol station or similar business which could have large amounts of toxic material buried/leached into in the subsoil, whereas the general locale here prior to 1962 was primarily residential properties.

Comment-it appears TfNSW and SPA decide what is complex or not, and not an independent appropriately qualified party.

- e. Q-in the various reports there is references to 'guideline values for the use of the construction site', is that a specific legal term and when invoking it to rationalise a decision/report/outcome does it include things affected by the use but which are not strictly the use (eg: the School is next to the early works but it is not a construction use)?

A-Guideline values relate to what is to be done on site, not nearby, so for Anzac Park it is construction site guidelines with no consideration of the sensitive site (the School) right next to it.

If they find a risk they follow the CEMP to mitigate that risk, there are measures they follow set out in the CEMP to mitigate the risk.

The point was made the works undertaken, excluding the tree removal, were no different from the Sydney Water works in Anzac Park, which have not been subject to the same close scrutiny.

Comment-We do not think this is correct as we understand the Sydney Water activities have been through an existing access point so no real disturbance of the subsoil by Sydney Water to justify the TfNSW and SPA position.

Also there is some concern as to this incorrect colloquial simplistic methodology to justify the lack of action with regard to the three early works sites (lack of further contamination investigation and removal/minimisation steps).

We also query the "guidelines" appropriateness given how they are interpreted by TfNSW and SPA.

This is another example of the "reactive" approach to management of these Projects.

From WEPA Submission we see there is other issues in relation to compliance at law etc not being followed.

7. May – September 2021:

Monitoring on site, needed now so a proper base line can be known and going forward proper interpretation of monitor data after WFU and SHT main works start. TfNSW is not agreeing to this important step.

We have regularly (as has our Principal) requested installation of EPA approved air quality monitors on the School site.

We have been told often it is too early and TfNSW are looking to only monitor near the work/storage sites.

With the WFU main works (the next main activity in these Projects) it is likely above ground silica removal will occur (with the associated risk of it travelling thru ambient air) and definitive on site monitoring is required to ensure the protection of the School population including those with special health requirements.

Expert opinion indicates monitoring is required on the School site to properly determine what is happening there (we were informed even monitors nearby are inaccurate and of limited assistance as the data needs to come from the actual School).

Also monitoring needs to continue perpetually during construction and in operation and not be limited in time so it misses the time the Tunnels operationally are under full load and use.

These interactions are helpful to both us and TfNSW and Contractors (incl SPA) as we understand their methodology and they understand our concerns.

We note we are able to set these interactions out for the Committee so the Committee can see what is actually happening in relation to certain critical aspects of how TfNSW and Contractors conduct their business.

We note that these interactions spell out the need for proactive precise terms to ensure the actual proper "real time" protection of the community, the environment and our land, so the risk of adverse impacts is, if not removed totally, is greatly diminished from what we see now from the current documentation and implementation of the documentation in early works.

Were the Committee to make findings these Projects are to progress the changes (proactive precise terms) that need to be achieved to ensure protection during construction and in operation are overarching Rules which for the construction phases bind all parties involved who have yet to start works (even if they have contracted to do certain works) and in the operation phase bind the original and subsequent owner(s) of the final product. We submit this approach is more favourable to redoing the entire documentation of each Project. We note parties would need to read any EIS terms, any conditions of approval and/or any other relevant documentation in the light of these Rules (given the wide interpretation of these types of documents in the WFU early works, the documents in question would have the capability of being interpreted subject to these Rules).

The challenge for the Committee is determining the manner in which these Rules would be created, the terms of those Rules and ensuring compliance by all parties. We respectfully submit that is a challenge which must be met to ensure the protection for our children, the community as a whole, the land and the environment as well as assisting the government reach its environmental/climate change targets.

b. Recent Representations-

In relation to the earlier mentioned aspect of the proposed pollution stacks which does not appear to be addressed anywhere is the overarching position with the pollution to emit from these pollution stacks.

Setting aside the assertion by TfNSW and the Chief Scientist that these tunnels meet the science relating to well-designed tunnels (we assert they don't and aren't), even if one were to accept the design (that the pollution emitted does not affect the community near the pollution stacks) why would one in the current climate opt to allow all that pollution (raw, unfettered, unreduced) to be emitted into the atmosphere when we are trying to reduce the pollution, our carbon footprint,



reduce the climate change and meet net zero carbon targets, when it is possible to reduce that emission of pollution by adding filtration to the pollution stacks.

We have sought a reply from the Premier, the relevant Ministers (Messrs Kean and Stokes) and the current local member (Ms Wilson). Whilst Ms Wilson has replied she has not actually properly addressed the query and we are pressing for an answer. There has been no response from the other parliamentarians yet.

It would be very helpful to get a proper answer and understand why a position on this issue is held by those in Government.

Thank you again.

Regards

Rhys Williams

Tunnel Co-ordinator

Anzac Park Public School P & C Association