

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE
ARTS**

IMPACT OF THE ROZELLE INTERCHANGE

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At Preston Stanley Room, Parliament House, Sydney, on Tuesday 23 April 2024

The Committee met at 10:30.

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Buttigieg

The Hon. Wes Fang

The Hon. Dr Sarah Kaine

The Hon. Bob Nanva

The Hon. Natalie Ward

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The CHAIR: Welcome to the second hearing of the Committee's inquiry into the impact of the Rozelle interchange. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Cate Fachrmann and I am Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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Ms ALISA HITCHCOCK, Head of Public Affairs, Transurban, sworn and examined

Ms DENISE KELLY, General Manager, WestConnex, Transurban, sworn and examined

The CHAIR: Welcome, and thank you for making the time to give evidence. Would you care to make a short opening statement to the Committee? Who is giving that?

DENISE KELLY: Thank you, Madam Chair, I'd like to give that statement.

The CHAIR: Thank you, Ms Kelly.

DENISE KELLY: Good morning, Chair and Committee members. Thank you for the invitation to appear today and to contribute to this inquiry. As you just heard, I am Denise Kelly, the General Manager of WestConnex, and with me here today is Alisa Hitchcock, Head of Public Affairs. Transurban appreciates the opportunity to appear today. Transurban is an Australian listed company and has been part of the Sydney transport infrastructure solution for almost 20 years. Since we entered the New South Wales market, several other investors including leading Australian superannuation funds have partnered with Transurban to invest in Sydney roads. This is the case for WestConnex. It was commissioned by the New South Wales Government in 2013 and in 2018 it selected Sydney Transport Partners to be its partners in delivering and operating WestConnex when it sold a 51 per cent stake. In 2021 this same consortium was successful in acquiring the remaining 49 per cent share.

WestConnex is one of the largest infrastructure projects delivered globally. During construction, it generated 10,000 jobs and 500 apprenticeship opportunities. Overall, about 60,000 people worked on WestConnex. Rozelle interchange is the final crucial stage of WestConnex's network. Rozelle Interchange was designed, funded and delivered by the New South Wales Government. In 2017 the then New South Wales Government released its design for the Rozelle interchange in the M4-M8 environmental impact statement, or EIS. This was prior to Transurban's and our partner's involvement in WestConnex. The surrounding road designs are included in the EIS, which showed the predicted traffic during construction and post opening.

Following completion of the interchange, the underground sections were handed over to Transurban to operate and maintain. We do not operate the surface roads or ramp meters. As experienced road operators and the fact that we have opened four roads in Sydney in the last five years, we know that communicating on-road changes to drivers is vitally important. In the lead-up to the opening we supported Transport for NSW to deliver their communications campaign for Rozelle interchange. This included providing drivers with a Plan Your Journey tool, allowing people to familiarise themselves with the road prior to travelling on it. Since November, 110,000 people have used this Plan Your Journey tool. We undertook an extensive marketing campaign including billboards, radio, social media, and more than 1.5 million newsletters and emails were sent to educate people about WestConnex.

While we acknowledge the congestion issues that have occurred on the surrounding road network and the frustration of the local community, there have been substantial time savings for people from Western Sydney. These are motorists who have the longest travel time to and from work and for whom active transport is not an option. These motorists can now travel from Penrith to the city in under an hour—a reduction of 30 minutes. A trip from Liverpool to the city now takes approximately 40 minutes—a 20-minute saving. Customers from Parramatta or Hurstville can now travel to the city in under 30 minutes—a saving of about 15 minutes. While Transport for NSW is the organisation responsible for making changes and taking action to ease congestion on surface roads, we have continued to support the Government and motorists since the interchange opened. We have done this through 24/7 traffic monitoring and active management of in-tunnel speeds and messaging. We are also providing drivers with data about which travel route is best for them on any given day.

Our Linkt Trip Compare tool and recent partnership with Google Maps helps customers compare the costs and travel time associated with different routes, so it helps them make an informed choice as to whether or not they use a tolled road or an untolled road. We value our partnership with the New South Wales Government and look forward to continuing to provide our support in helping resolve the local challenges with the Rozelle interchange. We appreciate the Committee's time today and are happy to answer your questions.

The CHAIR: Thank you very much, Ms Kelly. Could I ask first up how long both of you have been in your roles working for Transurban?

DENISE KELLY: Absolutely. Chair, I'll go first. I've been in my role for approximately 12 months, but I've actually been working for Transurban for more than 10 years. I have worked in various roles in that capacity. I've worked in Queensland, New South Wales and in North America in various capacities, including always with major project delivery, operations and so forth.

The CHAIR: Ms Hitchcock?

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ALISA HITCHCOCK: Chair, I have worked for Transurban for about eight years now and I have been involved in WestConnex since we originally looked to acquire the original 51 per cent share, so I've worked on and around WestConnex for about seven years.

The CHAIR: All right. Thank you for that. I note that Transurban was very quick to state in its submission that the design of the Rozelle interchange was a matter for the Government—that Transport for NSW designed it. Transurban signed the deal to buy the majority stake in WestConnex in 2018. Do you know whether Transurban was in talks with the New South Wales Government before that time about Rozelle interchange?

DENISE KELLY: In connection with that, the EIS and all of those documentations relating to the design were set in place well before the involvement of Transurban and the WestConnex partners in the Rozelle interchange.

The CHAIR: Before Transurban or Sydney Transport Partners took that stake, though, are you aware of any discussions that took place between Transurban and the Government on the design of the interchange?

DENISE KELLY: No, I'm not aware of any—

ALISA HITCHCOCK: All I'd say to that, Chair, just to add to Denise, is that Transurban has been in Sydney for 20 years and we've had many discussions with the Government about all of the roads that we either own or operate or own with partners, so it's not unusual for us to have discussions with government. Whether they're design discussions, operational discussions, we have a whole range of conversations. During the transaction process itself, obviously, we were in a competitive transaction. It was a bidding process that was subject to probity arrangements, so our discussions during that transaction were very limited apart from what was allowed throughout the transaction. But we have had many conversations with government about a whole range of roads in Sydney over that 20-year period.

The CHAIR: Considering your very business is obviously focused around getting more cars onto those motorways for your shareholders' pockets, would it be fair to say that discussions with the Government before 2018 may have centred around ways in which more traffic can be funnelled onto those motorways, more traffic can use the Rozelle interchange, more traffic can use WestConnex to go through to the city? Is that fair to say?

ALISA HITCHCOCK: Certainly I am not aware of any discussions that would have talked about funneling cars onto WestConnex. To be honest, WestConnex doesn't exist separately. When we talk about the Rozelle interchange, Rozelle is part of the broader WestConnex network. WestConnex doesn't work and Rozelle doesn't work unless the broader network works. That is not just WestConnex, but the broader Sydney road network. We wouldn't be having discussions with the Government about funneling cars onto our roads; we would be having discussions with the Government about how the network can best operate—and certainly, with all our other roads in Sydney, making sure that that entire network operates as one and there is not congestion on one part that would impact another. I'm not sure if that answers your question.

The CHAIR: Do you get compensated if you don't have certain levels of traffic numbers?

DENISE KELLY: No, there is no contractual arrangement between the Government and Transurban relating to the prioritisation or otherwise of cars onto WestConnex. The arrangements that we have were entered into in good faith, and the Premier has said that he will be honouring those. However, having said that, there is nothing in those agreements that prevents the Government from taking any steps to relieve congestion on surface roads or anything like that. We do not control either traffic line sequencing, lane configuration or signage on the adjacent surface roads.

The CHAIR: That is understood. The Government does that. That has been made very clear. In terms of compensation principles within any agreements or contracts, I understand there was something entered into around the completion date of the Rozelle interchange—that there would be compensation if it wasn't to be completed by a particular date. Is that correct?

DENISE KELLY: I am not aware of any obligation for us to have engaged with Transport on a completion date for Rozelle. We worked with Transport to make sure we were operationally ready to take the cars and so forth, and to be ready when it was opening, and we worked with them day and night to get that ready. But there is no arrangement for us. That is an arrangement between Transport and the contractor as to when the date for the completion of Rozelle would be undertaken.

The CHAIR: What other compensation measures or principles are built into the agreement between the Government and Transurban?

DENISE KELLY: There are arrangements in place that provide that if the Government wanted to make any changes to the WestConnex network, then what would happen is that the Government would, as Alisa said,

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engage with us, discuss with us what proposal they were making—and, in view of the fact that we have got a very long-term relationship with the Government and that we have been involved in the Sydney road network for more than 20 years, we would have that discussion. But there is nothing preventing—

The CHAIR: Did you say "if the Government was going to make any changes that would impact on Transurban"? Is that what you said?

DENISE KELLY: If the Government wants to make changes to the WestConnex network that we operate and maintain, they will come and consult with us, but there is—

The CHAIR: Do changes mean impacting the amount of traffic that goes into WestConnex? Is that a change as well?

DENISE KELLY: I don't know what the changes might be, Madam Chair. I think that is a hypothetical situation. But what I can tell you is that if—

The CHAIR: Not really.

DENISE KELLY: If they do—if the Government wants to make a change—then we are their partner and we will consult with them and collaborate with them on that.

The Hon. MARK BUTTIGIEG: Chair, can I ask a follow-up question?

The CHAIR: I want to table something first. This is part of a document that is available online, the *WestConnex M4-M5 Link Project Deed Schedules*. It is 300-something pages, and as a Greens member I was not going to print out the whole lot. But that is the document, and I want you to explain something to me. There are four redacted pages of this document. Most of it isn't redacted, but there are four redacted pages, which are the "Rozelle Interchange Compensation Principles". Four blacked-out pages are what is publicly available on the compensation principles for the Rozelle interchange. Why is that redacted? What are those compensation principles?

DENISE KELLY: Sure. I'll answer that, Alisa. The way that the deed is structured is that the Rozelle interchange is part of the M4-M8 Link, and it becomes part of that, and it is a very complex network. When the Rozelle interchange was undertaken by the New South Wales Government, the arrangements were for Transurban, for WestConnex, to take over that once it had reached final completion. At any stage during that time, the Government might have changed their mind, for example. Therefore, there needed to be some framework around whether or not Rozelle went ahead—for example, whether it was abandoned by the New South Wales Government and whether or not there was a change to what the New South Wales Government wanted to do with Rozelle. None of those events have occurred and therefore nothing in this document is now relevant.

The CHAIR: That is great. So there is no reason for those four pages to be redacted anymore, because it all happened in the past. Surely, around public trust and transparency, you can now show the public what is in those four pages?

ALISA HITCHCOCK: I think, Chair, it is important to note that we don't have anything to hide. We're here to answer your questions. We don't have anything to hide. But Transurban did invest \$21 billion in WestConnex. As you can imagine, if any company is buying a big piece of infrastructure there will be contractual documents as part of that. Certainly, a summary of all the deeds is available on Treasury's website and that is probably where this one comes from. It is something that we are not surprised by.

The CHAIR: That is great. Twenty-one billion dollars—that is fantastic. But you've just said, Ms Kelly, that this was all about the construction of the Rozelle interchange and WestConnex. This was all in the past—nothing to do with future performance and nothing to do with any measures that may impede traffic flow through WestConnex. A lot of the public think that is the case. You have got a chance here to say, "That is not right. We will provide what is in this document, these four pages". But you are not going to do that?

ALISA HITCHCOCK: I think we are happy to take that on notice.

DENISE KELLY: Take that on notice.

ALISA HITCHCOCK: As you said, it is a 350-page document, so perhaps we can take that on notice. Obviously there are a lot of materials that exist around WestConnex, so perhaps we can come back to you on that one.

The CHAIR: Ms Kelly, your evidence was that these four pages have to do with time lines around construction—all in the past—but nothing to do with performance or whether the Government takes any measure to stop the flow of traffic or impede the traffic or anything like that.

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DENISE KELLY: Absolutely. There is nothing in those pages that relates to the surface road network or any kind of arrangements relating to the prioritisation or otherwise of traffic on the Rozelle interchange and on the WestConnex network. All of the things dealt with there are in the past and have no impact and no bearing on what we are seeing taking place right now.

The CHAIR: Why aren't you releasing it, then? Why aren't you un-redacting it, if it relates to the past, given the complete lack of social licence that Transurban has, the anger in the community, the suspicion, frankly, in terms of what is contained and what compensation principles there are? Why won't you un-redact these four pages?

ALISA HITCHCOCK: Chair, I actually think, just looking at the document—and my copy seems to have disappeared—this is a Transport for NSW document. I think this might be better directed at our colleagues from Transport for NSW. This isn't a WestConnex or a Transurban document. We haven't redacted this document. I think this might be better directed at Transport for NSW.

The CHAIR: It is a document that has been entered into with you.

ALISA HITCHCOCK: It is.

DENISE KELLY: It is.

ALISA HITCHCOCK: But it is also a Transport document. If they are redacting, it may be a question for them.

The Hon. Dr SARAH KAINE: Thank you, Ms Hitchcock. I want to follow up on one of your earlier comments, saying that engaging with the Government is a competitive environment. How competitive is it for Transurban? Who are your competitors? It is my understanding that perhaps, at best, the market is an oligopoly. Who is this competition with?

ALISA HITCHCOCK: My reference was to when we were bidding on the initial stages of WestConnex. As Denise said, we had a consortium with a number of different companies as part of our Sydney Transport Partners. We entered into the competitive bidding process, which it was. Obviously in a process like this we aren't privy to all the other bidders that may be putting forward a bid to the New South Wales Government. There are a number of competitors, not just in the Sydney market. There are international toll road operators that exist around the world, so we know there are competitors in this market. Certainly as part of that process the Government did run a very highly probity-managed competitive process for the sale of WestConnex and we were one of those bidders.

The Hon. Dr SARAH KAINE: So a competitive process rather than a competitive market?

ALISA HITCHCOCK: To be honest, both—a competitive process and a competitive market.

The Hon. MARK BUTTIGIEG: Chair, this document that you've tabled, do we have a date for it?

The CHAIR: I will find that. Let me just have a look at the link again.

The Hon. NATALIE WARD: If possible, can the Opposition have a copy?

The Hon. MARK BUTTIGIEG: While the Chair is finding the date, your involvement was circa 2018. Is that correct?

ALISA HITCHCOCK: Yes.

DENISE KELLY: Yes.

The Hon. MARK BUTTIGIEG: From that previous dialogue that we were having—I think it was you, Ms Hitchcock, who said that if there were changes, then some of these things could be considered. But in the event there were no changes, so it went ahead as is, was there ever a dialogue between yourself and the previous Government about potential issues with traffic congestion and perhaps changes that could be made to ameliorate that and then those changes or issues were addressed? Was there any sort of interchange along those lines?

ALISA HITCHCOCK: There was absolutely discussion with the previous Government prior to Rozelle opening.

The Hon. MARK BUTTIGIEG: Can you illuminate some of the details of that discussion in the context of the issues we're seeing now?

ALISA HITCHCOCK: Absolutely. We have opened four roads in Sydney in the last five years and before every one of those openings we've had detailed discussions with government. That includes things like Denise mentioned: the operations, the maintenance, how these roads will be monitored—obviously we've got 24/7

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monitoring—our incident response, and traffic is certainly one of those discussions as well. We have traffic discussions ahead of every road opening. But it's very important to note that prior to Rozelle opening the previous Government, to be honest, and also the Minister, talked about the fact that there would be a settling-in period. They spoke very publicly about the fact that new, very complex pieces of infrastructure take time to bed into the network. That's why our communication with people and our campaign, as Denise mentioned, that we ran to educate people on how to use Rozelle—what entries and what exits they might want to take—was so important, because everyone spoke very openly about the fact that it would take time for Rozelle to become part of the network and to really, as I said, bed down for people.

The Hon. MARK BUTTIGIEG: I understand what you're saying, Ms Hitchcock, but my question is more pertaining to were there specific discussions around a potential systematic structural issue, which could cause the traffic congestion that we're seeing today, and how that might be ameliorated. I'm just trying to tease out whether or not the concerns were raised during that process by the previous Government and, if so, what, if anything, was done to address it. Or was it just, "This is going to cost too much to fix up. Let's just push ahead"?

DENISE KELLY: I might take that one. Mr Buttigieg, I think what you're trying to drive at is—so that I've got this right—whether or not those discussions took place closer to 2017, 2018 or whether they took place recently. If I could just clarify that, that would assist me in providing an answer.

The Hon. MARK BUTTIGIEG: It's more the nature of any discussions that took place along those lines during that gestation process, I guess, for the construction of the road. A lot of the submissions that I've read in the evidence seem to indicate that concerns were raised by the public at the time about potential congestion issues, which we're now experiencing. Surely that would have raised some alarm bells in government about, "Well, we better address this." I'm just keen to know whether or not that was aired during your dialogue with the Government.

DENISE KELLY: In the first instance, I would say it's difficult for me to say what was going through the Government's mind at that point in time. What I can tell you is that from around July 2022 or thereabouts, we weren't obliged to but we undertook some very high-level analysis of the interchange and its impact and what would happen post opening. We shared that information with the Government at the time and they included, from my mind, analysis of what we call hotspots, which is around Victoria Road and Anzac Bridge. Those discussions did not centre on—to use your phrase—structural changes at that point in time. No, they did not. However, they did look at what are the likely hotspots and what could we do to alleviate that. From that time, we continue to work with the Government and are continuing to work with them to this day by providing 24/7 monitoring, traffic time data, intelligence about trip times and how the traffic is going at various points of the day. That's all available. We give that information. It's all uploaded to government website.

The Hon. MARK BUTTIGIEG: So issues were raised regarding those hotspots, Victoria Road—and what was the other one you mentioned?

DENISE KELLY: I mentioned the Anzac Bridge.

The Hon. MARK BUTTIGIEG: What about the rat runs into the feed-in local traffic?

DENISE KELLY: I can't speak specifically to the rat runs. However, I can say that all of the analysis at a high level would look at how the interchange works, because, as we've said, the roads and the network are not individual parcels; they are all part of the same intertwined network. No-one benefits from having congestion. We really do feel for the people of the inner west and what they have suffered. Therefore, we have tried and we are continuing—sorry, I should say that we are continuing to work solidly every day to look at what's happening with the traffic, analysing that data and providing that to the Government.

The Hon. MARK BUTTIGIEG: Was there ever a point in time when hotspots or rat runs identified issues and the Government said, "Is there a way we can fix this in the design and construction"? Were those specific questions ever raised with Transurban?

ALISA HITCHCOCK: Transurban wasn't involved in the design or the construction phase. To the best of our knowledge, we can say we didn't flag design or construction challenges with Transport for NSW.

The Hon. MARK BUTTIGIEG: Let me get this right. In 2018, when you came on board, the design and construction was set in stone?

ALISA HITCHCOCK: The design is already complete as part of the environmental impact statement, of which there were some modifications later on, but largely the design was complete. We had no involvement in the procurement, the design and the delivery of the contract. That was with Transport.

The Hon. MARK BUTTIGIEG: When did construction start?

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ALISA HITCHCOCK: Construction started on Rozelle interchange I think around 2019. I would have to take that on notice.

DENISE KELLY: Yes.

ALISA HITCHCOCK: It was the Government's project.

The Hon. MARK BUTTIGIEG: Let's call it 12 months after you guys came on board. My point is this: If you've got a design and there are concerns being raised about the impacts of that design on local traffic and hotspots then, presumably, if the Government was availed of those concerns, it would have come to you as the owner-operator and said, "Is there anything we can do to fix this before we start shovelling dirt"?

ALISA HITCHCOCK: That's really a question for the Government, to be honest. That's not something for Transurban.

The Hon. MARK BUTTIGIEG: But there was no dialogue with Transurban along those lines?

ALISA HITCHCOCK: There was no dialogue about changing the design or the construction. As Denise said, we did provide some feedback throughout the process.

The Hon. MARK BUTTIGIEG: What was the nature of that feedback?

ALISA HITCHCOCK: As I said, feedback around the operations, the maintenance, and there was some feedback around traffic as well, absolutely. But the modelling that Transurban does is based on gantry data, so our ability to model the broader road network. Victoria Road, the free roads, the rat runs that you talk about is not Transurban's focus. We are looking at the actual tunnels and the roads that we own and operate.

The Hon. MARK BUTTIGIEG: Which is why you picked up these hotspots on Anzac Bridge and Victoria Road. So that was part of the modelling—

ALISA HITCHCOCK: All part of the broader network, as Denise said.

DENISE KELLY: It's all part of the work that we do. As part of opening a road, we do look at all of the interaction with the local roads and then feed that information back to the Government to make sure that we're giving as much and being transparent about what we see could be the problem.

The Hon. MARK BUTTIGIEG: No, sorry, this is a very important point. There seems to be an element of contradictory evidence here because Ms Hitchcock stated that the gantry parameters, the input data from the gantries, was not broad enough to include rat-run issues, to use a colloquial term. Ms Kelly, you seem to be indicating that that was factored in. Either it is or it isn't. The point is that the public, I think, would want to know that before these major projects go ahead there is a thorough modelling analysis of the impacts of all traffic. And if there's not, why not because the Government is representing their interests presumably?

ALISA HITCHCOCK: I think there absolutely is, but, as I said, that's really a question for Transport for NSW.

The Hon. NATALIE WARD: Thank you, Ms Hitchcock and Ms Kelly, for coming along today and for your assistance to the Committee's inquiry and for your written submission, which is very helpful, noting that you do have a significant history with building roads back to 2005, I think you said, going back to the opening of previous roads so this isn't your first rodeo, so to speak. I go to a follow-up on the government questions, that interaction prior to the opening. Can you talk to that and expand a little bit about that? Specifically I guess the critical time is, what, six months leading up to the opening it probably intensifies somewhat? Can you speak to that? What was involved in that communication? How does that work? Explain to the Committee what the ongoing interaction is and who that is with.

DENISE KELLY: Yes, sure. In relation to the work that we do, we undertook media campaigns, billboards and social media. We also designed a virtual Plan your Journey tool. So you could go onto the website and put in your origin and your destination and then work out how to travel. That tool actually shows you the exact signage, lane choice et cetera, that you would use in order to make your journey. As I said earlier, we've had 110,000 hits on that tool, making sure that people use that. We also did a lot of community engagement and campaigning.

ALISA HITCHCOCK: Sure. I guess there was a lot of communication, as Denise is talking about. In that six months prior to opening, we worked very closely with Transport for NSW to support their primary opening campaign. Obviously they were responsible for opening the asset, but we felt it was very important that we were speaking with Transport for NSW about the broader communication. As Denise said, it was about planning radio advertisements. We had over a thousand radio spots to communicate to people how to use the new asset—the Plan Your Journey website—so that people were able to pre-drive their journey, any entry, any exit on WestConnex to

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be able to essentially understand how the asset could be used before they even left their home; making sure that we had social media advertising.

We know that most people are now consuming their news via social media, so we had a very successful campaign that reached about 7½ million impressions on social media to make sure that people knew as much as they possibly could, what the opening of Rozelle interchange would mean to them. We've received a lot of very positive feedback from people that said that they understood a lot more after going through some of the elements of our campaign and also Transport for NSW's campaign that worked together ahead of the road opening in that six-month period.

The Hon. NATALIE WARD: That's very helpful. Following on from the questions about the interaction, I am interested in when you said you dealt with Transport for NSW. When you're talking about interactions with the Government, you mean with Transport for NSW. I want to hone in on that just to be clear. I understand your community connections, and that's terrific. Thank you for that; it is very helpful. But drilling down into what the preparations are, what the interactions were, can you clarify for us who that was with within Transport? How often were they? What was the kind of mode of the communication? Who was that with specifically? The preparation levels I guess were increasing at that time. What's your interaction and who drives that in terms of the decision-making about what to do leading up to that opening of the asset?

DENISE KELLY: Absolutely. It was a government project and, as I've said before, it was delivered by the Government, so they had the primary, I suppose, responsibility for driving their campaigns. But because we were going to be the operator and maintainer of the asset, we took an active role and became involved and also made, more importantly, our resources available to assist the Government in their campaign. We had working groups and also dealing with the higher levels of government in terms of the campaigns we were running and making sure that we were being very transparent about our messaging and what information we had and so forth.

ALISA HITCHCOCK: I should just be clear that the majority of our conversations are with Transport for NSW. When we talk about the Government, we really are in this instance talking about Transport for NSW. As Denise said, we had a number of working groups. Whether that was my team and the communications working group that we've talked through, whether it was the operations and the maintenance side of things, there were a whole host of team members, as Denise said, that were made available to Transport for NSW to support them throughout every aspect of the opening that we could.

The Hon. NATALIE WARD: Through that process with those working groups, did you feel that Transport was responsive to what you were saying, to what you were feeding in to them? How was that interaction?

ALISA HITCHCOCK: I think from my perspective it was a very positive experience. Obviously it's a very high-pressure environment when you're leading up to opening a \$4 billion road, and it was really all hands on deck. We had a very collaborative working relationship with Transport for NSW, and it's certainly something we have had each time we've opened a road with WestConnex.

The Hon. NATALIE WARD: If there was an issue raised, was it ultimately your decision or Transport's decision or was that a collaborative process? If you raised, "We're concerned about this," or, "In our experience in opening other road projects, these have been some of the issues," how was that interaction and how were any—terrible analogy—speed humps overcome? What was the level of communication with them and the decision-making from there?

ALISA HITCHCOCK: I think ultimately the decision was for Transport for NSW. This was their project. As Denise said, they were the ones who designed, they procured, they delivered with their construction contractor, so we could certainly provide advice and feedback based on our previous openings but ultimately the decisions rested with Transport for NSW.

The Hon. NATALIE WARD: In that six months presumably there were a lot more tin tacks, if you like, of the specifics of the opening, of potential problems with it. Can you speak to who you dealt with and how you dealt with them in that context? "We anticipate there might be an issue here. This is what we think you should do." What was that process and what was the feedback? "Thanks, we've taken care of it," or, "Thanks for the feedback," or, "We'll scrap the opening and redo the whole thing." How did that work?

ALISA HITCHCOCK: Would you like to talk about the operational side?

DENISE KELLY: Yes. The operational side, we had an intense working group. There was a very large working group involving everyone from the project directors from the contractors to the project director of Transport for NSW's project delivery section. They met initially when we first started 12 months ago. They were meeting monthly. Then it went to fortnightly. Then it went to weekly. Then it went to daily, quite frankly, in order

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to get us ready for that opening. We were all there physically in the control room when we were ready for that opening. Any issues that occurred at any of those levels were escalated as they needed to be, and they were largely operational issues. There is a separate discussion, as Alisa has mentioned, with the communications team around how to do the opening, how to best get the driver education out there, because our experience is that it's really important to get all of those driver education messages out there in the public.

The Hon. NATALIE WARD: I ask you to opine—and hindsight is always 20/20 in these things—if on reflection there are things that could have been done better or things that could have been anticipated in your experience? For the future, what was your experience or what could have potentially been a learning from the process operationally?

DENISE KELLY: We're always looking to improve; that is absolutely our mantra. We would always look to improve our processes and our road openings and how we can inform the public better, so we absolutely are taking on board the feedback that we are getting from the community and so forth. At this stage as well, I'd like to take the chance to say that the experience of Western Sydney motorists has been somewhat terrific. They're cutting travel times by 30 minutes, 15 minutes and so forth, and they're having a wonderful experience on the WestConnex road. That does not mean I'm not aware of the frustrations in the immediate surrounding network. So, absolutely, we're always future-forward, always looking to go forward with better ideas and better outcomes.

The Hon. NATALIE WARD: You don't control every part of it and every street but certainly it is a joint effort and everybody needs to pitch in.

DENISE KELLY: Yes.

The Hon. NATALIE WARD: The reality is that the impacts were somewhat more perhaps than anticipated in the circumstances and beyond what was publicly stated. I think that's a fair assessment. Was the sense that you got from Transport for NSW that this was what they anticipated and that they were aware of this, or that it came as a surprise?

ALISA HITCHCOCK: I think if we look back to the months prior to opening, Transport for NSW had their coordinator general out talking very publicly about the fact that they anticipated there would be challenges associated with the opening of Rozelle. It's very important to note that Rozelle is a very, very complex piece of infrastructure. When you look at the different trip options, there are essentially 19 different ways you can use the Rozelle interchange. It's not just one road on and one road off. That would have made it a lot easier. Transport for NSW was very clear to come out publicly, early on, and talk about the fact that there would be congestion challenges. We are absolutely cognisant of the fact that there have been significant challenges for that local community. My team and I talk to that local community on a regular basis and we hear it firsthand. But I am mindful that there was a lot of communication in that early, pre-opening phase about the fact that it would take time for this network to settle, and that's what we have seen.

The Hon. NATALIE WARD: On the specifics of that challenge, there were 25-minute delays. Did Transport for NSW anticipate and flag that there would be these 25-minute delays? Was that covered in the working groups, to your knowledge? Was it that level of specificity that was understood in that time just before the opening?

ALISA HITCHCOCK: Whether Transport for NSW anticipated, to be honest, would be a question for them. Certainly, we talked about the experience a motorist would have in those working groups. Did we talk about specific numbers—not necessarily. But we talked about how we could make it better for people, and we knew that one of those ways was helping to make sure people were as informed as possible so that when they started to use the road, we didn't see what you sometimes see—the driver congestion, people not knowing which route, entry or exit to take. We knew that the communication would be so important, and that was a key focus of our working groups.

The Hon. NATALIE WARD: To be clear on that, it wasn't like you had a meeting where Transport said, "We've got a real problem. There are going to be these long delays. We're going to have to reroute or do a staged opening." There wasn't that kind of discussion, just to be clear?

ALISA HITCHCOCK: Not to my knowledge, no.

The Hon. WES FANG: Thank you very much to both of you for appearing today. I'm in the enviable or unenviable position, depending on how you view it, of often using the Rozelle interchange on a daily basis when I'm in Sydney. So I was able to see the opening firsthand because I was travelling it daily. Before I cover off on those parts, I want to take a step back. Obviously, the WestConnex program was opened in a number of stages. The M8 section—the M4-M8 connection, effectively—was opened beforehand. When it opened, it would be fair to say that that was a fairly seamless process, with few teething problems. Would that be fair?

CORRECTED

ALISA HITCHCOCK: There are always teething problems with any road opening, but it certainly was a successful opening from Transurban's perspective. The difference between Rozelle and the M4-M8 link, of course, was that Transurban was responsible for delivering the M4-M8 link, so we were a lot more involved in the detail of that one. It was a slightly different process. There were still some teething problems but, certainly, people had a good experience as far as we understand.

The Hon. WES FANG: In relation to that engagement between Transport for NSW, that was obviously under the previous Government when the M4-M8 section opened and the Minister—I'm fortunate to have the former Minister sitting next to me.

The Hon. NATALIE WARD: Nothing more former than a former.

The Hon. WES FANG: That's unfortunate but, yes, true. Was it fair to say that the Minister was reasonably hands-on in that period of time?

ALISA HITCHCOCK: The Minister certainly came to the opening and, in terms of site visits, was very involved in understanding how the road would open and how the asset would operate. We had full support of the Government, Transport for NSW and the Minister.

The Hon. WES FANG: Beautiful. In relation to the difference and going to the Rozelle interchange, part of the issue came about on day one from the signage. It was certainly unclear that the connection from Victoria Road to the Anzac Bridge was free. It was unclear that the two lanes that enter the tunnel both end up merging onto the Anzac Bridge, with the traffic that will enter WestConnex merging off the right-hand lane. There was signage that was projected inside the tunnel that says "Anzac Bridge stay left", which then forced everybody into the left-hand tunnel, not realising that the right-hand lane also went around to the Anzac Bridge. There were clearly people, at the last minute, trying to pull onto Victoria Road to get out of the way of the tunnel because the signage was unclear. The difference between the M8 opening and the Rozelle interchange opening is, in part, because it was the Transport for NSW delivery of that project and then the handover. At what stage did WestConnex take over the Rozelle interchange asset?

DENISE KELLY: I can answer that one. The operations and maintenance of the Rozelle interchange passed into the hands of WestConnex on the eve of 23 November 2023. However, final completion of the arrangements between the contractor and the government are still in progress.

The Hon. WES FANG: So it was Transport for NSW, then, who were responsible for the installation of signage.

DENISE KELLY: On all WestConnex assets, all signage is directed, agreed and approved by the New South Wales Government.

The Hon. WES FANG: I recall in the House, during many of the discussions that we've had in relation to the Rozelle interchange, that the former Minister indicated that she personally looked at all the signage that was to be delivered for M8. It was to be looked at. She travelled the route. Are you aware if the Minister or the Secretary of Transport for NSW did something similar?

ALISA HITCHCOCK: To be honest, that would be a question for Transport for NSW. But what I would say to your point that there was confusion as a result of the signage is that's something that was updated as soon as we understood that people perhaps didn't understand their route journeys or didn't understand their lane choices. For Transurban, the in-tunnel signage that you talked about was able to be updated immediately so people could understand which lane was their best to be in if they were exiting at Anzac Bridge. I understand that Transport for NSW very quickly also implemented the free Iron Cove link sign, as you're talking about, at the Drummoyne end of the road.

The Hon. WES FANG: But, ultimately, the responsibility for that would end up with the Secretary of Transport for NSW, given that they are the entity that is delivering the project, overseeing the signage and overseeing the way that the project is prepared for operation. I note that you did talk about the video sequences that were produced, and I did use them to understand which way the Rozelle interchange would work. But the Secretary of Transport for NSW bears ultimate responsibility in relation to issues such as signage that declares there will be a toll when, clearly, there is no toll. And there was clearly no communication to motorists, prior to that, that that section of tunnel was free.

ALISA HITCHCOCK: I think the communication to motorists about the Iron Cove link being free was something that we certainly talked about. It was part of our communications because, ultimately, we wanted people to use the Iron Cove link to be able to get into the city or back to wherever they were going. It certainly formed part of our communications campaign, and feedback was provided from motorists and community

CORRECTED

members to us and to Transport for NSW. So we certainly were very mindful of the changes that needed to be made and I believe Transport were too.

The Hon. WES FANG: You've both indicated that you've worked for Transurban for a number of years. There was criticism that the Secretary of Transport for NSW had no operational experience and that would be a risk. Do you, perhaps, concede that the opening of the Rozelle interchange was a direct relation of the fact that the secretary had no operational experience and that, therefore, the shambolic opening of Rozelle was a direct relation to the fact that we employed a secretary with no operational experience into one of the most complex departments inside the government of New South Wales?

ALISA HITCHCOCK: That's not something appropriate for us to comment on, but what I would say—

The Hon. WES FANG: Please do—you can. Feel free.

The CHAIR: Order!

ALISA HITCHCOCK: It's not appropriate. But I would say that we worked very closely with Transport for NSW. We have a very good working relationship with them. As we said, over 20 years we've worked in the Sydney road network, and that's a very positive relationship we enjoyed with Transport ahead of the Rozelle opening.

DENISE KELLY: And it's very important for us to work with government—all levels of government.

The CHAIR: What we have found with submissions to this inquiry and the previous inquiry into WestConnex is that, in fact, the submissions, the EISs, everything predicted chaos in the side streets well before a change of government. I wanted to turn to another agreement that has been held from the public. This time it is the ramp metering agreement. What's in that?

DENISE KELLY: The ramp meters are operated by Transport for NSW. The location of them, the operation of them is all within the control of the Government.

The CHAIR: It's in the control of the Government, but there was an agreement—I'm talking about the agreement.

DENISE KELLY: Sure.

The CHAIR: The agreement is between the Government and the consortium that I'm assuming Transurban is a part of. You'd be very well aware that agreement is critical to the operation of WestConnex. I assume it's quite critical to the chaos as well that we've seen since the opening. What is in that agreement?

DENISE KELLY: The agreement covers the maintenance of the actual ramp metering technology and systems. There are important reasons for that to be kept secure, because if there was unauthorised access to that information and to those systems and to that technology then that could actually impact tunnel safety and tunnel safe operations.

The CHAIR: It is a ramp metering agreement. I understand, from an article in the *Australian Financial Review* on 1 March this year, that the detail of this ramp metering agreement couldn't be revealed or made public because it involved significant commercial negotiation. Is it a little bit more than safety?

DENISE KELLY: I would class it more related to maintenance, Madam Chair. The maintenance of those systems is the responsibility of WestConnex and we've got to keep those safe and secure. The equipment is within the boundaries of WestConnex and we're obliged to keep that—

The CHAIR: But the ramp metering agreement, though, a lot of that is happening on the surface roads. There were three attachments to that ramp metering agreement that were not released to the journalists that obtained it through freedom of information laws: an operations management plan, an operating procedure and a fault management procedure—so three documents. It was cited that they were not being released and made public because of "significant commercial negotiation". It sounds like there is a little bit more in that ramp metering agreement than just a few things to do with maintenance.

DENISE KELLY: There are very complex systems that relate to the ramp metering and keeping those safe. There are requirements for us to keep that equipment protected and make sure that there is no unauthorised access to that equipment. The agreements themselves do not deal with how Transport for NSW is going to actually operate those ramp meters and there are obligations on us to keep that protected.

The CHAIR: Was there any provision around the metering of public roads when WestConnex was sold to Transurban?

CORRECTED

DENISE KELLY: I believe the ramp metering was actually documented in the original EIS back in 2017, so it has been in place for a very long time. The ramp meters on WestConnex operate no differently to how ramp meters operate in the broader Sydney network.

The CHAIR: Would Transurban support the removal of some of those ramp meters?

ALISA HITCHCOCK: As Denise said, we don't operate the ramp meters so it's not really a question for us as to whether they should be removed or otherwise.

The CHAIR: Well, you've got an agreement. With respect, Ms Hitchcock, there is an agreement that you have kept secret, or somebody has kept secret, that you are not wanting to talk about. There is an agreement between Transurban and the Government. You can't just say it's up to the Government because they run it. You have an agreement in terms of the way in which they're run. My question is: Would you support the removal of the ramp meters? Or is it in the agreement that they can't be removed?

DENISE KELLY: Madam Chair, the agreement relates to the maintenance of that equipment; it doesn't govern how Transport for NSW actually decides how to use the ramp meters in any given situation. However, what I can say is it is very important for traffic in tunnels to be kept moving and for their egress to be smooth because, otherwise, if there is a safety incident then there could be a very major safety incident as a result of that.

The CHAIR: Okay, so the attachment that says "an operating procedure to the ramp metering agreement", that attachment, that operating procedure, is all about maintenance of the meters?

DENISE KELLY: It's about maintenance. It is not—

The CHAIR: It is not about how they operate?

DENISE KELLY: No.

The CHAIR: That's incredibly frustrating.

DENISE KELLY: Transport for NSW operate them; we maintain them. I apologise for any confusion.

The CHAIR: Would Transurban agree to provide the operating procedure, for example, to the Committee?

DENISE KELLY: I would have to consult with—given that's an agreement that we have with the Government, that would be a matter that we would deal with with the Government. However, I can say that, as I said before, it does relate to the security of those systems and does not relate to how the tunnel is operated from a ramp metering perspective. It is really about the equipment that runs the ramp meters and the technology and the safety systems associated with that.

The CHAIR: You know that the Committee can request documents and keep them confidential to just the Committee, to assure ourselves that what you are suggesting is in these three attachments to the ramp metering agreement is all to do with maintenance, and not release them publicly? It certainly sounds very strange that you would be keeping so much from the public if it was just about maintenance, frankly. That's the way it looks—it really does.

DENISE KELLY: Thank you, Madam Chair. I'm happy to take that on notice.

The CHAIR: You said before, Ms Kelly, that drivers are, in your words, "having a wonderful experience driving through WestConnex". Isn't that because the Government has had to offer cashbacks, capped tolls, because it's just so damn expensive going through all of the tollways that Transurban operates? If there were no cashbacks, if there were no government subsidies, you'd find a lot more drivers trying to avoid your toll roads, wouldn't you?

DENISE KELLY: The way that WestConnex operates is that it's the first multi-concessional toll road that actually has a toll cap. After you drive for 16 kilometres on WestConnex, it is capped at \$11.78, at the moment.

The CHAIR: Yes. And just to describe that cap—what that means—it's not Transurban offering a cap but it's the taxpayers' money going to Transurban?

DENISE KELLY: No, Madam Chair, if I can just explain. The toll agreements that we have in place were put in place many years before WestConnex became involved and the toll cap that I am talking about is actually the toll people pay. It is not the reimbursement of the cap, which is I believe—

The Hon. Dr SARAH KAINED: But they have guaranteed profit.

DENISE KELLY: Perhaps if I can clarify, you may be referring to the \$60 rebate?

The CHAIR: Yes.

CORRECTED

DENISE KELLY: Yes. No, you are correct; that is funded by the Government. But what I am talking about is if you travel on WestConnex. Once you travel on WestConnex for over 16 kilometres, your toll is capped. It is a 33-kilometre network and your toll is capped at \$11.78 if you're a car.

The CHAIR: And just remind me, how much is Transurban receiving in government subsidies in terms of the money that the Government is paying Transurban each year for toll subsidies, essentially? How much is that figure?

DENISE KELLY: Transurban doesn't actually receive any toll subsidies from the Government. This is probably a question that is better answered by Government, but we don't receive any toll subsidies from the Government.

The Hon. Dr SARAH KAINE: But you have a guaranteed return, don't you? Don't you have a guaranteed return?

DENISE KELLY: No, Ms Kaine, we do not have a guaranteed return from the Government. We took traffic risk. When we entered into the contracts, we took traffic risk.

ALISA HITCHCOCK: If you look at the instance of COVID, for example, Transurban took the risk in COVID. We didn't receive any subsidies, any payments from the Government during COVID. It is up to Transurban to take the risk when we buy these assets.

The CHAIR: Yes. But the public are receiving compensation or subsidies for how much they're paying you, essentially. They're more comfortable driving in your motorways because they know they're going to get this money back from the Government. I don't know what your modelling is showing, but if we didn't have financial incentives for people to use those motorways, I think fewer people would be using them. Is that correct?

DENISE KELLY: The figures that we have as of last year in our financial reports that are made public, there were up to 278,000 people that were using the WestConnex network every day. That number has increased, and that's because we believe they're getting reliability, they're getting a great service and they're getting to their work or their play or their children's events 30 minutes, 40 minutes, 15 minutes earlier. I can't speculate on whether or not the decision by the Government to offer a toll rebate is playing into that. But what I can say is that people are making a decision, and they can make an informed decision because we have link and trip compare tools. We've got a partnership with Google Maps that tells you how much your journey is going to cost and also how much time you would save if you go onto a toll road. All of these options are playing into people's decision-making, and we see that in that we're seeing 300,000 trips per day on WestConnex.

The Hon. MARK BUTTIGIEG: I want to take you back to that line of questioning about the dialogue between the Government and Transurban. What is the process if the Government seeks to make a structural change to the network—tunnels, for example? Would Transurban have veto over that decision? In other words, does it require agreement from Transurban before it can do that, or can the Government unilaterally do it?

DENISE KELLY: Mr Buttigieg, can I just clarify if you're talking about a change to WestConnex or a change to the surface roads, please?

The Hon. MARK BUTTIGIEG: A change to the motorway network. In other words, you've come into a contractual arrangement with the Government to purchase this piece of road network and operate it. If the Government says, pre-construction, "We're going to change X, Y, Z because we have found issues with congestion or whatever," do you have veto over that?

DENISE KELLY: The way that it would work is that first of all the Government can make any changes to the surface roads—any of the roads around the Rozelle interchange—without any type of conversation with us. There is no contractual arrangement, no commercial arrangements in place that prevent them from taking any action whatsoever to alleviate congestion around the Rozelle interchange. In relation to WestConnex specifically, we have entered into contracts with the Government. The Government has said that they will honour those contracts because they've been entered into in good faith. Having said that, if the Government wants to make a change, they will contact us, they will consult us and we will have a collaborative and mature dialogue about that change.

The Hon. MARK BUTTIGIEG: But, ultimately, there has to be some sort of clearing house. You're saying the clearing house is the contractual arrangement. Are there provisions in that contract that would allow you to say, "Well, that's not what you told us you were doing. You can't do it."?

DENISE KELLY: The contract does not impede the Government from making any decisions that they have to make. What it does do is it allows—

The Hon. MARK BUTTIGIEG: Including structural changes directly associated with WestConnex?

CORRECTED

DENISE KELLY: There have been no discussions around that, so that is a slightly hypothetical question. However, what I would like to repeat and reassure you is that there are no reasons why the Government would not come and speak to us about any changes that they wanted to make. And we would absolutely, 100 per cent engage with them because we've been involved in the Sydney network for 20 years, and we're committed for several more decades. It is in our interests to have a fully functioning Sydney transport network.

The Hon. MARK BUTTIGIEG: But some of these redacted compensation provisions—you would be able to enliven those, wouldn't you, if it was going to affect your business model?

DENISE KELLY: Mr Buttigieg, any provisions that related to Rozelle themselves are now finished because Rozelle was delivered by Transport and handed over to us. They are no more.

The Hon. MARK BUTTIGIEG: No, but we traversed this history before.

DENISE KELLY: I'm sorry.

The Hon. MARK BUTTIGIEG: When you came on board in 2018, the construction hadn't started, had it?

ALISA HITCHCOCK: No, I think it was in its early procurement phases.

DENISE KELLY: Early stages.

The Hon. MARK BUTTIGIEG: There was still opportunity for potential changes if the Government thought—there was no dialogue whatsoever about potential changes?

ALISA HITCHCOCK: In those early days, no.

DENISE KELLY: No.

ALISA HITCHCOCK: Transport for NSW had their environmental impact statement that really sets out how the design, how the network would operate. That's not a Transurban document. It's not something that we were consulted on or fed into. That was a Transport for NSW document.

The Hon. Dr SARAH KAINE: I think this is just restating what my colleague said. Going back to consultation, can the Government make changes to the motorway network without Transurban approval?

DENISE KELLY: We have contracts in place with the Government in relation to our network only, Ms Kaine.

The Hon. Dr SARAH KAINE: With your part of the network, can the Government make changes without Transurban approval?

DENISE KELLY: The Government can make changes following consultation with us, and we expect them to do that in the context of our relationship and the context of agreements that we have entered into in good faith. The Premier has said he will honour those agreements.

The Hon. Dr SARAH KAINE: I understand that. But consultation can take many forms, and consultation doesn't necessarily end with both parties agreeing. If you were to not agree with the Government at the outcome of those consultations and it wanted to make a decision, would it be able to without Transurban also "sharing the vision", let us say?

DENISE KELLY: I think that's a hypothetical. But what I would say is that, as I have said many times this morning, it's in our interests to have a fully functioning transport network. If there were discussions taking place, I imagine that those outcomes would be for the betterment of the network. No-one benefits from congestion. The Sydney network works better if it's intertwined and interactive, so I would say that we would hope that any engagement with the Government would be positive for all parties involved.

The CHAIR: I want to go back to the ramp metering agreement. This article in the *Australian Financial Review* states that the Government's information access adviser—firstly, have either of you seen the ramp metering agreement?

DENISE KELLY: I have seen parts of it.

The CHAIR: Okay. The documents couldn't be released because:

The government's information access adviser said the documents contained "sensitive commercial information ... including the business rules, key performance criteria, location of key infrastructure assets and technical information concerning the regulation of traffic in connection with the Rozelle Interchange and its connecting roadways".

CORRECTED

Let's think about key performance criteria. That doesn't sound like it's got anything to do with maintenance. Business rules? Same thing. Ms Kelly, what is contained in these ramp metering agreements? What's the performance criteria?

DENISE KELLY: The performance criteria will relate to how we have to maintain the equipment, as in we'll be under an obligation. Without checking and going back over the agreement, which I would like to take on notice, it still relates to our obligations to the Government in relation to that equipment.

The CHAIR: Why did the Government access adviser say that these documents and the operating procedures for the ramp meters were the subject of lengthy commercial negotiations with the trustees? What's that about?

ALISA HITCHCOCK: To be honest, this is a document that we didn't classify. It is a government document, so they're questions we can't answer.

The CHAIR: No, it's an agreement with Transurban.

ALISA HITCHCOCK: And we didn't classify the document. The freedom of information officer is not a Transurban person. We can't answer that.

The CHAIR: There weren't lengthy commercial negotiations with the trustees in terms of how the ramp metering was going to operate?

ALISA HITCHCOCK: As Denise said, we are absolutely responsible for the maintenance, the safety elements, making sure people can move through the tunnels safely. And those are the elements, as Denise said, contained in that document.

The CHAIR: But is it not the case that another item, something else that is in these documents, is the way in which those ramp meters are operated and the way in which it will influence the traffic in WestConnex and not impede that traffic, and that's what the commercial negotiations are about?

ALISA HITCHCOCK: There's only so many ways that we can explain that these are very operational questions and that Transurban does not operate the ramp meters. I'm sorry we can't be any more detailed and specific for you.

The CHAIR: But you signed this agreement that won't be released publicly because of very sensitive commercial negotiations, and that's what this inquiry is trying to get to the bottom of: whether the type of sensitive commercial negotiations that won't be released publicly is what is leading to the pain that is being experienced by inner west residents, because the Government can't take any action that will impede traffic flow through WestConnex.

DENISE KELLY: No. I would like to clarify absolutely that the—they're not my words that have been used by the freedom of information officer. However, it is categorically the case that Transport for NSW operate those ramp meters. They operate them in accordance with traffic engineering principles that are well above any qualifications that I have, but they do not impede the way that traffic is flowing through that network. That's not the purpose of that agreement. The purpose of that agreement is to cover maintenance and to keep that equipment safe and to prevent unauthorised access to that equipment.

The CHAIR: We'll go to questions from Ms Ward.

The Hon. NATALIE WARD: In the couple of minutes we have left—five minutes?

The CHAIR: Four minutes, thank you.

The Hon. NATALIE WARD: On these documents, I just want be clear that the redactions are not Transurban redactions, and taking out the redactions is a matter for government, not for Transurban. Is that correct?

The Hon. Dr SARAH KAINE: So Transurban will give us a document then? Is that what they said?

The Hon. NATALIE WARD: It's my time. I've got four minutes.

The Hon. Dr SARAH KAINE: Sorry, I just wondered. I just presumed that—

The Hon. NATALIE WARD: It's not up to you whether they're redacted. It's not up to you whether that is lifted or not. Is that correct?

ALISA HITCHCOCK: That's as far as I understand.

DENISE KELLY: That's as far as I understand.

CORRECTED

The Hon. NATALIE WARD: The Government can do that?

DENISE KELLY: It's a question for government.

ALISA HITCHCOCK: It's a question for government.

The Hon. Dr SARAH KAINE: But you can give it to us.

The Hon. NATALIE WARD: Just in relation to the risk you talked about, there's no methodology by which to, if you like, feed vehicles into WestConnex, other than people making the choice to do so or convenience to do so. Can I just ask about risk, then? Equally, if there are no vehicles in WestConnex—say, for example, and I'm not wishing it ever again, a pandemic and COVID with not so many people on the road—do you get any compensation for that in that circumstance?

DENISE KELLY: No. I can actually say that during COVID we did not receive any compensation from the Government or subsidies.

The Hon. NATALIE WARD: In relation to documents, again, I think the Minister has spoken about tabling the concession agreements in Parliament. Have you had any discussions about tabling those agreements at all? You said that that would happen and that doesn't seem to have happened.

DENISE KELLY: I have not had any discussions about that, but I understand that the summaries that are available on the Treasury website continue to be so and we have not had any further discussions at this stage.

The Hon. NATALIE WARD: Okay. That's different from tabling them.

DENISE KELLY: Yes. That's exactly—thank you. I'm sorry.

The Hon. NATALIE WARD: In relation to feedback from the community, appreciating what has happened so far, is that opportunity for feedback still ongoing with those communities? I'm sure there's not as many complainants in Penrith as perhaps in Drummoyne. Is there the opportunity for those communities to be able to integrate their comments to you? Who is managing that? Are you doing that? Is Transport doing that? How is that working?

ALISA HITCHCOCK: Absolutely there is no time line on when people need to have provided feedback by. I would say, though, that since Transurban's taken over operation of Rozelle interchange we've received a total of 65 complaints from the local community. I'm mindful that up to about 55,000 people are using Rozelle interchange on a given day, so we have received a relatively low level of complaints. With that said, we are absolutely mindful of the fact that the communities have been impacted by this piece of infrastructure and have had their challenges around the congestion post-opening, but at any point they can come to us. There's a hotline they can call. There's an email address. Members of my team spend quite a considerable amount of time going out to see community members in their homes one on one. So I would absolutely invite people to get in contact. We are very happy to speak to them, and I know Transport for NSW are too.

The Hon. NATALIE WARD: Thank you, that's very helpful.

The Hon. MARK BUTTIGIEG: Chair, in the interests of time-sharing can I ask a quick final one?

The CHAIR: Just let Ms Ward—we've got two minutes. One more question. It's 11.45.

The Hon. NATALIE WARD: It's a matter for you, but can I invite you to consider taking on notice that, of those complaints, it might be helpful for us to understand broadly where they're from. That could be a number or a percentage. I'm assuming the answer to the question is there's less from Campbelltown, Penrith. Could you perhaps break it down, if you're able to, by Penrith, Liverpool, Campbelltown, those suburbs, and then Drummoyne, Balmain, just for us to get a feel of where the majority of those are. I suspect I know the answer but it would be helpful to see.

ALISA HITCHCOCK: I'm very happy to share that now.

The Hon. NATALIE WARD: Yes, and what they relate to.

ALISA HITCHCOCK: Absolutely.

The CHAIR: We're almost out of time, actually.

ALISA HITCHCOCK: I'll be very quick. They're from that inner west community. Those 65 are mainly from that inner west community.

The CHAIR: Who are absolutely exhausted because they have made so many complaints—

ALISA HITCHCOCK: The majority of people are—

CORRECTED

The CHAIR: —and so many submissions over so many years.

ALISA HITCHCOCK: I'm sorry. I'm just answering the question. The majority of people are providing feedback on signage, as we've absolutely talked about, and the congestion and how to use the asset. Those are the main questions we're getting.

The CHAIR: We are out of time, Mark. Is there anything—

The Hon. MARK BUTTIGIEG: Just very quickly. Apparently there is an arrangement called the revenue upside sharing arrangement. What's all that about?

DENISE KELLY: Just very quickly—obviously, I'm happy to take that one on notice but happy to answer that one.

The CHAIR: We do need to finish up this session, so thank you both very much for appearing before today's inquiry. The Committee really appreciates it.

(The witnesses withdrew.)

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Professor WENDY BACON, Investigative Journalist, Community Environmental Monitoring, affirmed and examined

The CHAIR: Professor Bacon, you have a short opening statement to make?

WENDY BACON: Yes. I'm a journalist and a member of Community Environmental Monitoring. Thank you very much for the opportunity to address the Committee. I should say at the outset I was one of thousands who opposed WestConnex. We are in good company with councils, independent planners and transport experts. I became involved because I knew people who lost homes or suffered terrible impacts long before this. On a voluntary basis I devoted a lot of time to researching WestConnex. I'm also a supporter of public transport, especially in Western Sydney, much of which remains poorly served.

I'm a member of Community Environmental Monitoring and we've got a couple of other people here today. We're a small group of journalists, scientists, social researchers and others who do research and publish in the public interest. One of the big challenges for communities is that independent research support is often very expensive and local journalism has all but collapsed. Charlie Pierce, our research coordinator, is in Japan but would be willing to answer any written questions. He is a very experienced environmental scientist, including with Sydney Water, at the EPA and with landfills.

I can only mention a few aspects here, but I'd be happy to take any questions and, of course, any further questions on notice. Other witnesses have expressed surprise at what happened at Rozelle and surrounding areas and have called for accountability, but there can be no accountability of any kind unless we understand how the current situation was produced. Before speaking about Rozelle specifically, and two documents I'd like to refer you to, I want to explain why the St Peters interchange and other WestConnex matters are related to this inquiry. The Rozelle interchange was planned and remains part, as we've heard this morning, of the WestConnex network which was announced in 2012. The planning decision-making and impacts of the interchange are a reflection of the underlying problems with the whole project. There were two major inner Sydney WestConnex interchanges. If one has failed to deliver either one of two promised parks and the area is physically neglected and congested, surely that must be a related matter to the risks at Rozelle.

The underlying cause of the problems at Rozelle and St Peters are relevant to the projects that will continue: the Western Harbour Tunnel, the M6 and the Sydney Gateway, which was supposed to be part of the original project but is still not open. The decision to proceed with WestConnex was taken behind closed doors on the advice of companies, some of which have played a major role in the project. These include Leightons, which became CPB as CIMIC, and AECOM, which did the EIS. An enormous amount of community energy has gone into this project, and many people feel that that energy was wasted. I think, in terms of costs of WestConnex, we must take into account the loss of trust and community faith in the planning process. Much of the communications about WestConnex are not based on evidence but are generated for public relations purposes, and it's quite hard for the public to discern between those two things. For example, the Premier said in 2017:

When this project has finished, not only will you have less traffic on local roads, because traffic will be underground, but you're also going to be given open space you didn't have before.

Former industrial sites, former landfill sites are going to be converted into beautiful green parks for the community to use.

I invite you to look at the PR pictures of the St Peters interchange and go and visit there, as I did last Friday. It's actually quite disgraceful, the state of the interchange. I won't actually say more about St Peters interchange here because I do want to mention specifically the paper trail that exists on the Rozelle interchange, because I know this is a major focus for you. The EIS predicted, and I think you already understand this, some of the traffic impacts we're now seeing, including flooding of the Anzac Bridge. The EPA actually advised against proceeding with stage three unless more work was done. The EPA was ignored and overridden. One of the things that had to happen is that, under the conditions, first of all there had to be a peer review. A very important document is the Bitzios report. I found this on the planning website and I'll just read you one quote from that:

The 2023 AM peak modelling results show that, soon after opening, queues will extend back across the Anzac Bridge and into the Rozelle Interchange. Also, due to the faster and higher volume arrival rates from the M4-M5 Link components of the interchange, inbound City West Link traffic will also be affected.

I wonder whether the only result of that advice to planning was to make sure that nothing stopped within the interchange itself at the opening. This peer review—a serious peer review by transport experts—was delivered not long before the approval was given. We're talking a matter of weeks. I think there needs to be an investigation into what followed from that peer review and who took what actions.

A second document I'd like you to refer to, and I think you will have this, is the pre-opening—this is a question of the conditions; I think it's condition E63. The pre-opening plan had to review what was the existing

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state of the traffic not long before opening. A preliminary plan has to be put out and sent to the councils. You will find on the City of Sydney website their submission back to that draft plan, and I think this is perhaps a most significant document. First of all, they said that the draft plan did not meet the conditions set down by the planning department. They said they hadn't been consulted in the development of the draft plan. That itself should have been a breach of conditions. They said:

TfNSW uses a modelling methodology that is not fit for purpose for assessing the impact of changes to a motorway interface on the surface roads adjacent to the off-ramps.

...

The City has requested access to the SMPM assumptions and growth forecasts, TfNSW have refused to provide this information to the City ...

Well, is that statement true? Who made that decision, and what are going to be the consequences of that decision, because it certainly flies in the face of the conditions. That document, that submission, was actually presented last September and then, very quickly, the final plan emerged very shortly before the Rozelle interchange opened. Everything is just following. You can see how the decisions become a matter of procedure rather than having a real impact as they're meant to do.

Transport for NSW was obliged to give the final report to councils and wait for more feedback. I haven't been able to find out if it was actually provided to the Inner West Council; I've asked questions and I haven't got a response. Did they also comment on the draft plan, and were they given an opportunity to comment on the final plan? I also know, for example, that—just on the question of communication with Transport for NSW—the Inner West Council has passed three motions related to the St Peters interchange. They have never got a proper response from Transport for NSW—any response, in fact. A letter sent on 31 January, as far as I'm aware, as of last week has still not been responded to. I noticed that the mayor of the Inner West Council said everything was working fairly smoothly with Transport for NSW. I think that statement should be further tested.

I think one of the problems with this is there's different levels of communication in a sense that some levels aren't speaking to any other levels. Of course it would be nice if there was a quick surgical fix to the traffic delays around Balmain, Drummoyne and other suburbs, and of course everyone has sympathy. Any fix, however, will have impacts. The planning process in New South Wales is often reduced to the cosmetic. Unless the Government is prepared to rethink transport decision-making and other planning in a way that decisions are responsive to expert evidence, there will be more fiascos like St Peters and Rozelle. I'd like to make some comments on the air quality that we've paid a fair amount of attention to, but I could take that in questions.

The CHAIR: Thank you, Professor Bacon.

WENDY BACON: I should say that I'm not actively a working professor; I'm a retired professor.

The CHAIR: That's the name on your plate. Ms Bacon, is that okay?

WENDY BACON: Yes.

The CHAIR: There's so many questions, actually. You said in your opening statement that the modelling methodology of Transport for NSW was not fit for purpose. It doesn't seem they provided the modelling to the City of Sydney. Was that also what you were suggesting?

WENDY BACON: A document can be read. It's actually linked to the City of Sydney submission. I just took a very small amount out of it, but the documents from the City of Sydney are impressive documents prepared by experts. I'm certainly not a traffic expert, so I do, as a journalist, rely on other documents. But there's detailed material there about the weaknesses of the traffic modelling. Actually, going right back with WestConnex, when AECOM was selected to manage the EIS process, one of the things is they were, I think, still involved with litigation over earlier failed traffic modelling. There was always a big question mark over the modelling. The other thing is, the Bitzios peer review that was done for planning—they very certainly are traffic experts. In a more, perhaps, detailed way, they point out the flaws in the stage three modelling that pointed to—they said more work needs to be done on this. Sometimes these documents are quite hard to find—they're certainly not for the average member of the public—so I will send that peer review through to the Committee. I think in a way that speaks for itself rather than me trying to detail the flaws in the traffic modelling.

Part of it is, when you're looking at the local impacts, the local impacts that go far further and in different, more intricate ways than those draft plans reflect—so when they do that draft traffic plan saying what they expect the impacts to be. You'll see very often that level of service remains much the same; sometimes it gets worse and sometimes it gets better. In terms of stage three, Lyons Road, for example, was predicted to get worse. If the people of Drummoyne are surprised, or the council, that was clear even in the Transport for NSW document.

The Hon. MARK BUTTIGIEG: Which you say is somewhat flawed, in the light of the Bitzios review?

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WENDY BACON: It's flawed in the light of the City of Sydney's independent reports going right back with WestConnex. It's flawed in terms of the peer review by Bitzios—lots of criticisms in that. In the end, they recommended some change of conditions, but you only have to read the document to understand there are a lot of problems.

The Hon. MARK BUTTIGIEG: This is an important point. Using that Lyons Road as a microcosm example, if that came out as part of Transport for NSW's modelling, was that communicated to the public?

WENDY BACON: No. I think what government said—and I can't speak for the Government, but my impression is what they were saying was there are going to be some difficulties, but all of this is going to be bedded down. I listened to the witnesses from Drummoyne, and they certainly seemed to be expressing surprise and feeling that the traffic had been pushed back towards Drummoyne. That was predicted that that could happen and certainly Lyons Road. I don't want to divert from Rozelle, but another really good example of this, as some people on the Committee may be aware, is that Stoney Creek Road over on the other side of the city was predicted to get worse, and believe me it has. There have been loads of complaints about that.

The Hon. Dr SARAH KAINED: Yes, we know about that one.

The Hon. MARK BUTTIGIEG: We know.

WENDY BACON: You know, yes.

The Hon. MARK BUTTIGIEG: We both live in the St George area, so we know.

WENDY BACON: Okay. There are impacts there as well, but I think perhaps the Rozelle people—we all know that some communities have better media access than others, and I do think it was quite dramatic what happened in Rozelle as well. The impacts of St Peters are also really not good. I put up on Facebook last week, "Can you tell me what you see as the impacts?" I'll be writing an article based on what was fed back. For example, Edgware Road on Saturday was completely clogged. I've got a photo of it. In a way, that goes back to my original point that a lot of this traffic planning assessment goes within a pretty narrow frame and also just the level of service at the particular intersections. It's not looking at the minor roads, for example, that may be the rat runs when people don't want to go through the intersection.

The Hon. MARK BUTTIGIEG: Notwithstanding all those deficiencies and the deficiency of the model, in the light of the Bitzios review, was there any community pushback on that, given the issues it would cause around Rozelle and Drummoyne?

WENDY BACON: No. I think this is a question—

The Hon. MARK BUTTIGIEG: Was that because the community wasn't sufficiently—

WENDY BACON: I don't think the community were told. We've raised in our submission, from the Community Environment Monitoring, the question of whether Inner West Council is adequately resourced, and we could ask the same about—I think the City of Sydney has more experts on hand, but even then it all happened in a bit of a rush. That report, I think, is dated November.

The Hon. MARK BUTTIGIEG: November?

WENDY BACON: November 2023.

WENDY BACON: Let's assume they got it, and they were meant to have an opportunity for feedback—it's not clear to me that feedback happened. Either way, the thing is done and dusted by that stage. Given that it was—

The Hon. MARK BUTTIGIEG: Sorry, Ms Bacon. November 2023 was the Transport for NSW report?

WENDY BACON: No, that was the performance plan. I'm sorry if I haven't got the exact—

The CHAIR: It's a pre-opening performance plan.

WENDY BACON: The pre-opening performance plan was not ready until just weeks before. I might add there—

The Hon. MARK BUTTIGIEG: The horse has bolted, then, hasn't it? It's too late.

WENDY BACON: Exactly. The horse bolted back at the approval stage. I really think a good question will be what happened to that peer review that went into planning again shortly before approval. I've got the dates of that; I think it was weeks. What actually happens in planning as a result of that peer review? Do they then contact Transport and say, "We better have some detailed talks about what's going to happen here, otherwise we're going to have a lot of bad impacts"? But that doesn't seem to happen. In fact, I put in a question to planning—

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The Hon. MARK BUTTIGIEG: Who commissioned the peer review?

WENDY BACON: Planning commissioned the peer review.

The Hon. MARK BUTTIGIEG: Department of planning?

WENDY BACON: Department of planning.

The Hon. MARK BUTTIGIEG: Back in? What date? What year are we talking about?

WENDY BACON: We're talking about the same year as the approval. I think it was 2017. Apologies if I do get dates wrong, but I think that was during the approval process for stage three. What happens is the EIS comes out. Everyone puts in their submissions. Realistically, the only ones that really count are the council ones or the agency ones, like EPA, water and that sort of thing. They all put in their submissions and then they have to do a response to submissions. You can track through in that document, "Okay, that point was made by City of Sydney. What was the answer to that in the response to submissions?" You'll find City of Sydney bitterly complaining in their response to the response to submissions—I've read that—that it was not responsive. So there's a lack of engagement with critique at every process.

The Hon. MARK BUTTIGIEG: Who was responding to these complaints by City of Sydney? Was it planning or Transport for NSW?

WENDY BACON: At that stage it would have been planning, but then it has to go to the proponent, which is Transport for NSW; it used to be RMS. They're feeding into the process. But there's a huge problem with the fact they've already decided to do the project, and yet there's this approval process. I think the best that could be said about it is some conditions get put in place, and sometimes there are minor changes. But if there are big flaws, they're likely not to be responsive. I just want to make sure I'm clear here. When the response to submissions comes back, that's really the end of the process, from a public point of view. Then they work on the conditions and then they issue the approval. In the case of stage three, the approval happened, and it was only made public several weeks later, and then the construction begins. In the case of stage three—and this is Rozelle—there was a huge change when they did that Crescent Overpass, but there was no proper EIS for that. I'm not saying there were no submissions and there was no opportunity for feedback. But the EPA, in their letter back on the Crescent Overpass, actually said, "We've already said to you that we don't resile from our previous advice that this should not be going ahead. There should have been more work before you went ahead with this."

The Hon. MARK BUTTIGIEG: Who said that?

WENDY BACON: The Environment Protection Authority.

The CHAIR: I'll just jump in and pick up on that. You mention the community exhaustion with the whole process at multiple stages of the construction of the various stages of WestConnex. Firstly, would you care commenting on your experience in terms of how the community has felt for years and years and people who have been dramatically impacted? Also, whether it's around critical State significant infrastructure, are there any recommendations as to what should be done? As you said, it was already decided, and there are years and years of this process that the community is engaged in. It kind of feels like none of their views were taken into consideration anyway, ultimately.

WENDY BACON: That's what people did feel. Just on the critical State significant infrastructure provisions in the Act, one of the astonishing things with them is that that signature of the Minister, which has dramatic implications for the planning process, can happen without—from the public's point of view, anyway; I don't know because I've never done a GIPA to find out what actually is happening behind the scenes—any detailed arguments or evidence being provided at all about why this is critical for the State. That's one thing. That balances the whole process in one direction. As I have said, the decision is made.

What I would say about the community, I could personally name people—one person. I don't want to do that, but there are people who put years of their life—I'm not exaggerating here—into going to meetings, writing very detailed submissions not just to the planning process but also to the previous committee. Some of those people are the sort of people who keep going anyway and engage in other issues. But some of those people are deeply disillusioned, because I think you do have people who become involved in community issues. I could admit that I've been involved in issues all my life, but I know lots of people who haven't been and then maybe something happens like the Rozelle interchange or like what happened in St Peters and they literally drop everything to try to do something about it. And when nothing seems to happen, there's a really deep level of—and in some cases near nervous breakdowns, serious mental health issues in some cases, not many probably.

I remember one woman on Campbell Road, which is now much more congested than it was before, being dragged out of her house, her beautiful house that she'd had. We don't know what happened to that woman. I know

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she didn't stay in the city. The impacts—and one other point I wanted to make is that I saw the costing by Transport for NSW. That costing has been said by public health experts, social researchers, many people, to be an inadequate form of costing. Part of the cost is the cost to the community. I don't know how you put a figure on that but there is a health cost of that.

The Hon. WES FANG: Professor Bacon, thank you very much for appearing today. I think you undersold your credentials a little bit when you introduced yourself. I've just had bit of a Google search and you've had quite an interesting career it would seem. Thank you very much for coming and providing some of your expertise in relation to your journalistic experience. I note that you've had some experience covering the New South Wales Government previously. In the '80s you looked at some of the corruption issues around the New South Wales Government. But in relation to this, it's not that there's any corrupt conduct, is there? It's more that you've got some concerns around the way that the process may have occurred. There's no corrupt conduct by government at all, is there?

WENDY BACON: I think this is a really important question you've touched on. When we think about corruption we tend to think about money changing hands et cetera in a fairly narrow frame, and obviously it's important to have a narrow frame to establish criminal conduct and that sort of thing. But what I felt very much with WestConnex is that it wasn't corruption but it was like the system had become captive to a certain form of decision-making and influences that led to an undermining of what you could see to be systems of planning and accountability. I guess that's what I'm trying to get at with those documents.

It's not that the evidence isn't there but if you do have a situation where the system is not responsive to the finding—and I'm not talking about the community submissions; I'm talking about these expert ones—then you have a system that's breaking. I, for example, would recognise what the Transurban witnesses were saying this morning that some people are getting smooth travel into the city, some of them are then spending a hell of a lot of time getting home once they get off the motorway. But is the cost including to the communities in the west? At some point we have to be able to look at these questions in a more detached way. I hope that answers your question. I'm not alleging corruption, not in the narrow sense of the word. I have heard many people allege corruption and what they really mean by that is it's a set up.

The Hon. WES FANG: You raised one of the really interesting points previously in your evidence. You said that The Crescent overpass was obviously added in at a point after the EIS was released. Is it not the case though that perhaps some of those additions are responsive to the EIS process? There are indications that there might be issues within certain parts of the infrastructure and so what they're trying to do is alleviate some of those problems. In effect the system is working because the EIS is released and then there is an amendment to the infrastructure to adopt those issues. Does that make sense?

WENDY BACON: If those amendments are going to happen—the instrument of approval is a very detailed document with many, many conditions, as you know. That's where, in a sense, you would expect some of those things to be signalled. And actually the Darley Street—was it called Darley Street? But anyway one interchange was dropped and that was going to have impacts as well. I'm not an expert enough to know The Crescent. My understanding was it was more about the Western Harbour Tunnel than anything else. But in which case, if there are decisions, major decisions, being made like that, they shouldn't be behind closed doors. Why is that happening? Who has decided that that particular part of the project should go ahead? Was it in fact the builders, the construction companies, getting in there and deciding, "This isn't going to work unless we make this change"? I think we should be able to identify why and how that happened. I'm not aware of whether it has made it worse or better.

The Hon. WES FANG: I happen to remember that piece of infrastructure because prior to moving to Drummoyne for the time I'm in Sydney, I was in Annandale for a period of time, and so The Crescent overpass, I remember it being unveiled as part of the thing but there was certainly consultation around that when it was announced. You can put one lens on it, but is it perhaps not the case that the other lens is that it was responsive to the EIS, it was then announced and there was consultation around that process, and that that's actually an indication that the process is working?

WENDY BACON: I can understand your point, and I don't fundamentally disagree that some things could sometimes improve things. But in the case of The Crescent overpass—and I actually heard this at this Committee—there were impacts on the Annandale community too, particularly those nearer the interchange. Also there was a whole park removed called Buruwan Park, I think it was, and it also really altered the visual impact as well very much. I know the City of Sydney argued that it was a major change that should have been put out to a proper EIS. I guess it was a halfway stage where you could provide feedback, but honestly no-one believed it would make any difference. I remember at the time a lot of people who put a lot of time into stage three, by that stage had bought out of the process.

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The Hon. NATALIE WARD: I have a question on the parkland, picking up on that point. Obviously it was disused rail yards previously at Rozelle, which now, despite the hiccups—and I want to get to those—will provide much-needed green space to that Inner West area, albeit not perfectly yet. But the transformation of that rail yard—disused, potentially contaminated site—is now a benefit to the public. But I want to go to one issue you've raised in here, and I note the terms of reference deal with the asbestos in the Rozelle Parklands issue. At the end in your recommendations—and thank you for some of the suggestions about those—you talked about the EPA, and your recommendation is that the EPA needs more resources and powers to act in the public interest. Could you speak to that, specifically in relation to Rozelle and the asbestos and the comments you've made here?

WENDY BACON: Yes. I don't know where the EPA investigation into Rozelle is because I think it's still ongoing and it's all confidential, so it's hard to comment on it. What I can say is that if you read our report on the St Peters interchange—and it is relevant because it's Transport for NSW and their monitoring—you will find that Charlie Pierce, as a scientist, has identified—and you can see it when you find it on the EPA site—numerous problems with the monitoring and EPA being able to keep track of that. They require reports and then those reports aren't delivered. I know that the EPA is under-resourced. You only have to talk to people who work there to know that, and they're also dealing with the actual landfills that are handling the receipt of the asbestos.

In our submission, in our report, we give an example—and I think this should be investigated—where *The 7.30 Report*, I think this is 2018, came out with a serious report, investigation, about how WestConnex was using soil or materials with asbestos in it, and that was a whistleblower. That was all put to rest and the whistleblower was, I understand, discredited. I wondered what happened with that. Then I saw there was a threat of defamation. That's all fine. Maybe that report was wrong. Then you'd go to Moits, which was the company, and you go to their EPA licence where you can check all the clean-up notices and that sort of thing, and you find that, not long after at all, they found piles of asbestos at Moits.

Moits were supplying to WestConnex. Just from the point of view of the EPA, I think it is a huge ask with the number of people they've got to keep track of all these things, and it tends to result in crises: You know, like the asbestos gets found and what's been uncovered by *The Guardian* in relation to the asbestos. I highly recommend the investigation of Lisa Cox, which I think is still only developing. There is a major problem with the management of asbestos in New South Wales that's come to light due to Rozelle.

The Hon. NATALIE WARD: I think your point was more that you were advocating for more resources for the EPA.

WENDY BACON: I am advocating for more resources but also—

The Hon. NATALIE WARD: You talk about sufficient powers and sufficient resources for staff. You talk about the staff being under-resourced and insufficient numbers of staff, and you're advocating for further resources for the EPA. Is that correct?

WENDY BACON: Yes, and provided that they have the powers to prosecute and all that sort of thing as well. Also, you sometimes find excellent reviews of projects written by EPA staff but they're in the section reviewing the planning documents. They're not in the enforcement section. I just want to add something to that because just recently—and, again, everything is sort of related with WestConnex. There's a landfill at Erskine Park run by Bingo. They have recently been convicted and fined about \$250,000 for odours. Those odours are still continuing, if you go to the *Facebook* page of that community, so how effective is our regulation system? Anyway, I agree. I do think more resources is a good idea.

The CHAIR: I think you've noted as well that CPB Contractors are doing the monitoring of the groundwater contamination that's happening at St Peters Interchange.

WENDY BACON: That's Transport for NSW.

The CHAIR: Transport for NSW is doing that?

WENDY BACON: Yes. CPB are still on that site due to remediation works, but actually that's Transport for NSW, yes.

The CHAIR: Just to be clear, there were two parks that were promised to the community as a result of the incredible destruction, really.

WENDY BACON: Yes, absolutely.

The CHAIR: The destruction of the community, the streets, the neighbourhood that St Peters Interchange did, but they haven't been opened. There are no parks.

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WENDY BACON: No. One was meant to be opened in 2020 or '21, I think. It's well off opening, due to contamination. It's hard to know whether Transport for NSW knew about that or they didn't, but they certainly prepared – it was going to open and then it didn't. The other one is on Campbell Road and is in the City of Sydney area. Last Thursday or Friday, the City of Sydney told me that should have been opened last year. They sort of said the site is very contaminated and they've written to know for the discussions about what it could be used for, and what is happening with the remediation. That letter went a year ago. Transport for NSW has not responded to the City of Sydney. That's pretty extraordinary when you think, as a member of the public, you might not get a response if people are too busy, but we're talking about the City of Sydney that can't even get a response.

The CHAIR: Thank you. I'll jump in. I've got one more question and then we'll go to Government members. It's about air quality monitoring. We could have spent 45 minutes on this, of course. Has WestConnex offered to do air quality monitoring? What's the situation with roadside monitoring around the motorways? Could you just talk us through that and what needs to happen in your view?

WENDY BACON: In the lead-up to opening, Transurban WestConnex had to do some ambient air monitoring and there were committees that involved some community people who select those sites. Very often the sites the community wanted were not the ones that were chosen. There are, I think, three around Rozelle. There's no detailed analysis of what's coming through, even from those monitoring sites. Yes, there are monthly reports, but what is actually needed is to find out what times of the day to do some detailed data analysis. That doesn't happen, and within two years those monitoring sites can be removed. The committees are fairly difficult things as well because they often are not very well equipped to critique all.

I'm very opposed to the fact that after two years, under the conditions, those ambient air monitoring sites can go away because then there's going to be no way of assessing because—and this comes to the second part of your question—the EPA only has one air monitoring site at Rozelle and it's more in the Callan Park area. That's because they believe in monitoring in green areas where it's not affected by roads. But the problem is that the worst pollution—and there's so much scientific evidence of this—is roadside pollution. The EPA is almost doing none, and certainly none in Rozelle, of roadside pollution monitoring, but if you've got children going to school and you've got people sometimes on roads—they're very busy for long hours—you need to know because every unit of PM2.5, which is the really dangerous particulate monitoring, actually has a health risk. Yes, it's not huge in Australia compared to New Delhi, but it's still regarded by air quality scientists as a serious problem. I would like to see, definitely, roadside monitoring.

I don't understand why that isn't required because, if we look at the stacks—and, of course, that's another problem—why not filter them and remove the pollution? That's never been clear to me. They do it in other parts of the world. Why not do it here? But even then you only really know the impact of what's coming out of the stack if you know what it is in particular areas around about, so you know what to add on to what. There's all sorts of very hypothetical stuff about this in the EIS—this huge air quality monitoring report. Some of them did report that the air would be worse—for example, on Stony Creek Road was one place where it would be distinctly worse—and all around the exits of WestConnex. You could see it's going to be worse. We just aren't doing the detailed work to be able to know, again, what is the connection between the EIS and the planning documents and the actual impacts on the ground?

The CHAIR: Thank you. I'm conscious that Government members still have questions.

The Hon. MARK BUTTIGIEG: Thanks, Chair. You and your family were impacted during the construction?

WENDY BACON: I wouldn't say we were, where we are, badly impacted. We're certainly 300 or 400 metres away from people who were and I personally knew a lot of people who were in the local area. But I would say we certainly felt we were affected by the dust at the time with eyes and that sort of thing, and certainly noise—you could hear it, and the planes going overhead. But I wouldn't say no. I believe that in a city you're going to have a certain amount of impacts.

The Hon. MARK BUTTIGIEG: Sure, but of the people that were affected, what were the opportunities for them to air their grievances and get consultation with what I think at the time was the Sydney Motorway Corporation and Roads and Maritime Services or the department of planning?

WENDY BACON: They rang. You could ring, and you could ring the EPA, but, yes, you would have to say there was a huge amount of frustration with those processes. The first time the community at St Peters felt they were heard was at the previous committee of the Legislative Council into the impacts of WestConnex. That report really, I think, very well reflects in a detailed way—like the people at St Peters school, which was right in there. Certainly—and I've done the analysis to show—the air there was considerably worse than the rest of Sydney. They couldn't even find out what was happening with the air monitoring on their own grounds because

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the education department had given the licence for that to happen and didn't feel obliged to tell them. There was enormous frustration with the lack of response. I don't know what it was like. I can't actually say whether it was worse or better on stage three, but I know there was enormous frustration with a lack of response.

The CHAIR: Thanks so much, Professor Bacon. Thanks for appearing today. We appreciate your very detailed submission as well by the Community Environmental Monitoring organisation.

WENDY BACON: Thank you very much for letting me appear.

(The witness withdrew.)

(Luncheon adjournment)

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Mr JIM SALMON, Executive General Manager, Major Projects Support, John Holland, before the Committee via videoconference, sworn and examined

Mr GRAEME SILVESTER, General Manager, Safety, Health, Environment, Quality and Sustainability, CPB Contractors, before the Committee via videoconference, sworn and examined

The CHAIR: I welcome our next witnesses, who are appearing today via videoconference. Do either of you have a short opening statement to make?

JIM SALMON: I have an opening statement to make on behalf of the joint venture.

The CHAIR: Before you begin, I ask the witnesses to state who you are at the start of your answers for the purposes of Hansard and the recording. That will make it a lot easier. Similarly, I ask Committee members to clearly state if we are directing our questions to one of the witnesses in particular.

JIM SALMON: Jim Salmon from John Holland. Thank you for the opportunity to appear today to assist the Committee, alongside my joint venture colleague Graeme Silvester from CPB Contractors, and for the opportunity to make an opening statement on behalf of the joint venture. The Rozelle interchange project was delivered by a 50/50 unincorporated joint venture comprising of John Holland and CPB Contractors equally providing resources, people, systems and expertise to deliver on the scope provided by our customer, Transport for NSW.

This was a complex project that was comprehensively assessed prior to planning approval being granted. It was delivered in a highly constrained urban environment. The project was completed on time and on budget and created up to 20,000 jobs. Apart from its engineering achievements, in an industry where diversity is a real issue we are pleased to say that women made up 46 per cent of non-traditional roles, including engineers, planners and designers. In an industry where we are working hard to promote female participation, 18 per cent of senior roles on the project were women, with more than 1,500 women engaged on the project in total, including the provision of 20 apprenticeships and traineeships for women in construction throughout the life of the project. The joint venture also engaged 25 First Nations businesses which benefitted directly to the value of around \$139.5 million.

As members of the Committee would understand, the construction of a project of the size and scale of the Rozelle interchange will unfortunately cause disruption. We acknowledge the majority of these impacts were experienced by the communities living adjacent to the project. We aspire to be thought of as a good neighbour for the communities we operate in. However, we accept that despite our efforts the joint venture did not always meet community expectations in the construction of this project. When community concerns were identified, we worked collaboratively to address where the opportunity allowed. As with any project, we will take time following delivery to review and learn lessons for the future.

The other matter that we wanted to address is the discovery of some pieces of asbestos within mulch in the Rozelle Parklands in January. This discovery is currently the subject of an EPA investigation. The mulch was purchased from an EPA-licensed facility who produced the recycled mulch pursuant to an EPA resource recovery order. There are EPA standards which manufacturers and suppliers and contractors must meet to ensure recycled material is safe. The project arranged for testing at the supplier's facility prior to delivery, and the parklands were signed off by an independent EPA-accredited auditor. Once the joint venture was made aware of the concerns by Transport for NSW, we responded quickly to communicate the news and actions to the public and ordered a team to close off the Rozelle Parklands.

The EPA issued a clean-up notice to Transport for NSW on 15 January, and then a variation of the clean-up notice on 22 January required further mulch removal and replacement works to be carried out in adjacent areas which were above and beyond those included in the initial EPA clean-up notice. On 22 January the joint venture released the details of the remediation plan alongside Transport for NSW—the removal of the mulch to begin the day after.¹ The joint venture remained in dialogue with the EPA throughout the process. We provided regular updates to the community and stakeholders throughout the remediation process. Briefings were offered and delivered by the project director to the local council and the local State member, consistent with the approach during the project's delivery.

On Friday 22 March Transport for NSW confirmed parts of the parkland would gradually reopen as most of the mulch was removed from accessible areas and the EPA was satisfied with the progress made to date. We

¹ In [correspondence](#) to the committee received on 17 May 2024, Mr Jim Salmon clarified evidence given.

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certainly appreciate the community is frustrated, and they have a right to be. The situation is not ideal. But, despite this, we are proud of the work we have done to remove some 1,600 tonnes of recycled mulch in a short period of time to expedite the opening of the Rozelle Parklands for the public to enjoy.² We are happy to take questions from the Committee to assist in its deliberations. Thank you.

The CHAIR: Thank you. I understand that opening statement was for both of you. Is that correct?

JIM SALMON: Yes, that is on behalf of the JV.

The CHAIR: I will stick with the mulch contamination issue, as you finished on that one. Who is paying for the rehabilitation? Is the consortium paying for any of those costs?

JIM SALMON: I might answer that question, Chair.

The CHAIR: Sorry. I instructed people to direct their question to somebody, and I failed to do it on the first question. Mr Salmon?

JIM SALMON: Thank you, Chair. As my colleague said in a press announcement on 22 January when speaking to the media about the remediation plan, the joint venture will be covering the cost of the remediation under the existing contract that we have with Transport for NSW.

The CHAIR: Okay. And to you again, Mr Salmon—I understand that not all of the park is open at this point. Maybe about 40 per cent of Rozelle Parkland has been opened to the public again. What is the delay in opening the rest of the park?

JIM SALMON: The final opening of the park is imminent. The delay at the moment with respect to the process of the asbestos removal is the sourcing of new mulch to go into the park. The team were working around the clock to get the new supply of the material into the parkland and open this up as quickly as possible.

The CHAIR: Is that because it's difficult in the supply chain to find any mulch in New South Wales that isn't contaminated? What's the delay?

JIM SALMON: No. It's because we are sourcing hardwood mulch rather than the organic mulch. We've moved away from recycled mulch, so it is new mulch that has created the source of the delivery concern.

The CHAIR: But it seems to be that's causing a fair bit of delay. Hardwood mulch, you're saying. That's essentially, what, forest scraps or something? What's the hardwood mulch? Is that coming from New South Wales?

JIM SALMON: The mulch supply is from New South Wales, yes.

The CHAIR: But it's taking so much longer. You've never done this before? Is that correct? Is that a new supplier?

JIM SALMON: It's a current supplier. It's just the volume of mulch required is certainly a strain on the supplier's ability to provide that in time.

The CHAIR: Can I check, with CPB and all of the other projects that you're working on, is this now company policy to source this mulch? Are you not going with recycled mulch everywhere else?

GRAEME SILVESTER: Chair, if I could step in an answer that question, we have taken a decision as a business to only use natural mulch because of the issues that have been highlighted on Rozelle. The difficulty, as my colleague Jim has pointed out, is the availability of the natural mulch and so we are delayed more than we would want in order to resolve this. We want to and we will put the safety of our workers and the community first and make sure that whatever we deliver to the people of New South Wales is safe for use.

The CHAIR: Were you aware of any potential contamination or any issues in relation to the mulch before it became public on 8 January, I think it was?

GRAEME SILVESTER: We were aware of a couple of instances of contamination which, as I understand, didn't relate to asbestos. So it was material that didn't meet the recycled mulch order 2016 and we took immediate steps to segregate that mulch away so we didn't use it.³

The CHAIR: Had CPB Contractors or the consortium ever—had anybody expressed concern to them that asbestos was potentially in recycled mulch? Had that been an issue before for the company?

² In [correspondence](#) to the committee received on 17 May 2024, Mr Jim Salmon clarified evidence given.

³ In [correspondence](#) to the committee received on 17 May 2024, Mr Jim Salmon clarified evidence given.

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GRAEME SILVESTER: No, not that I'm aware of. We would never have used any mulch that was contaminated with asbestos, had we known.

The CHAIR: What date were you made aware of the contamination?

GRAEME SILVESTER: We were aware that Transport for NSW was notified on 2 January by a member of the public that they'd found some suspected asbestos material. We had no-one on the project until 8 January. We were notified by Transport for NSW late on 9 January and we took action almost immediately. The next day we took action to prevent access to those areas so that we could begin the process of addressing the issue.

The CHAIR: Before mulch is used in a public place such as this, do you do testing? Did you have an independent hygienist—or whatever qualifications a person may have to test that mulch? Did that occur?

GRAEME SILVESTER: Yes, it did. We weren't required to have an independent testing authority. However, by putting the members of the public and our workers as our highest priority, we chose to engage the services of an independent contractor to test the mulch at the supplier's premises before we actually transported it offsite and onto the project.

The CHAIR: What you're saying in terms of what has changed as a result of this contamination scare—well, more than a scare really—is that your company in terms of all of the projects that you do will now be sourcing natural mulch, not using the recycled mulch. Is that what you're saying to this Committee, or is it just for some projects?

GRAEME SILVESTER: That is correct. We have issued an instruction that only natural mulch will be used.⁴

JIM SALMON: Chair, if I could also assist there. There is an EPA investigation afoot on the recycled mulch and we await the results of that. No doubt there will be some suggestions and changes in the process in terms of use of recycled mulch, surveillance testing and the like. So, as a protocol, we—the joint venture, both companies—on all of our projects have ceased the use of recycled mulch until we really hear from this EPA investigation and understand what's occurred.

The CHAIR: What were the landfill or recycling companies or depots used for the removal of material from Rozelle? Mr Salmon, do you know that information?

JIM SALMON: Do you mean the supplier of the mulch?

The CHAIR: No. You removed the materials—I assume you removed the contaminated material?

JIM SALMON: Yes. They were taken to some approved disposal areas in the Sydney metropolitan area. I'll take that question on notice. I'll get you exactly those particular sites but they were EPA-approved sites for the disposal of contaminated material.

The CHAIR: What contamination material of concern other than asbestos remains on the site, if any?

JIM SALMON: We are not aware of any other material concerns on the project. With the removal of the asbestos being complete and taken to a safe area for disposal, done in the right way, we're confident that there is no further risk there. With regard to materials encountered during the construction of the project, which I think may be your question, again they have either been treated onsite or taken to approved disposal areas—and these were things such as PFAS-contaminated materials and the like. But, in our construction process, we deal with those in a strictly controlled and regulated way in terms of processing them correctly and hauling them to the disposal areas, which are all approved.

The Hon. NATALIE WARD: Thank you both for your assistance to this inquiry and appearing today. I wanted to come to two main things. Just on the supply chain of the mulch, I think you indicated your evidence was that you obtained the mulch from—I forget the exact technical words—an approved supplier from the EPA list. Could you just remind me of what that term was, either of you?

JIM SALMON: That would be an EPA-accredited facility.⁵

⁴ In [correspondence](#) to the committee received on 22 May 2024, Mr Graeme Silvester clarified evidence given.

⁵ In [correspondence](#) to the committee received on 22 May 2024, Mr Graeme Silvester clarified evidence given.

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The Hon. NATALIE WARD: Accredited. Thank you, Mr Salmon. In relation to that accredited facility, is there any testing that can occur? Am I right in assuming they're accredited, they're on the list and so your assumption is that it would be providing clean mulch? Is there any testing that you undertake when it arrives? I'm a layperson so I don't know how it works but, in terms of that, could you have taken any steps in hindsight at that point or do you rely on the fact that it's an accredited supplier to be able to take delivery and get on with it?

GRAEME SILVESTER: If I may respond to that question?

The Hon. NATALIE WARD: Certainly, Mr Silvester.

GRAEME SILVESTER: We would have been entitled to rely on the certification issued by the EPA to use a recycled-mulch supplier that was on their approved list. But we went over and above that because our commitment to our workers and to the community is to provide a safe environment for people to move and live and work in. So we did take additional testing that was not required.

The Hon. NATALIE WARD: Mr Silvester, what were those additional steps that you took on receipt of the mulch?

GRAEME SILVESTER: We engaged an organisation called WSP environmental. They developed a process to follow. That process was approved by the EPA-accredited site environmental auditor, and then we followed that process, including sending samples away to a NATA-approved laboratory to identify the presence of any material that was outside the mulch order, including asbestos.⁶

The Hon. NATALIE WARD: Forgive the pun, but we're really getting into the weeds here. So, you sent that off and am I right in understanding that that was tested and must have come back clear?

GRAEME SILVESTER: Correct.

The Hon. NATALIE WARD: So it comes back, and then you proceed on the basis of that assurance and go ahead and spread it, if you like, or put it on the site.

GRAEME SILVESTER: Correct. But in conveying it to the site, and then laying it out across the site, there's obviously surveillance undertaken by the contractor we used for the landscaping. There was surveillance by members of the JV and the site environmental auditor to make sure, as far as we could, that it was really what we'd paid for.

The Hon. NATALIE WARD: It's in your interest and it's in the public's interest to get that right. No-one wants to skip a step because it's going to be more expensive. Can I just ask, though, on the supply chain time line, it looks like you've taken the steps—and I'm not having a go at you, but I'm just asking so we can be clear about this. Despite all of those steps and an accredited, certified supplier, you took the extra step to test it. It was sent away, it came back and you proceeded. It then came to a member of the public, essentially, to identify an item of asbestos there. Given that we note that Transport was notified by that member of the public on 2 January and it took some time, a week or so, for that to be actioned—you said that you were notified on the ninth. Was that directly from Transport? Did you get any other notification prior to that time?

GRAEME SILVESTER: No.

The Hon. NATALIE WARD: Can I just go back to the timing of the opening. You said in your opening statement, Mr Salmon, that you were asked to "expedite" the opening of the Rozelle Parklands. Am I correct in understanding that timing was of the essence to get it opened? What am I to take from that word?

JIM SALMON: No, under our contract we have a date for practical completion. We were complying with that contract date and we were wanting to, obviously, ensure that all the parkland, as well as all the motorway, was opened up on that date and in a form that the public could immediately enjoy when the completion date was achieved. That was the essence of that comment.

The Hon. NATALIE WARD: Were you under an obligation to open them both at the same time—the parklands and the motorway? Or was that something that you chose to do.

JIM SALMON: There was an obligation to open both. That was definitely there in the deed, yes.

The Hon. NATALIE WARD: So that wasn't brought forward or anything. There's no conspiracy there; it was just the date that you were expected to open it?

⁶ In [correspondence](#) to the committee received on 17 May 2024, Mr Jim Salmon clarified evidence given

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JIM SALMON: That's correct.

The Hon. NATALIE WARD: I guess by "expedite" you mean just open it within the requirement to open it on that date?

JIM SALMON: I think some context there is that five years is a long time in construction and it's a long time for the community to live alongside a construction site—a very, very active construction site—so we did have some empathy there. All parties—Transport for NSW, the JV and all of our supply chain—were all very keen to open it up so it was complete on that date.

The Hon. NATALIE WARD: Given that, and knowing the amount of work that goes into it—the reputational risk, all of those things—it's fair to assume that people wanted this to happen. I'm assuming you weren't skipping steps to try to make it faster or skip over a compliance issue. It sounds like you've done the things that you needed to do. But, if we are to take some learnings from this, was there anything that you could have done better, or that you think the process could have done better, or the EPA or any sort of coordination body could have done in hindsight that we can learn from?

JIM SALMON: As far as project completion goes, we got lots of things correct in terms of the completion of the motorway, completion and commissioning of the motorway operating systems and completion of the parkland. So it was obviously incredibly disappointing to receive the news on 8 January about the asbestos find. It did certainly concern us. As my colleague Graeme Silvester has articulated, we did go through a process, a very thorough process, of working with an EPA-accredited supplier, testing that supply at source and at the site—I guess a surveillance regime—and, unfortunately, there's been a contamination event. We're still trying to find out what has occurred and we are well aware there is an EPA investigation afoot at the moment. We hope that it very much will be an industry response, particularly with the EPA, to find out how did this occur and what can we do in terms of lessons learned going forward to make sure we don't have a repeat. It is very, very disappointing, after all of the hard work that has been done, to unfortunately be faced with this concerning incident, and we have a lot of empathy for the community in Rozelle for the disruption caused.

The Hon. NATALIE WARD: It's not the first time and, obviously, we don't want this to be happening again, but there was the Penrith Lakes example many years ago and that was spread all over that site. So there is obviously a supply chain issue here and testing issue.

The CHAIR: Questions from Government members?

The Hon. MARK BUTTIGIEG: In terms of the design changes for the Rozelle interchange, how were they documented?

JIM SALMON: The joint venture receives from Transport for NSW a reference design and a scope of work, which is defined under a document called a SWTC, which is a scope of work and technical criteria. On the basis of that, we then take that and we are obliged to complete a detailed design to ensure that it complies with the reference design and the scope and criteria from Transport for NSW. Once we've completed the design, there is a verification done by Transport as well as, finally, an independent certifier with respect to the design that's been completed.

The Hon. MARK BUTTIGIEG: Were there changes involved in that initial scope of works and design, subsequent to that?

JIM SALMON: There were no changes pertaining to the functionality of the reference design and the scope of work and technical criteria. In fact, that's prescribed by Transport and we comply with that. So there are no functional changes at all. I might refer the Committee to one change that was made, and that was within the project area and pertained to the parkland. The original design had some five hectares of parkland. What we did was, we worked with Transport and we moved our ventilation facility underground—which is a value for money offering—which then unlocked the parkland to create 10 hectares of parkland which is of measurable benefit to the community. That's an example of a change that was done within the project area. In terms of where the project connected into the local network, again we comply with the reference design as prescribed.

The Hon. MARK BUTTIGIEG: What role did John Holland play in having the planning approval process approved? In terms of the interchange, was there any role that John Holland or CPB played in that?

JIM SALMON: Once we receive the reference design and scope of work criteria, there is a process that Transport runs to get EIS approval, or the EIS statement, and we need to comply with that. So in terms of amending the EIS, no, but in terms of complying with the EIS, yes, we need to submit documentation that validates that.

The Hon. MARK BUTTIGIEG: What sort of time line are we talking about now in terms of when you were engaged and when the plans were submitted? What year are we talking then?

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JIM SALMON: The project kicked off in 2018, and in the first year of the construction project, which lasted five years, the effort is around the submission for planning approval in terms of, I call it, compliance with the planning approval, as well as completion of the design for approval by the Transport SME and the independent certifier. Both those activities happened in the first year of the project.

The Hon. MARK BUTTIGIEG: Was any advice given to the former Government from John Holland or CPB on the potential impact of the network on surrounding roads, traffic congestion, that sort of thing, or did you basically say, "We've got the scope of works, we've got the design, we're just going to carry it out as per spec"? Was there any to and fro in terms of your views on the impact of that to the local traffic network and feeder roads?

JIM SALMON: No, we're not privy to that in the sense that our design needs to comply with the reference design. It's specified by the customer and the joint venture then develops the detailed design and we construct to that detailed design. The deed is very clear; the surface traffic is the responsibility of the network operator, which in this case would be Transport for NSW.

The Hon. MARK BUTTIGIEG: Were you privy to any of the modelling that was done to show the impact of the additional lane on increased traffic on the Anzac Bridge?

JIM SALMON: No, we were not.

The Hon. MARK BUTTIGIEG: What about the impact of increased lanes in the tunnel on surface roads such as Parramatta Road and Victoria Road? Did you get any input into that or engage in any dialogue with the previous Government over that?

JIM SALMON: No, we weren't.

The Hon. MARK BUTTIGIEG: And the assessments on the rat-run stuff? Basically, John Holland is purely the constructor—no variations, no alterations, no dialogue about potential impacts. Basically, you've got a spec, you deliver the spec and that's it?

JIM SALMON: That's correct but for construction, in terms of working through the phases of construction, because there were a number of phases in terms of various intersections that needed to be closed and upgraded and the like—for example, Johnston Street—whereby we would do some specific traffic switches and temporary traffic arrangements to enable us to complete the construction works in that area. Again, we worked closely with Transport for NSW on those temporary staging plans, the temporary traffic arrangements, for the actual construction. We do interface with Transport on those, but in terms of the broader network functionality and how that links into the broader network, we are not engaged in those discussions.

The Hon. MARK BUTTIGIEG: I am not sure if I missed this in previous questioning, but do we have a reopening date for the park to the public?

JIM SALMON: It's imminent. I can assure you we have our teams working night and day to get this completed. The challenge is the source of the replacement mulch, which is being worked through. I will take on notice that question and we can actually get to you the projected date for the parkland completion, because we are working very closely with Transport on that and enabling the opening up of the parkland in phases. As mentioned, part of the parkland has been opened up and we are currently working at the moment in the child's playground area, which we hope to open up very quickly as well. But, again, as my colleague Graeme Silvester has suggested, we need to do this in a safe way to make sure that there is no risk to the community, as well as our workers, in that process.

The Hon. MARK BUTTIGIEG: Just to clarify, all the asbestos has been removed from the park?

JIM SALMON: That's correct.

GRAEME SILVESTER: Yes, that's correct.

The CHAIR: Mr Salmon, before the asbestos was discovered in Rozelle Parklands, there had been issues with some of the mulch provided to John Holland in the past. That's correct, isn't it, that it hasn't had a completely clean track record?

JIM SALMON: The JV had no concerns about the standard of the mulch product before 23 January, and this is the product where asbestos was detected. Prior to that—and I'll take on notice the question—to my knowledge we had no issues with supply of mulch on other projects.

The CHAIR: Greenlife Resource Recovery has provided mulch, haven't they? I understand that at least once, in 2021, but I think on more occasions, the testing of their mulch supply did not meet EPA guidelines. There was an ABC article about a month ago covering all of this. It says John Holland declined to comment on the

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testing issues. Basically, sampling was undertaken on behalf of the contractor, John Holland, and it was labelled noncompliant. You're aware of that history?

JIM SALMON: My understanding is this mulch was from a different supplier, not the supplier we used for Rozelle and the issue, as you've suggested, is the sampling methodology was not consistent. But again, as my colleague Graeme has mentioned, there was no asbestos found on site in these batches.

The CHAIR: I understand at St Peters the community still hasn't seen the park opened due to contamination issues. I understand CPB is working on that. You're still trying to remediate the park there. Is that correct? Could you give us an update on what's happening there? Mr Silvester?

GRAEME SILVESTER: St Peters interchange was an issue that was caused as a result of a significant rain event some years ago. The water treatment plant struggled to treat the volume of water and many parts of Sydney were flooded at the same time, but we are working with the client to progress those things. I'm happy to take the question on notice and provide more detail, though.

The CHAIR: By "progress the issue" is this—I understand that area is in a bit of a sorry state, actually. Those two areas were supposed to be provided to the public years ago, I think, and we are not sure when the public is going to have access to that park. There is no update in relation to that? I think it's clear there is an issue. It's clear that there is contamination, and I'm not sure it's just from that rain event. There is no update as to whether the public is going to get their much-promised park soon?

GRAEME SILVESTER: I don't have that information in front of me at the moment, but I'm happy to respond on notice.

The CHAIR: Okay, we'll stick with the St Peters interchange then. One of the submissions here suggests that CPB is currently fixing something in relation to the St Peters interchange. There may be a crack in a wall somewhere. Is this part of the park remediation or is this a different issue entirely?

GRAEME SILVESTER: I am not aware of that issue or the detail behind it. If I may, I will take it on notice.

The CHAIR: To be clear, for the couple of questions that I've asked in relation to remediation works that CPB is currently undertaking at St Peters interchange, you have no information for this Committee today.

GRAEME SILVESTER: No. Unfortunately, I came prepared to respond to questions around Rozelle. I didn't perceive or expect questions about St Peters. I apologise.

The CHAIR: That's okay. It's a little bit connected because it is WestConnex as well, of course. During the Rozelle interchange construction phase, I understand that there are various members of the community who had complaints and who were very impacted by construction. I'm sure you're aware of this. I understand CPB issues confidentiality agreements or insists on confidentiality agreements with members of the community. For example, if you are assisting somebody to pay for something done to their house in terms of renovation, because of the noise of construction, even down to providing a resident with headphones to block out the sound, CPB Contractors insist on them signing confidentiality agreements before they're offered assistance. Firstly, is that correct?

JIM SALMON: Chair, I might take that question, if that's okay. It is standard practice for non-disclosure agreements to be issued wherever there's a commercial exchange like this. That's both to protect the JV for the project as well as to protect the privacy of the recipient. This is also an express requirement in the deed that we operated to. However, there was a period during COVID lockdowns when we had very few tools at our disposal to attempt to mitigate the impact that construction was having at the time on the community, and we were attempting to do our best with the tools we had to reduce the impact on residents. As you could probably imagine, people being locked down in their homes right alongside a very busy construction site made for a great deal of angst.

In this instance, some headphones and gift vouchers were distributed on compassionate grounds, for example, to residents working shiftwork, those with newborn babies and people with health issues, which they shared with our engagement team. Our community engagement team did reach out and try to get some context of the scale of the problem that we had. We did that using our standard practice of NDAs. However, in consultation later with Transport, they thought these ultimately weren't necessary and they were happy to make that change, which they did in the deed. So that requirement for NDAs was, in fact, withdrawn later.

The CHAIR: When was that? Do you have the date when that was withdrawn?

JIM SALMON: Chair, I'm sorry, I don't have that information. I'll take that on notice and get that to you.

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The CHAIR: Right, but before it was withdrawn, when you're saying you provided cash for people impacted, even down to headphones, the recipient needed to sign a non-disclosure agreement. If they didn't sign that at the time, I assume they weren't offered any assistance?

JIM SALMON: We worked that through. Our community engagement teams did very much explain the circumstances around the requirement for NDAs. As I mentioned before, it is an express requirement in the deed, so our hands were very much tied in that scenario. Compassion did have to come into it because these were very interesting times with COVID. People were going through a great deal of anxiety and concern. I might also add that from a construction point of view, we did look at our works on site to proactively minimise the noise, dust and disruption during this period. We made some proactive steps to deal with that. NDAs were issued, but it was required under the deed. But later on, that was dropped as a requirement.

The CHAIR: Do you have any idea, when you're saying it was an express requirement under the deed then, where that particular requirement stemmed from? Was it you who put it into the deed? Was it Transport for NSW or any other party who was a part of that deed? Where did it come from?

JIM SALMON: This is a standard provision in a D&C deed contract. It's a fairly common requirement amongst all manner of contracts in the construction industry. It is designed around the protection of all parties because, if you can imagine if I give you an example, we work something out specifically for a person with a certain circumstance and then a person two doors down finds out about it. We're going to have an issue because we're trying to help people with their individual circumstances, but if that becomes broader public knowledge, it means that it's going to be fraught with some challenges in terms of getting the right solution for everybody. It isn't a one-size-fits-all. People want to move out, people are happy to stay where they are and people try to work through shifts. It is a changing landscape with each household in the community and we need to have a bespoke resolution for all of them, which is why the NDA comes into play.

The CHAIR: Going back to the tender for the building of the Rozelle interchange project, it has been well reported and it is well known that the initial tender failed to attract a suitable bid. I understand the then RMS contracted CPB to undertake that work. Is that what happened?

JIM SALMON: Chair, I'll take on notice that question, but my understanding is that the original site for the Rozelle interchange was the Rozelle rail yards, which is a highly contaminated site, unusable and inaccessible to the public. What Transport did was engage in what we call an early works contract that specifically went in there to deal with the remediation of the area and remove a lot of the contamination at surface level right across the rail yards area at the time. Once that was done, Transport for NSW then went to open market for the delivery of the core scope of work we know as Rozelle interchange. There was an early works contract and then there was a main contract for Rozelle.

The CHAIR: After the early works contract, though, was that an open tender in which different consortiums bid and CPB got that contract, or was it the case that the initial tender failed to attract a suitable bid and CPB were offered it? Or were you offered the early works tender?

JIM SALMON: I'll take that question on notice. My understanding was there was an early works contractor and when the Rozelle interchange bid came out, John Holland and CPB formed an unincorporated JV to then bid on that, and we bid against a couple of other consortiums for that work.

The CHAIR: In terms of trying to get it completed on time, were you also aware of a contract, as we understand it, that RMS had to pay penalties if it wasn't completed on time? I think it has been reported. It was in a contract, was it, with Transurban that it had to be completed by this date and otherwise the Government would start losing money?

JIM SALMON: My understanding is there was a commercial arrangement between Transport for NSW and the ultimate successful bidder for the WestConnex. We're not privy to that commercial arrangement but we, nevertheless, under the terms of our deed, had some very clear completion dates that we had to work to and achieve.

The CHAIR: I did want to push around the potential rushed nature of the completion of the project and some of the disappointment that we've heard from active transport advocates and cyclists around what seems to be a very incomplete cycle network. I don't know whether there are plans to replace some of the footbridges or anything, but the cycling infrastructure just doesn't seem to be there that was promised. Has CPB finished the job and chosen not to do what was promised in terms of its condition of approval around providing this infrastructure, or was it so rushed that it didn't get done? We certainly heard from stakeholders that it's incomplete.

JIM SALMON: Just on active transport, at all times the JV attempted to find solutions to the concerns along and around the site, particularly throughout the delivery of the project, in terms of the temporary

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arrangements needed at various traffic switches and stages. We worked alongside Transport for NSW, the community and other stakeholders to identify issues and concerns and deal with them. This naturally included constant engagement with the relevant councils, as well as cycling New South Wales to understand any concerns they had and how we might resolve them.

For example, the removal of the Beatrice Bush Bridge, Buruwan Park and the Victoria Road overbridge, which connects Lilyfield Road and Anzac Bridge, soon after construction commenced did impact people walking and cycling, and we acknowledge that. Alongside Transport for NSW, we've worked with the local groups to understand those concerns and came up with some options to provide a temporary solution until the project progressed more significantly. Eventually, we installed a temporary bridge connecting Victoria Road and Anzac Bridge, which was welcomed by council and the community. That's for the delivery stage. For the completion, again, we have worked with Transport to detail up the proposed urban landscape design. Our solution complies with that, and that has been approved by Transport and the urban landscape authority.

The Hon. NATALIE WARD: I just had one other question about outstanding matters in terms of the project being completed. On community impact and residents, specifically, are there any further outstanding residents' issues to be resolved or have they all been completed? If there are, who is dealing with that?

JIM SALMON: I am not aware of any community issues to be resolved at this point in time, except the opening of the parkland. That is the main focus for us at the moment in terms of challenges with the community. Once the parklands open—

The Hon. NATALIE WARD: I might just redirect, Mr Salmon, just to assist, if I may. If you would like to take it on notice, that's perfectly fine. I suggest you might perhaps want to.

JIM SALMON: Yes, I will take that on notice.

The Hon. NATALIE WARD: In terms of residents near the interchange and impact on their properties, housing, those sorts of outstanding claims, are there any outstanding? If there are, what is the status and who is dealing with those? We're happy for you to take that on notice. Is that Transport or is it the joint venture? Is it a combination or is it a third party?

JIM SALMON: I will take that on notice.

The CHAIR: Thank you so much, Mr Salmon and Mr Silvester, for appearing before us today. We really appreciate it. That's the end of questions by us for you. The secretariat will be in touch with you if we have any supplementary questions.

(The witnesses withdrew.)

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Mr DAVID HAERTSCH, Honorary Treasurer, WalkSydney, affirmed and examined

Mr KEITH STALLARD, Public Officer, Rozelle Parklands Active Transport and Community Hub Incorporated, before the Committee via videoconference, affirmed and examined

The CHAIR: We will begin our next session. Mr Haertsch, do you have an opening statement to make?

DAVID HAERTSCH: Just briefly, rather than restate our submission, I just should explain that I am here representing WalkSydney. WalkSydney is the peak body advocating for walkability in Greater Sydney, Newcastle and the Central Coast. We are a non-profit organisation, comprised of volunteers with varying expertise—laypeople like me and some people with expertise in traffic and so on. Our vision is to make walking more convenient, accessible, safe and enjoyable for everyone throughout the whole metropolitan area to make it a desirable way to get around, generally. Our aim is to influence infrastructure policies, decision-making processes and institutions that shape the walking environment for Greater Sydney.

Very briefly, the problem we're addressing here is the result of Greater Sydney being a highly car-dependent society, and the design of our roads has made active travel modes difficult, unattractive and unsafe. In Greater Sydney, we have over time come to accept as normal vehicle speeds that are unsafe for walkers and bicycle riders. Planning has failed to provide urban environments that encourage active transport and support safety, health and environmental sustainability. And the specific problem here with the Rozelle interchange is that it has drawn more vehicles into an area which was already choked with vehicles. We would actually like to see the reverse of this process where street is seen much more as a social space and its function as a conduit for cars is actually reduced.

The CHAIR: Mr Stallard, do you have a short opening statement as well?

KEITH STALLARD: Yes, I do. My introductory statement focuses on the Rozelle interchange impact or lack of beneficial impact on cycling in the strategic cycleway corridors on Victoria Road and Lilyfield Road. I'll outline the reasons for the shortcomings and then suggest corrective actions. The impacts: Transport for NSW states that strategic cycleway corridors should "provide safe and convenient cross-city cycleway connections". The environmental impact statement 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.

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, and thereby forsakes an opportunity to reduce pollution, lower greenhouse gas emissions and bring associated health and social benefits, including perhaps reducing traffic congestion during the morning peak.

The causes: We have continued the research we undertook to develop our active transport noncompliance and defect 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 other applicable policies and norms.

The solution: 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, save time and save 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. Its commitments must be honoured to uphold the principles of integrity and accountability within our transport planning process.

The CHAIR: I was hoping, Mr Stallard, that you could comment on some of the statements made in the New South Wales Government's submission that tend to suggest that various active transport links have been complete. For example, they say in relation to the Rozelle interchange:

The Project also delivered The Crescent overpass and active transport links, as well as enabling works for the Western Harbour Tunnel.

That's underneath the section that deals with active transport. Have those active transport links been built? Have they done what's promised according to the cycling community that you associate with?

KEITH STALLARD: Not at all. There have been some things that have been delivered. Those are mostly the new shared paths through the Rozelle Parklands. But even those, although they're very pleasant, are not suitable for commuting cyclists where they slow down the commute along Lilyfield Road to the city. They

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made some other minor improvements to a route on the western side of Victoria Road and also some mostly cosmetic improvements to the shared path up the right side of Victoria Road. But the main objectives, which were to provide better cycling links through separated paths along both Victoria and Lilyfield roads, have not even been started.

The CHAIR: Is that what was promised during the approval process, in terms of the design of the interchange—the links that were promised? You just talked about on Victoria Road. What was the other one?

KEITH STALLARD: Lilyfield Road.

The CHAIR: These were separated cycleways?

KEITH STALLARD: Yes. They should be.

The CHAIR: What about getting onto the Anzac Bridge from all directions, because that is not ideal now either, is it?

KEITH STALLARD: That link existed before Rozelle interchange was started. They've done very little to modify that. They've added maybe about 50 metres at one end of Victoria Road. But that's supposed to be a separated cyclepath as well and not a narrow shared path.

The CHAIR: And that separated cyclepath, just to be clear, to get onto the Anzac Bridge comes from where? What side?

KEITH STALLARD: As promised in the EIS, there should be separated cyclepaths all the way from the beginning of the Rozelle interchange—that's the junction between Victoria Road and the City West Link—all the way up and over, up Victoria Road and over the top and down the other side to the Iron Cove Bridge. That was promised in the EIS, as was a separate cycleway which I think is over two kilometres along Lilyfield Road. None of those have been built at all.

The CHAIR: None of those have been built. They were in the EIS. Is there an understanding that anything is going to happen now? The Rozelle interchange has opened and that has just been conveniently forgotten about or is there an expectation that it will happen?

KEITH STALLARD: We expect that it should happen, but Transport for NSW and its contractors when we challenged them keep saying that they're built in accordance with the approved plans. We disagree.

The CHAIR: When they say, "built in accordance with approved plans", were they suggesting that is because the plans changed so much since the initial EIS? Did the plans change and evolve to the point that those separated cycleways on Lilyfield Road and Victoria Road were ever removed from any of the plans that were released or produced after the EIS?

KEITH STALLARD: Yes, they were.

The CHAIR: Were they always in the plans?

KEITH STALLARD: No, they were removed after the conditions of approval, which state at the beginning of the conditions of approval that everything must be constructed as promised in the EIS. That's stated at the beginning of the conditions of approval. It also says that they need to produce a cycling strategy, and in the cycling strategy they progressively removed all the relevant—the important infrastructure just disappeared. They claim that there was a lot of consultation but there wasn't, and the little consultation there was, was not heeded at all. The final cycling strategy doesn't have any of this in it. But we believe the strategy has been approved by the department of planning but with the proviso that if there are any inconsistencies between the cycling strategy and what was in the conditions of approval, that it's the conditions of approval that prevail. We believe the conditions of approval are what was in the EIS. We believe that some of the stuff, they can't use that.

The CHAIR: Can I check with you, Mr Haertsch, whether that is a similar situation? I don't know, but in relation to the lack of pedestrian access that we've heard about now on Victoria Road, whether the community was of the understanding that there would be greater access, more connected pathways?

DAVID HAERTSCH: Yes. We understood that there would be, in fact, a new cycleway all the way down Victoria Road—no shared paths or anything like that—and in fact there would also be widened footpaths. Essentially the same with Parramatta Road, that it was supposed to become basically a public transport corridor.

The CHAIR: A boulevard.

DAVID HAERTSCH: A boulevard, exactly; they use that often. We expected the footpaths to be widened and there to be a cycleway and there to be more trees. But as it is, no change has happened whatsoever. There is a huge gap between crossability at one end down near Anzac Bridge and right up at Evans Road, or near

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Evans Road where the first set of traffic lights is. That's really a disaster for walkability. It's very difficult to walk from Rozelle across to Balmain without having to endure that horrible interchange.

The CHAIR: We've heard that schoolkids are having to do that every day across Victoria Road.

DAVID HAERTSCH: That's correct, I'm sure.

The CHAIR: Have you heard anything around whether it's going to be fixed in terms of the issue on Victoria Road near Anzac Bridge? We're hearing people sometimes just making a run for it across that massive new section.

DAVID HAERTSCH: Well, that's a disgrace.

The CHAIR: Yes.

DAVID HAERTSCH: There isn't even a fence there. I think there was a fence once upon a time. Once there were pedestrian crossings at that point and there was also a footbridge. It was possible to go from one side to the other. The underpass was shut when I was looking about six weeks ago, but I think it's open now. It's still very difficult to get the bus there.

The CHAIR: Where's the underpass to and from? Could you explain?

DAVID HAERTSCH: I think the underpass goes under Victoria Road and across to the parklands, but it might have been shut because the parklands were shut.

The CHAIR: Is that a pedestrian and cycleway?

DAVID HAERTSCH: I think it's a cycleway as well. I think it's a shared way.

The Hon. NATALIE WARD: Thank you both for appearing today and for your submissions. I want to ask about the proposition for walking to start with, Mr Haertsch. Thank you for the recommendations; however, I invite you to address the issue of safety and lighting. This walkability is also impacted by the perception of safety for people choosing to walk, particularly at night or when it's getting dark, or utilising transport options, perhaps taking a longer way because there's more lighting. There's evidence that women, in particular, will choose a longer route if it's dark, or a lit route. Is that something that you consider should be added into this and added as part of these recommendations? Is that part of your remit, to expand—the previous Government had a Safer Cities Program, which was about making these active transport routes safer, lighter, brighter, and listening to the community. Is that something that you would consider and have recommendations you would like to talk about?

DAVID HAERTSCH: Yes, of course. I think the main issue, really, is the distance between places where you can cross. Also, when there was a pedestrian bridge, that was obviously safer than when there was an underpass—at the junction. Certainly good lighting and all that sort of thing.

The Hon. NATALIE WARD: But to call on for these to happen and to have that funding for active and public transport over roads, do you include as a necessary part of that adequate lighting?

DAVID HAERTSCH: Absolutely, yes, certainly adequate lighting.

The Hon. NATALIE WARD: And safety aspects?

DAVID HAERTSCH: Yes. But the prime issue, really, is that there hasn't been much money spent at all on active transport, certainly compared to the billions that have been spent on this.

The Hon. NATALIE WARD: If more were to be spent by the Government, and it did consider that it would fix up some of these crossing points, would you advocate for those to include, as part of that planning process, lighting and safety aspects, because there's no point in building it if women won't use it after dark?

DAVID HAERTSCH: I'm just not quite sure where you're thinking of, specifically, because the main problem with, say, Victoria Road and the whole Rozelle interchange surrounds is that it's downright unpleasant to use. There's too much traffic and the pedestrian infrastructure runs alongside very busy roads everywhere. I don't know if the parkland pathway is open yet but certainly that would help if it was well lit.

The Hon. NATALIE WARD: That's my point, though. If we are to make recommendations as a committee and take on board your representations about cycleways and walkways and your group's drive—drive is the wrong word—impetus to have more of these, I would have thought that part of that should be calling for additional funding to ensure that not only are they built and there's investment in them, but that they are made in a way that is safe. It might be a busy road, but it's not necessarily a safe environment, and that is what I'm focusing on. I understand the other things that you've said today and in your submission, but it seemed to me to be a glaring omission from some of the things that you've called for. It's not a criticism.

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The CHAIR: Mr Stallard may also comment on that too.

The Hon. NATALIE WARD: It's not a criticism. I'm just saying, is it part and parcel of what you are to call for here, if it's invested in, but it's dark and it won't be used at night?

DAVID HAERTSCH: Well, for sure, yes. I can only agree.

The CHAIR: Mr Stallard, do you have anything to comment on in terms of what Ms Ward was asking? If not, I'll just give you an opportunity because you look like you were wanting to.

KEITH STALLARD: I don't have any comments to make in terms of lighting. None of the cyclists I speak to have raised that issue, but then we all have lights on our bicycles.

The Hon. NATALIE WARD: But we know that women's safety is a concern and we've heard evidence that additional lighting and safety features do encourage them to use them. Otherwise, they just don't use those pathways. Is that something you might consider as part of the call?

KEITH STALLARD: I think that's one of the lesser important things in the cycling. Firstly, the infrastructure isn't there, so we might need to build it before we light it. But if it was built, then we'd need good lights.

The Hon. NATALIE WARD: I accept that but I'm saying, if the infrastructure were to be—taking your submission and taking what you're saying onboard—a recommendation, it's not just build it, but let's make it safe for women to use after hours, if it's to be taken as a serious transport option. I would have thought that's something that you'd consider but you're saying you're not considering that. That's not an issue for you?

KEITH STALLARD: There are bigger issues, but yes, it needs to be made safe for women at night. It needs to be made safe for everybody. The things that are making it dangerous for cyclists are probably not the lighting; it's more the obstructions in the cycleways and the shared paths—the 104 poles. In 1.2 kilometres along the Victoria Road shared path there is one every 14 metres, and they're extremely dangerous. That's much more dangerous and causes many more people, including women, not to cycle.

The Hon. NATALIE WARD: They're not dangerous if you don't use them.

The Hon. MARK BUTTIGIEG: Mr Stallard, in your submission, you state that the failure to deliver active transport along Victoria and Lilyfield roads was a breach of binding conditions of approval, presumably from the department of planning. Has anyone pursued that?

KEITH STALLARD: Yes, we pursued it. We've written to Transport for NSW but they have a refrain, which says, "Everything is compliant with the conditions of approval."

The Hon. MARK BUTTIGIEG: Could you just re-articulate that? The refrain was, "Everything is being complied with," was that it?

KEITH STALLARD: Yes.

The CHAIR: What does a refrain mean? When you say they have a refrain, where is that written? How is that captured?

KEITH STALLARD: I can read the last one to you, if you wish, but it's about half a page at least and it's an almost standard response we receive to all our emails that we write to either John Holland or to Transport for NSW project delivery team, or to the managers of Transport for NSW. They never address the issues that we raise that it's not compliant with the conditions.

The Hon. MARK BUTTIGIEG: They should be politicians.

The Hon. NATALIE WARD: Assuming he's correct.

The Hon. MARK BUTTIGIEG: In other words, they contest your contention that it's non-compliant.

The Hon. NATALIE WARD: Correct.

KEITH STALLARD: That's correct.

The CHAIR: I also want to check this statement with you, Mr Stallard, that the Government has also put into their submission to this inquiry. I don't know if you would have this level of detailed knowledge, but they say they've delivered:

The Rozelle Interchange has delivered important urban amenities, including 10 hectares of new open space and new pedestrian and cycleway connections to link Rozelle and Lilyfield with Annandale, Balmain, Glebe and The Bays Precinct.

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Have the new pedestrian and cycleway connections happened as a result of the Rozelle interchange?

KEITH STALLARD: Yes. It sounds grander than it is, but they're referring to two connections that leave the Rozelle Parklands and go over bridges: one via the light rail which comes down to the bottom of Annandale and the other one which is a bit further up. So they have improved connections there. I admit that and thank them for it. The problem is that that's not the main route. The main route is down Lilyfield Road and down Victoria Road, and they've done nothing there.

The CHAIR: Just to be clear, were both Lilyfield Road and Victoria Road promised to be complete by the time the Rozelle interchange opened? Is that what the community was expecting?

KEITH STALLARD: That's what we were expecting. I'd have to check on the exact dates but I think some of the cycling infrastructure was to be delivered right at the end of stage three, but stage three was supposed to have finished at the end of March.

The CHAIR: This will be my last question. Mr Stallard, I note in your submission or the document that I think you wanted to table today, which you have circulated to the Committee recently—you do want to table that, correct?

KEITH STALLARD: Yes, please table the extra pages.

The CHAIR: Excellent. Thank you. In that document you say there have been complaints about cyclist-pedestrian interactions on the shared paths within the Rozelle Parklands and, as a result, Transport for NSW has installed signs indicating a maximum speed of 10 kilometres per hour. That's not very fast for a bike, is it? If you're thinking of a commute, for example, getting to work and travelling through there to get onto the bridge—however that happens at the moment—10 kilometres per hour is another barrier; that is not very fast.

KEITH STALLARD: No, that's correct, and it's actually against the off-road design codes that they are contractually obliged to follow. The contractual obligation on them is to design a cycleway for commuters in this circumstance where cyclists can travel at 30 kilometres an hour or more. Putting in a 10 kilometre per hour speed limit and removing the bridge that crosses Lilyfield Road has now made commuting down Lilyfield Road from the suburbs to the west slower than it was before the Rozelle interchange was built.

The CHAIR: Thank you. I'll go to questions from Mr Wes Fang.

The Hon. WES FANG: Thank you. Just in relation to some of the discussion around cycleways and active transport routes along Victoria Road, do you accept that, as it stands at the moment, the community around the Balmain section in particular are already concerned that the changes to the surface road structure are such that people are already having trouble exiting parts of Balmain in the peak hours, particularly in the morning, and that any changes to pedestrian or cycleway access along Victoria Road would effectively cripple that area? Do you see that that's perhaps some of the rationale behind not proceeding with any changes along there?

KEITH STALLARD: I don't know if it was part of the rationality for other reasons, but I don't accept it anyway. I think a well-designed cycleway could cater with all those issues you've raised.

The Hon. WES FANG: How would that be? I imagine that the parents who have to drop off school kids, the people who have to get to work, those who have to carry a heap of stuff, there are so many reasons why—and, particularly, the Balmain peninsula area is quite hilly. It is not exactly conducive to active transport, is it?

KEITH STALLARD: It's pretty conducive to buying an electric bike, which is what I use and the hills pose no problems.

The Hon. WES FANG: If you're a mother with two young children and you have to drop a kid to preschool and then another child to school, carrying some groceries and school bags and everything else, an electric bike is suitable for that sort of person or that sort of use, would you suggest?

KEITH STALLARD: Yes, I would. In fact, our member for Balmain, Kobi Shetty, does that exactly, with two children.

The CHAIR: Yes, she does.

The Hon. WES FANG: Okay. What if you choose not to do that, for any number of reasons?

The CHAIR: I don't think they're talking about banning cars.

The Hon. WES FANG: You might not feel confident cycling in the wet. You might have children that are unwell; if it's raining, you might not want to get them wet. Certainly, you'd appreciate that people choose different modes of transport and in the same way that you talk about electric bikes being one solution, electric cars are just as environmentally friendly in that circumstance. Isn't blocking off that area of Balmain—the northern

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side of Victoria Road, where people are trying to get onto Victoria Road to get into the city or to get out—and making changes to pedestrian or cycle access going to shut off that part of Balmain?

KEITH STALLARD: I have to apologise because my computer is about to shut down, but I'll try to answer that as quickly as possible and then come back with the telephone.

The CHAIR: That is a standard reaction to Mr Fang, but—

The Hon. NATALIE WARD: That's a new excuse. We haven't heard that one.

The Hon. WES FANG: Yes, I mean, I've had people not wanting to answer my questions before—

The Hon. NATALIE WARD: That's a new one.

KEITH STALLARD: No, I can get back on the phone. No, I think there is plenty of room. You just have to look at what's been going on on Oxford Street, where there are also some issues. There are two lanes at the moment used for buses and some people say that that's more of a problem than an advantage, but there is plenty of room to have a cycle track with properly constructed intersections, the northern ones, where it needs to be—like Evans Street, as we mentioned, and Darling Street. Those are the two main ones on that section, with Terry Street on the inside.

The CHAIR: Thank you, Mr Stallard, we are almost out of time—in fact we are, because we started this session five minutes early. Mr Haertsch, do you have any last words for the Committee?

DAVID HAERTSCH: I would just like to say on that last topic that there is actually a metro station going in at White Bay there and I think that that should go some way towards alleviating the transport issues that Balmain suffers from at the moment. You have to remember, of course, that the more cars there are on the road the less space there is for buses and buses take far more people than cars do. I think you can't just expect to maintain the number of lanes that you've got and even increase them, which is what's happening, and not expect the traffic to get worse. That's what happens.

The Hon. WES FANG: Granted, which is why it's worse if you delete them.

The CHAIR: Thanks, Mr Haertsch. On that note, thank you very much. We are out of time for this session. Thank you so much for your submissions and your contributions. The Committee secretariat will be in touch if members have any supplementary questions for you. Thank you.

(The witnesses withdrew.)

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Mr KIM WOODBURY, Chief Operating Officer, City of Sydney, affirmed and examined

Cr ZOË BAKER, Mayor, North Sydney Council, affirmed and examined

Cr ZAC MILES, Mayor, Hunters Hill Council, affirmed and examined

The CHAIR: I now welcome our next witnesses. I assume you all have short opening statements. We'll start with you, Mr Woodbury.

KIM WOODBURY: Yes. Thank you for the opportunity to make a submission on WestConnex and the Rozelle interchange. Other global cities have abandoned large-scale intercity motorways constructions as inefficient, ineffective and a waste of money. No modern democracy has been able to address urban traffic congestion through investment in motorways. More people using public transport, walking and riding are the only feasible solutions for the inner city. Transport for NSW data continues to show that within the inner city area, there has been no measurable increase in driving despite significant increases in jobs and housing, and this was the case even before COVID lockdowns and subsequent changes to traffic behaviours.

Before WestConnex, the city centre already had ample motorway connectivity and bypass network to serve its current and future traffic needs. The New South Wales Government relied heavily on inappropriate and disproved "predict and provide" transport modelling and flawed track modelling growth assumptions, ignored impacts on local streets, and failed to consider alternatives to WestConnex and the Rozelle interchange. Transport for NSW must stop using surface streets as relief valves for flawed motorway planning, jeopardising jobs, housing and safety. They should also fund place making initiatives on Broadway, Parramatta Road and Victoria Road to improve walking, riding and public transport, and they should rebuild the Glebe Island Bridge as a walking and riding connection between the inner west and the city.

In relation to the New South Wales Government investment process, Transport for NSW's decision-making processes for WestConnex have not been transparent. The project and objectives have changed substantially over time. The city has consistently said that investment in WestConnex could have been better spent on alternatives like metro and other public transport options. Transport for NSW has never revealed the secret traffic model assumptions that underpin the project's design and investment justifications or the true cost of the WestConnex project, which we estimate at over \$40 billion. The community are now locked into complex, long-term contracts. The benefits evaluation against project objectives, including place making, walking and cycling objectives, has never been done or released. In relation to stakeholder management, Transport for NSW has not responded to valid concerns raised by the city and the community. Transport for NSW's engagement process lacked credibility. The city's substantial feedback amounted to over 30 submissions and 500 pages, and has never been satisfactorily addressed.

The CHAIR: Thank you, Mr Woodbury. Councillor Baker?

ZOË BAKER: Thank you, Madam Chair and honourable members. Thank you, too, for the invitation to address you today. I would endorse much of what Mr Woodbury has put to you. It applies equally to the Western Harbour Tunnel project. Your Committee has a unique opportunity to draw from the past and the present to shape and improve on what is otherwise yet to come at the northern end of this project. As you all know, the third stage of WestConnex is known as the Western Harbour Tunnel, and it's currently under construction, with tunnelling having commenced at Cammeray. The Western Harbour Tunnel, once completed, will increase traffic congestion on roads; undermine good, sustainable transport policy, which prioritises public transport, walking and cycling over cars; and result in the permanent loss of more than 1.5 hectares of public open space at Cammeray Park and beyond.

The Pacific Highway, Military Road, the Warringah Freeway, the Sydney Harbour Bridge and the Sydney Harbour Tunnel traffic corridors all converge at North Sydney. The completion of the Western Harbour Tunnel will make North Sydney a traffic interchange arguably more complex than that you are facing at the Rozelle interchange now. Since the announcement of these major road projects, North Sydney Council and our community have been raising serious and significant concerns that this toll road to nowhere will funnel increased traffic to local roads and then into the same traffic pinch points of the Harbour Bridge, the harbour tunnel and the new toll road itself, which will magnify and increase existing traffic congestion.

The New South Wales Government invested billions in the new metro and particularly in the Victoria Cross stations at North Sydney in order to ensure a pedestrian-friendly employment centre in the North Sydney CBD, which is part of the Eastern Economic Corridor. Whilst, on the one hand, Transport for NSW is increasing and encouraging pedestrian movement from the metro on North Sydney streets, on the other, it is channelling cars accessing the Western Harbour Tunnel directly through to the middle of the very same CBD. North Sydney Council has worked collaboratively with Transport for NSW, the Government Architect and the former Greater

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Cities Commission on the North Sydney Integrated Transport Program, which includes the transformation of Miller Street in order to create 2,500 square metres of public plaza to serve those very workers, residents and students of that CBD, a CBD that chronically lacks in open space and solar access.

North Sydney Council has called on the State Government to urgently amend the project design in order to address the inevitable devastating traffic and pedestrian impacts of merging multiple lanes in the same pinch points and to acknowledge the changed circumstances since the inception of the project, such as the impacts of the soon-to-open metro, the cancellation of the northern beaches link and changes to working practices since COVID. Without amendment informed by new traffic modelling that is released to the council and the public, the impacts on the community that we are seeing as a result of the Rozelle interchange will be replicated at the northern end of the project. North Sydney Council therefore urges your Committee to make recommendations in your final report that guide Transport for NSW in its design and dealings with the Western Harbour Tunnel project to ensure that we are not here once again in four years time with an inquiry into the impacts of the Western Harbour Tunnel operations. We hope that can be avoided.

The CHAIR: Thank you very much. Councillor Miles?

ZAC MILES: Thank you, Madam Chair and members of the Committee, for allowing me to provide evidence at this hearing. I have provided you all with a copy of my transcript. I'm here today to speak on behalf of the Hunters Hill community, who have endured the knock-on effects of the opening of the Rozelle interchange since December. Victoria Road is a main city-bound thoroughfare for most travelling in and out of our community. While we patiently waited for the teething issues to resolve, it soon became clear that there is no relief in sight and that the project is flawed in achieving its original goal of relieving traffic congestion on our roads. Statements made in the media prior to the opening of the interchange were that traffic would be reduced by 50 per cent on Victoria Road. A community notice about night work updated 14 April 2021 specifically says, "The toll-free connection between Iron Cove Bridge and Anzac Bridge has been forecast to reduce traffic along Victoria Road by up to 50 per cent." Similarly, a media release dated 4 August 2020 inviting people to have their say on the new industrial park says that the Rozelle interchange "will reduce traffic on Victoria Road by 50 per cent."

Fast forward to today, and this could not be further from what the reality is. The Rozelle interchange has created chaos on and off peak times and, at times, both city-bound and returning to the north-west. The traffic gridlock cannot continue. It is affecting our community here and communities in Ryde, Lane Cove, Drummoyne and the inner west. Our constituents can't get to work, they can't get their kids to school on time and they can't move freely on what is meant to be the main thoroughfare for most of their journeys. Transport for NSW has been publishing data on the Rozelle interchange website to show traffic at peak-hour times. The data suggests it now takes three times longer to travel from the Gladesville Bridge to the Anzac Bridge on Victoria Road in peak hour than it does from Beverly Hills on the new motorway. On Tuesday 20 February, what would have been a 10-minute trip on this part of Victoria Road, prior to the opening of the interchange, took more than 55 minutes for commuters because of an accident that put even more pressure on the system.

It is clear that any benefits from the new road infrastructure come at the expense of communities in the north-west's and inner west's access to the road network. It's not fair that our communities suffer the consequences of the poor implementation of this road infrastructure. We must find and implement a regional solution to this ongoing problem. I wrote to the Minister for Roads, John Graham, on 7 March 2024 seeking an urgent meeting with him to discuss and immediately review the traffic congestion generated on Victoria Road as a result of the Rozelle interchange. I have not received correspondence back to date. I told the Minister then that I was sure that our community could work together with his department to resolve some of these issues—some of them, very pressing issues.

Some of my suggestions, which were provided, were that the situation could be improved by investigating and reviewing the improvements of the timings of the four light signals on Victoria Road between Westbourne Street and Park Avenue in Drummoyne and to ensure that they correlate with the new traffic flow patterns to prioritise local traffic over the existing toll roads; improved awareness of the toll-free tunnel of the Iron Cove Bridge to the Anzac Bridge to encourage motorists who don't need to be on Victoria Road to use this alternative faster route; review the hours of operation of the bus lane on Victoria Road from Gladesville to the entrance of the stage 3B tunnel at Rozelle; and restore the bus lane on the far left-hand side, utilising the space for more traffic flow in the interchange and eliminating duplication. Thank you for your time, members. I hope that you will be able to find solutions to these traffic issues that are very important to our local communities in the north-west.

The CHAIR: Thank you, Councillor Miles. Many of you seemed to have a common theme: your interactions with Transport for NSW and their willingness to hear your concerns in a genuine way and meet with the council and try to work out a solution. Mr Woodbury, Rozelle interchange has been built. Councillor Baker, Western Harbour Tunnel has been committed to. They have seen the disaster of what the Rozelle interchange was

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to the local community. You would think at this point that they would have learnt something and be at least trying now to be much more consultative and genuinely exploring solutions with you because you know your local area so well. Is anything like that happening? Are you seeing any change in their approach since the opening of the Rozelle interchange? Mr Woodbury, you have been dealing with this for some time, I take it. Councillor Baker, I know that you've also have been communicating with them about this. Have you noticed any change?

ZAC MILES: For what it's worth, Chair, the fact that I can't get correspondence back from the Minister on this issue—

The CHAIR: About six weeks I think it took, didn't it, so far?

ZAC MILES: Yes. The fact that post the public meeting that was held for residents in Drummoyne, which I attended, where I invited the departmental reps—who I assume were from the communications team—to interact with our community in Hunters Hill or even just give a briefing to our council and we still haven't heard from them, I think, shows the lack of response that a lot of us as stakeholders are finding on the ground. As I said in my letter to the Minister, we just want to be able to work out practical solutions here. Every local government area is going to be different, but at the end of the day we need engagement so that we are able to find some common ground and find the solutions.

The CHAIR: Councillor Baker, what's your view, firstly?

ZOË BAKER: The experience from get-go has been that Transport for NSW have been reluctant to do real community consultation. Certainly the EIS was put out over COVID and during school holidays. In terms of responsiveness—the position that I put to you and we as a council put to the Minister at the end of last year—I have received a response from the Minister this week, and, with no disrespect to the Minister, it was clearly drafted by Transport for NSW. It repeats that they do modelling throughout their project—none of that modelling has been provided or released to the council—that they will do a 12-month and a five-year post-operations review, and, with respect, that does not address the immediate concerns that we have.

We as a council are really in a very similar position to that of Inner West and to the City of Sydney, except that we're just a bit further down the track. Our submissions on this induced demand and what it will mean for North Sydney are based on the EIS that was released in 2020. To this day, we have not yet had any practical discussions with Transport for NSW about what they expect to do and what could be practically done now to avert the sorts of things that we have seen at Rozelle. With respect, that was being called out by councils and communities long before the road was operational, and we are in the same position.

The CHAIR: Mr Woodbury, you made it pretty clear in your opening statement in terms of how much—

KIM WOODBURY: Yes. Just answering your question, the city has generally a very good relationship with Transport for NSW. We do a lot of projects jointly together, and we wouldn't have got those up without working collaboratively together. I think there's a difference with the mega projects. They seem to have a different dynamic, where it's not open. It's basically, "We'll tell you what we're doing, and don't really take much notice of anything," and fairly dismissive of any technical information that's provided.

But I think it's fairly clear to say that the city's submissions are pretty much proven to be correct in that we've made many submissions over many years, saying that the project was flawed. The Lord Mayor and I were at a previous forum like this in the past, and the Lord Mayor asked the question, "The original purpose of WestConnex was to get trucks off the west and inner west to the port," and asked the Minister at the time, who was actually chairing the meeting, as to what the current objective is, because obviously that objective wasn't being met. This is quite some time ago.

We couldn't get an answer. The project has been a problem from the start. It never had proper objectives. The benefits and how those objectives are being met have never been done. The other thing that was back from that was that the Government and Transport were saying at the time that, "We're not trying to bring extra vehicles into the City of Sydney—into the inner city." However, what we have got is the opposite of exactly what was the case. We'd like to differentiate between general projects that we do. We do many projects together with Transport for NSW and have good relationships, but the thing is these mega projects somehow are treated differently.

The CHAIR: The City of Sydney has requested multiple times to see the detailed traffic modelling, I take it?

KIM WOODBURY: Yes, we have.

The CHAIR: You haven't seen it?

KIM WOODBURY: They give us limited data, trying to get assumptions, but we can then try to back-calculate what those assumptions are. They are based on, as I mentioned before, a flawed model, which is

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basically traffic generation, which is basically generic stuff and not from inner-city reality. It has never been tested against cities around the world or within Sydney. The fact is we've got more jobs, more housing, and we've got less road traffic in the inner city. It's a different story for other parts of Sydney, but that's the case.

The modelling consistently—and even the works that Transport are doing at the moment, with the Western Distributor upgrade and Allen Street off-ramp, the city's position on that, with our recent submission, was basically they are taking pedestrian space to provide more traffic to feed into Pyrmont. At the same time, the New South Wales Government has a jobs and housing plan to increase that, and you can only increase that by having more pedestrian access. We've got one document that's coming from the department of planning, which is saying one thing, which the city fully supports, and something from Transport that they are implementing, which goes exactly the opposite against those. The approach of "Build it and they will come" is not the approach to apply to inner cities—or actually for the Greater Sydney.

The CHAIR: Mayor Baker, I notice there was a mayoral minute as well that was moved and passed in relation to calling on the State Government to commission new traffic modelling. That just makes perfect sense, particularly after what we've seen with Rozelle interchange and the impacts of that. Would you care to comment on that?

ZOË BAKER: Absolutely. In the context of the Western Harbour Tunnel, it's also in the context that as of July or thereabouts the metro will open. If I could just also reiterate some of what Mr Woodbury said, there's a disconnect between some really good pedestrian-centred traffic planning that Transport for NSW has been doing, on the one hand. Part 1 of the conditions of consent of the Western Harbour Tunnel is that the work should not be inconsistent with the North Sydney Integrated Transport Program. That was what the document I was saying in the opening statement was worked on with Transport for NSW, the government architect and the Greater Sydney Commission. That is doing exactly what we should be doing—planning around transport hubs to increase pedestrianisation and to support it.

On the other hand, the Western Harbour Tunnel is deliberately widening Berry Street, which is on the doorstep of the metro station, and they are expecting between 12,000 and 16,000 pedestrians once the metro is up to be coming out at morning and afternoon peak into a very constrained CBD. On one hand we have the North Sydney Integrated Transport Program, which was collaborated on and in fact commissioned by Transport for NSW, and on the other hand they're undermining their own very good and sensible work, which is to support people accessing and using public transport to commute. The frustration we have is that disconnect. I think it's right; the larger project is a megalith that rolls over communities and councils and it is in contrast to some of the other parts of Transport for NSW that are doing excellent transport planning.

The CHAIR: I just note that you also have a mayoral minute calling on the State Government to prepare a new business case as a result of what you would think would be new inputs.

ZOË BAKER: Absolutely. We think that the world has moved on and they really should be doing a pause and reflect on whether the Western Harbour Tunnel works, which are at a very early stage, can be justified in the context of constrained State Government budgets but also the necessity. We know that they did not include modelling for the Metro and the impacts there and the Metro West more generally, and so we've read with a great deal of interest that Transport have suggested that the opening of the Western Harbour Tunnel is the solution to the Rozelle interchange and congestion in the Inner West and north-western Sydney. I think anyone who understands these projects knows that will just not be the case, and with the cancellation of the Beaches Link which was the justification for much of the Western Harbour Tunnel to pull traffic from Rozelle through into the Beaches Link, now it's pulling it into the Warringah Freeway. The circumstances have changed and they ought to be doing proper modelling and rethinking whether it's now necessary.

The Hon. NATALIE WARD: Thank you all for your submissions and for coming along today to assist the Committee. We very much appreciate your time. I will go to a couple of themes. First of all, each of you is here representing, in the case of both of you, mayors and, Mr Woodbury, your communities respectively. Can I ask you to speak to that engagement point. I want to pick up on that and the ongoing engagement with Transport for NSW. Mayor Miles, I might start with you. You mentioned the meeting at Drummoyne that you attended. Were you invited formally to that meeting in your capacity as mayor?

ZAC MILES: No. I found out about that meeting through a constituent who sent me a Facebook post that had been posted by a community group, a community forum, that had set up a meeting in frustration and attended that meeting. I certainly wasn't invited. I went along to see what the forum was going to be about. I didn't know that there was going to be departmental reps there. Slightly frustrating, given our correspondence and the back and forth we had been having. In terms of the consultation, it would be nice to have some.

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It would be nice to have, as I have invited, someone from the comms team or maybe even a decision-maker from within RMS or Transport to come and visit us so that we can have a public forum to explain to them the frustrations that we're having with the infrastructure because there have obviously been some changes to the physical implementation that have had downstream effects. We are certainly downstream, but it affects on-peak traffic every day. I can get from the main village in Hunters Hill to the airport in 20 minutes if it's 2.00 in the morning or if it's midday, maybe. If it's on peak, I can't get to Balmain in 45 minutes.

The Hon. NATALIE WARD: If I can come back to that meeting, my understanding is, and the evidence before this Committee is, that the member for Drummoyne was also not invited, although she similarly found out and attended. She had similarly written to Transport and asked for such a forum and requested such a forum happen with the community and found out through a community member that a meeting had been granted to a Labor councillor on a Monday at a pub upstairs. Obviously not ideal for accessibility and for everybody to attend. Can I just ask what you would like to see as a formalised meeting for your community and the feedback, whether you think that format was adequate?

ZAC MILES: No. I think that it would have been more appropriate for council to have held it in a civic space or for somewhere where, as you say, it could have been potentially a bit more accessible. It was packed.

The Hon. NATALIE WARD: No lack of interest.

ZAC MILES: No, not at all. I think the organisers that put that together probably didn't expect that volume of people. For our council, I'm very comfortable to say that we're happy to offer our town hall or one of our civic spaces to hold such a forum, and we're desperate to hold one because I think that the department needs to hear the experiences that are being felt by the community in the implementation of the opening of the interchange. They've had significant knock-on effects, especially from that community meeting, that I don't think they're recognising. There have been some very strange things come out, particularly the light timings in Drummoyne. It means that often on peak hour you will have traffic up to the peak of the Gladesville Bridge and it will take at least an hour to get from there to the opening of the interchange at Iron Cove.

The Hon. NATALIE WARD: The problems seem to have moved further out; that's my understanding.

ZAC MILES: Yes, and then strangely we're having issues that we've never had in the past. In afternoon peak, which is not what happens at morning peak, often you'll have traffic banked from the turn-off at Lyons Road down to the start of the Gladesville Bridge, over the Gladesville Bridge, over the Tarban Creek Bridge, past the Hunters Hill overpass, over the Fig Tree Bridge, up Burns Bay Road to the main interchange at Lane Cove. That's about two kilometres of traffic in the afternoon peak. For our communities and people trying to get obviously through that infrastructure to get probably to Western Sydney, given the volume of people turning right onto Lyons Road or trying to turn right onto Lyons Road, you can tell that there have been knock-on effects that probably the Department of Transport haven't considered and that affects us in a big way because our peninsula is one way in, one way out.

The Hon. NATALIE WARD: Yes, quite right, and you've made some constructive suggestions about opportunities for things to change or how there could be some remediation, and they're helpful. Have you had any response on those?

ZAC MILES: No. I've been contacted by the community group from Drummoyne that put on that forum and they had come to the same conclusions that we had, particularly that the timings on those four lights from the Iron Cove Bridge to the Gladesville Bridge need to change.

The Hon. NATALIE WARD: No response though to the specific constructive suggestions.

ZAC MILES: We've had no formal response from the Government.

The Hon. NATALIE WARD: Mayor Baker, similarly?

ZOË BAKER: We're in a slightly different position because we're in the middle of Warringah Freeway upgrade and Western Harbour Tunnel works, which are under the one—

The Hon. NATALIE WARD: I drive it every day, twice a day. I'm very aware.

ZOË BAKER: I'd say two things. One is that we have a dedicated council officer whose job is to do liaison on both of the major projects with Transport for NSW, so there is a line at the officer level of communication. There is frustration from Cammeray, Neutral Bay all the way down into North Sydney at High Street in terms of responsiveness to community and in notice and sufficient engagement and communication. The issue we have on all of these major projects is the division between responsibility for it by Transport for NSW and the responsibility that lies with two separate contractors. Daily, as a councillor and I know others, we have frustrated, despairing communications from residents all the way along, and much of our role is trying to get

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Transport for NSW to respond. More than once I've had to write directly to the Minister in order to intervene to assist people in very desperate situations.

The Hon. NATALIE WARD: Do you get a response?

ZOË BAKER: Yes, I have had a response and I've had meetings with the Minister when I have requested them. It has taken some time to get there but I have.

The Hon. NATALIE WARD: So Liberals don't.

ZOË BAKER: What has now been implemented is that the project leaders for Transport for NSW on each of those projects for the first time met with councillors in a council briefing at the beginning of this year, and we've asked that that happen at least every two months or three months. There has been some movement, but it has taken continued engagement from the council to get that attention.

The Hon. NATALIE WARD: And an open community forum also has not occurred?

ZOË BAKER: The community forums that we have had, we've always run through council.

The Hon. NATALIE WARD: Just quickly—and I'll come to you, Mr Woodbury—there is one issue that I wanted to raise and that is the Berrys Bay precinct. There was a redesign of the Western Harbour Tunnel essentially to save Berrys Bay, if you like, and part of that was to invest in restoration and upgrading of Berrys Bay. Has that progressed? Have you heard from the Government about that, or Transport?

ZOË BAKER: Yes. I'm going to a meeting this afternoon. The master plan work has been completed and the detailed design is underway. Our council and our community welcomed that park on the foreshore and the respite for Berrys Bay, but it's with a bittersweet tang because there's more than one and a half hectares of Cammeray Park that will be occupied by operational sheds, and the Rozelle Parklands position is not being replicated at the other end.

The Hon. NATALIE WARD: But must better than the alternative, which was to completely take it over.

ZOË BAKER: Of course, we welcome that good planning and having a foreshore park.

The Hon. NATALIE WARD: This is my last question. Do you still say that that should occur at Berrys Bay? I think you suggested that perhaps the Western Harbour Tunnel should be rethought. Do I take from that that you think it shouldn't progress, and if that's the case, should Berrys Bay progress?

ZOË BAKER: Absolutely to both.

The Hon. NATALIE WARD: They should both progress.

ZOË BAKER: They should both. The Western Harbour Tunnel, there should be a review of it.

The Hon. NATALIE WARD: When you say "review"—

ZOË BAKER: In our submission as a council, we think with real modelling that it really ought to cease.

The Hon. NATALIE WARD: Sorry. Do I understand in lay terms, just to be absolutely clear, that the Western Harbour Tunnel should not occur?

ZOË BAKER: Yes. The impacts in order to meet the object of it, the weight there is so far, the impacts are so devastating compared to what it purports to be going to deliver, that it really needs to have a rethink about whether it ought to proceed at all.

The Hon. NATALIE WARD: Sorry, I don't mean to be pedantic, but we should be clear that that means to stop and not do the third harbour crossing.

ZOË BAKER: Yes. That's the resolved council position, yes.

The Hon. NATALIE WARD: All right. Thank you.

The CHAIR: I need to check with Government members now.

The Hon. MARK BUTTIGIEG: Thanks, Chair. Mr Woodbury, we've heard from evidence earlier that yours is the exemplar council in terms of modelling and the work you put into this. Could you give us a sense of a time line. The traffic modelling that was done by your council on alternative proposals to WestConnex, when did that reach maturity, and when was it submitted to the previous Government?

KIM WOODBURY: We've done modelling on a number of occasions, but we're not privy to the information. Transport for NSW has never given us the city-wide model, as in the Sydney-wide model that they

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use in doing their stuff. Ours has been more a questioning and trying to gather information, but from the information that we have gathered, there were obviously flaws. There were flaws just in the modelling itself, so we've provided a critique, but we haven't provided an alternate traffic model.

The Hon. MARK BUTTIGIEG: And the critique, what were the design flaws that it identified?

KIM WOODBURY: As I mentioned, growth assumptions. Basically, if you've got more potential for development in areas that therefore there'd be extra car usage when, for the inner city, that's contrary to evidence. Basically, we have a lot of developments in our area where there's no car parking in the building and, therefore, to use traffic generations that apply to far Western Sydney is just not appropriate for the modelling—so those kinds of things. Effectively also, just the fundamental design modelling logic that they use is basically designed for the car. To try to have unrestricted car travel is kind of the objective. It doesn't really look at the whole transport thing—what's going to be metro, what the split needs to be with public transport, with walking, with cycling—and tie that in. A holistic transport study really should be done.

The Hon. MARK BUTTIGIEG: But in terms of the issues we're seeing now, in terms of local traffic congestion, rat runs, the hotspots on the Anzac Bridge and Victoria Road, was the deficiency in the modelling identified—where those things identified—as potential fallout as a result of the lack of sufficient modelling by Transport for NSW, or did the modelling identify those things as problems, but they just weren't addressed?

KIM WOODBURY: We did identify. I can give you an example, not specifically for the Rozelle interchange but down at the St Peters interchange. When we looked at the actual model, we did ask Transport, "Where are the boundaries of the models?" You make assumptions at the boundaries for impacts on local streets. It's fair to say that it wasn't far off where the interchange actually came out to the local streets at all, which provides no information. There are just assumptions as to what happens on the local streets, so the modelling that they did didn't provide any kind of projections for what happens to local streets. And even when I asked the question, "What happens to the traffic when it hits the local streets?", the answer was, "It will disperse." That's pretty much the sum of what we actually got. I can't speak exactly because I can't recall the Rozelle interchange, but I would suggest that the modelling for local streets would have had a similar thing where the boundary around the model where the local streets come out does not go very far into the local streets, so you're not analysing local streets; you're just assuming certain things. Often those assumptions, as I mentioned before, are not very rigorous assumptions.

The Hon. MARK BUTTIGIEG: The response from the then Government was the local traffic will disperse.

KIM WOODBURY: Yes.

The Hon. MARK BUTTIGIEG: In terms of the inheritance of that legacy, is it the case that there's a structural problem here which can be ameliorated to an extent, but given the inherent structural design flaw due to the lack of appropriate modelling, what is the fix, given that inheritance from that previous decision, or that previous process? That is my question.

KIM WOODBURY: From the city's point of view, the whole of WestConnex was actually flawed. It wasn't well thought through. Trying to get a fix is really a question for Transport for NSW to come up with a fix.

The Hon. MARK BUTTIGIEG: Sorry, Mr Woodbury, on that question, in your view was the department and the Ministry given enough wherewithal from community concern at the time and alarm bells ringing that they should have addressed the issue, or was it, "Look, we hear what you're saying, but we think it'll be okay"?

KIM WOODBURY: The City of Sydney has never said it will be okay. As I mentioned, we've made over 30 submissions.

The Hon. MARK BUTTIGIEG: No, I mean the response from the department.

KIM WOODBURY: The response is back, so we did get responses, generally; but the thing is we felt that they didn't address the concerns that we had, and they were unsatisfactory.

The Hon. MARK BUTTIGIEG: Was that pre- or post-construction?

KIM WOODBURY: Pre-construction, during construction, post-construction, and it's happening now with the Western Distributor and Allen Street right at this moment.

The CHAIR: Isn't part of the issue that it's declared critical State significant infrastructure, and so it's kind of approved. As a witness said earlier today, all of these different EISs, everything for the community to comment on but, essentially, it's been approved.

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KIM WOODBURY: Yes, and there was also a third party. The Sydney Motorway Corporation was set up by Government and there's a doubt dynamic with them and Transport as to who was driving the actual project.

ZOË BAKER: Certainly, if I may comment on that, our community perception was that it was a window-dressing exercise—9,000 pages of EIS released over the school holidays. We have an amazing community with various expertise who trawled through it. All of these things that we're raising now have been raised in detail during that EIS period. They weighted—they went through the process performatively, and they approved the project. There was nothing that was in response to these serious concerns about induced demand and what it would mean.

The Hon. MARK BUTTIGIEG: What was that EIS period you were referring to, precisely?

ZOË BAKER: It was in January-February 2020, from recollection. It was during a lockdown but over the school period. The volume of documents was substantial. With a great deal of community interest, people were scrambling to know that it had happened. In fact, those who are switched on knew, but now that construction has begun there's a whole army of people who, the first they really understood about what the impacts locally would be of the project, was when the trees started to be removed.

The Hon. MARK BUTTIGIEG: That was school holidays 2020, but construction had already started in 2018.

ZOË BAKER: No, this is the northern end for the Warringah Freeway Western Harbour Tunnel works.

The Hon. Dr SARAH KAINE: In the kind of historical period that you're talking about, we've heard about consultation and you've now explained that parts of that process seemed a little bit rushed. For both of you, Councillor Baker and Councillor Miles, what kinds of consultation did you or your communities engage in in those lead-up years to construction?

ZAC MILES: I can say that, for my part or in my experience of the community's perception of WestConnex, it was billed as this congestion buster. I think, generally, it was seen as a good thing. We didn't have any huge material construction site within the municipality like Councillor Baker's got with the second harbour crossing, but it's the implementation that we're focused on more so than what the consultation was at the front end, because, at the front end, we thought "It's downstream. It seems to be good thing. It's going to, probably, make the commute to the city a bit easier."

The Hon. Dr SARAH KAINE: That was the community's perception but there wasn't any reach-out to you from organisations that should know the extent of impact—

ZAC MILES: Yes, I think that's fair.

The Hon. Dr SARAH KAINE:—such as the motorway corporation.

ZAC MILES: I think that that's probably a fair statement. The effects are self-evident now, now that the implementation's been as haphazard as it has. We've seen that the problem's been moved, probably, from the Rozelle component to Drummoyne. Drummoyne has then had the knock-on effect on the Gladesville Bridge, the Tarban bridge, people coming from particularly Ryde and Lane Cove.

The Hon. Dr SARAH KAINE: So, just paraphrasing, in that lead-up stage, no, there wasn't.

ZAC MILES: No, there was no significant consultation.

ZOË BAKER: Very strong contrast to—as Councillor Miles probably adverted to, because the physical impacts are in the entire local government area of North Sydney. We've had a very engaged community, very frustrated with the way that engagement was undertaken. But Transport did have pop-ups; they did have their usual community engagement. Our community was very engaged. The council—like the City of Sydney—from the get-go was putting forward very detailed submissions about the likely impacts and advocating for change to address the sorts of impacts that you're now seeing at Rozelle and that we're anticipating at our end of the project.

The Hon. WES FANG: Councillor Miles, I note that, of the three witnesses we have today, your area in particular is probably the most impacted by the Rozelle interchange, given that you're downstream of where the traffic areas are. You've indicated that you've written to the Minister and you've not received a reply. Councillor Baker, I think you said that you have written to the Minister and have received a reply. Councillor Miles, do you feel as though it's perhaps the fact that you're a member of the Liberal Party, as a councillor and a mayor, that there's a differentiation in the way that you're being treated? Given that you're the one council that's actually impacted here, you should be the one that's getting responses. Has Josh Murray, as the secretary, reached out to you at all? Given that the Minister won't speak to you, has Josh Murray as secretary, who is ultimately responsible for this debacle, reached out to you to at least apologise?

CORRECTED

ZAC MILES: No, he hasn't but—

The Hon. WES FANG: No, he wouldn't do that because he's got no operational experience.

The CHAIR: Order! Literally in the last minute—we've been so good all day. Councillor Miles?

ZAC MILES: I did write to the Minister. I would welcome a response. As I said in the letter, we just want engagement because there's probably some really simple, practical things that can happen to ease the downstream effects for us. I think that the issues raised by Councillor Baker and Mr Woodbury are probably not implementation issues; they're probably issues of the project as a whole and future stages of the project.

The Hon. WES FANG: Councillor Miles, I know that Josh Murray is listening because he didn't like my line of questioning earlier today, so I'm sure that now he will be listening to this—

The Hon. Dr SARAH KAINE: Point of order—

The Hon. WES FANG:—and I'm sure that he will reach out to you in the way that the Minister hasn't.

The CHAIR: A point of order has been taken. I'm not sure whether this is actually a question. Is that what your point of order was going to be?

The Hon. Dr SARAH KAINE: That's pretty much my point.

The CHAIR: Thank you, that's the end of our time.

The Hon. WES FANG: I had questions about the third harbour crossing.

The Hon. Dr SARAH KAINE: You should have asked the questions rather than a monologue, Wes.

The CHAIR: Thank you so much for appearing today. We appreciate your time and your submissions. If we have any supplementary questions for you, the secretariat will be in touch.

(The witnesses withdrew.)

The Committee adjourned at 15:47.