



LEGISLATIVE COUNCIL

PUBLIC WORKS COMMITTEE

Impact of the Western Harbour Tunnel and Beaches Link



Report 6

December 2022

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Public Works Committee

Impact of the Western Harbour Tunnel and Beaches Link

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Impact of the Western Harbour Tunnel and Beaches Link

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Chair: Hon Daniel Mookhey, MLC



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Terms of reference

That the Public Works Committee inquire into and report on the impact of the Western Harbour Tunnel and Beaches Link Project, including each of its constituent parts being the Warringah freeway upgrade, the Western Harbour Tunnel and the Beaches Link, including:

- (a) the adequacy of the business case for the project, including the cost benefits ratio,
- (b) the adequacy of the consideration of alternative options,
- (c) the cost of the project, including the reasons for overruns,
- (d) the consideration of the governance and structure of the project including the use of a 'development partner' model,
- (e) the extent to which the project is meeting the original goals of the project,
- (f) the consultation methods and effectiveness, both with affected communities and stakeholders,
- (g) the extent to which changes in population growth, work and travel patterns due to the Covid-19 pandemic have impacted on the original cost benefit ratio,
- (h) whether the NSW Government should publish the base-case financial model and benefit cost ratio for the for the project and its component parts,
- (i) whether the project is subject to the appropriate levels of transparency and accountability that would be expected of a project delivered by a public sector body,
- (j) the impact on the environment, including marine ecosystems,
- (k) the adequacy of processes for accessing and responding to noise, vibration and other impacts on residents, during construction and operationally,
- (l) the impact of the project on nearby public sites, including Yurulbin Point and Dawn Fraser Baths, and
- (m) any other related matter.

The terms of reference for the inquiry were self-referred by the committee on 24 March 2021.¹

¹ *Minutes*, NSW Legislative Council, 24 March 2021, p 2094.

Committee details

Committee members

The Hon Daniel Mookhey MLC	Australian Labor Party	<i>Chair</i>
The Hon Mark Banasiak MLC	Shooters, Fishers and Farmers Party	<i>Deputy Chair</i>
The Hon Lou Amato MLC*	Liberal Party	
Ms Abigail Boyd MLC	The Greens	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Tara Moriarty MLC	Australian Labor Party	
The Hon Peter Poulos MLC**	Liberal Party	

* The Hon Lou Amato MLC replaced the Hon Wes Fang MLC as a substantive member of the committee from 1 March 2022. The Hon Wes Fang MLC replaced the Hon Trevor Khan MLC as a substantive member of the committee from 25 January 2022 to 1 March 2022. The Hon Trevor Khan MLC was a substantive member of the committee to 6 January 2022.

** The Hon Peter Poulos MLC replaced the Hon Taylor Martin MLC as a substantive member of the committee from 1 March 2022. The Hon Taylor Martin MLC replaced the Hon Sam Farroway MLC as a substantive member of the committee from 25 January 2022 to 1 March 2022.

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Chair's foreword

This inquiry examined government plans to build two under-harbour motorways in Sydney—the Western Harbour Tunnel and Beaches Link. These proposed roads include tunnels under both Sydney Harbour and Middle Harbour and associated infrastructure connecting the new motorways to Sydney's existing road network.

These are large projects, with large price tags, and significant impact on communities they interact with. It is appropriate that the government's plans and processes are submitted to scrutiny through this inquiry process. The community responded strongly to the committee's inquiry, contributing more than 575 submissions, with the vast majority opposed to the projects.

The committee identified various issues with the planning and justification of the Western Harbour Tunnel and Beaches Link. This included evidence that the government failed to adequately consider public transport options, that procurement processes led to delays and extra costs, and that there was a lack of transparency regarding project planning. The committee makes various recommendations to improve transparency around the projects, noting the importance of properly informing the public ahead of the March 2023 election.


The Beaches Link component of the projects in particular lacks adequate explanation of what its benefits and costs are for the NSW community. The government has not provided a business case or benefit-cost ratio, and the community is understandably sceptical of Beaches Link's value. The committee recommends the government does not proceed with Beaches Link.

The committee heard extensive concern around the impacts the projects would have on air and water quality and makes recommendations around monitoring in each case, along with requesting greater transparency from the government on where treated contaminated sediment will be disposed.

This report also discusses project impacts on three Sydney regions that would be directly affected by construction and operation—the Inner West, Lower North Shore and Northern Beaches. Local residents and organisations raised construction impacts, environmental issues, and impacts on local traffic and community amenity as issues of concern. The committee makes recommendations aimed at better managing these impacts.

I note that at the time of writing enabling works for the Western Harbour Tunnel have begun, and that the government has recently announced major changes to the way the Tunnel itself is constructed. I put on record my hope that the recommendations of this inquiry and the contributions of its stakeholders are appropriately considered in any decisions the government makes.

I thank inquiry stakeholders for their important and valued contributions through submissions and evidence at public hearings. The volume of submissions indicates the level of concern in the community about these projects, and this committee and the broader community benefit from the efforts of all inquiry contributors. I also thank my committee colleagues for their efforts across the inquiry. On behalf of the committee, I thank the secretariat for their professional support, noting also the contribution of the Parliament of Victoria through its sharing of research and writing staff.



Hon Daniel Moohkey MLC
Committee Chair

Findings

Finding 1**28**

That the NSW Government failed to consider public transport as an alternative to motorways for the Western Harbour Tunnel and Beaches Link Projects, resulting in a lack of confidence in the community that the best outcomes have been achieved.

Finding 2**31**

That the Transport for NSW development partner model for the Western Harbour Tunnel has been a failure. The failure of the model has caused delays to the tunnel's construction, has resulted in compensation payouts to bidders, and has risked damage to the New South Wales Government's reputation among the construction industry.

Recommendations

- Recommendation 1** 28
That the NSW Government ensure that public transport alternatives have been adequately assessed when proceeding with motorway developments, to increase community confidence in the robustness of the decisions.
- Recommendation 2** 29
That the NSW Government assess including dedicated bus lanes in the Western Harbour Tunnel and Beaches Link projects if they proceed.
- Recommendation 3** 29
That the NSW Government not proceed with Beaches Link.
- Recommendation 4** 30
That the NSW Government not sign any further contracts regarding the Western Harbour Tunnel until after the March 2023 state election.
- Recommendation 5** 30
That the NSW Government publicly release the final business case and funding model for the Western Harbour Tunnel prior to the March 2023 state election.
- Recommendation 6** 31
That the NSW Government include the Western Harbour Tunnel and Beaches Link in its Toll Road Pricing and Relief Reform Review, and that the Review be made publicly available as soon as it is complete.
- Recommendation 7** 32
That the NSW Government keep the Western Harbour Tunnel (and Beaches Link, should it proceed) as public assets, with toll revenue being received by the government.
- Recommendation 8** 32
That the NSW Government investigate and publicly report on the possible conflict of interest whereby a private firm has both provided advice regarding environmental impact statements and benefitted from work associated with the Warringah Freeway Upgrade.
- Recommendation 9** 33
That the NSW Government improve its consultation process surrounding environmental impact statements by better considering the context and timing of the consultation period.
- Recommendation 10** 51
That the NSW Government improve its air monitoring program associated with the Projects so that communities do not need to pursue their own monitoring programs.
- Recommendation 11** 58
That the NSW Government ensure water quality monitoring in relation to the Projects is:
- sufficient to judge the efficacy of mitigation and management measures,
 - publicly available, and

- provided in real time.

- Recommendation 12** **58**
That the NSW Government inform the community, ahead of March 2023, where treated contaminated sediment will be disposed.
- Recommendation 13** **63**
That the NSW Government ensure that publicly available real-time monitoring of water quality be provided for the Dawn Fraser Baths.
- Recommendation 14** **64**
That the NSW Government reinstate the original recommendations of the expert working group on the Rozelle Parklands.
- Recommendation 15** **75**
That the NSW Government, as a priority, complete and publish a site investigation and remediation action plan of the contaminated Flat Rock Reserve.
- Recommendation 16** **75**
That the NSW Government further engage with residents and community groups regarding its plans for returning and rehabilitating open spaces and local flora and fauna habitats once the Projects are completed.
- Recommendation 17** **76**
That the NSW Government ensure local traffic impacts of the Projects on the lower north shore are minimised through collaboration with the local community and local governments, including through the North Sydney Integrated Transport Plan.
- Recommendation 18** **85**
That the NSW Government ensure the results of environmental impact assessments at various Northern Beaches locations inform construction planning so that environmental impacts are minimised to the greatest extent possible.
- Recommendation 19** **86**
That the NSW Government engage and work with Northern Beaches Council and other stakeholders to deliver best outcomes around local traffic impacts of the Projects.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 24 March 2021.

The committee received 579 submissions and 16 supplementary submissions.

The committee held three virtual public hearings on 13, 17 and 27 September 2021.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice and supplementary questions.

Chapter 1 The Western Harbour Tunnel and Beaches Link projects

This chapter provides an overview of the Western Harbour Tunnel and Beaches Link projects. This includes a description of the projects, background and planning, project rationale, purported goals and benefits, and project design and delivery. The chapter also briefly examines the views of stakeholders that contributed to the inquiry.

Overview of the Western Harbour Tunnel project and Beaches Link project

The Projects

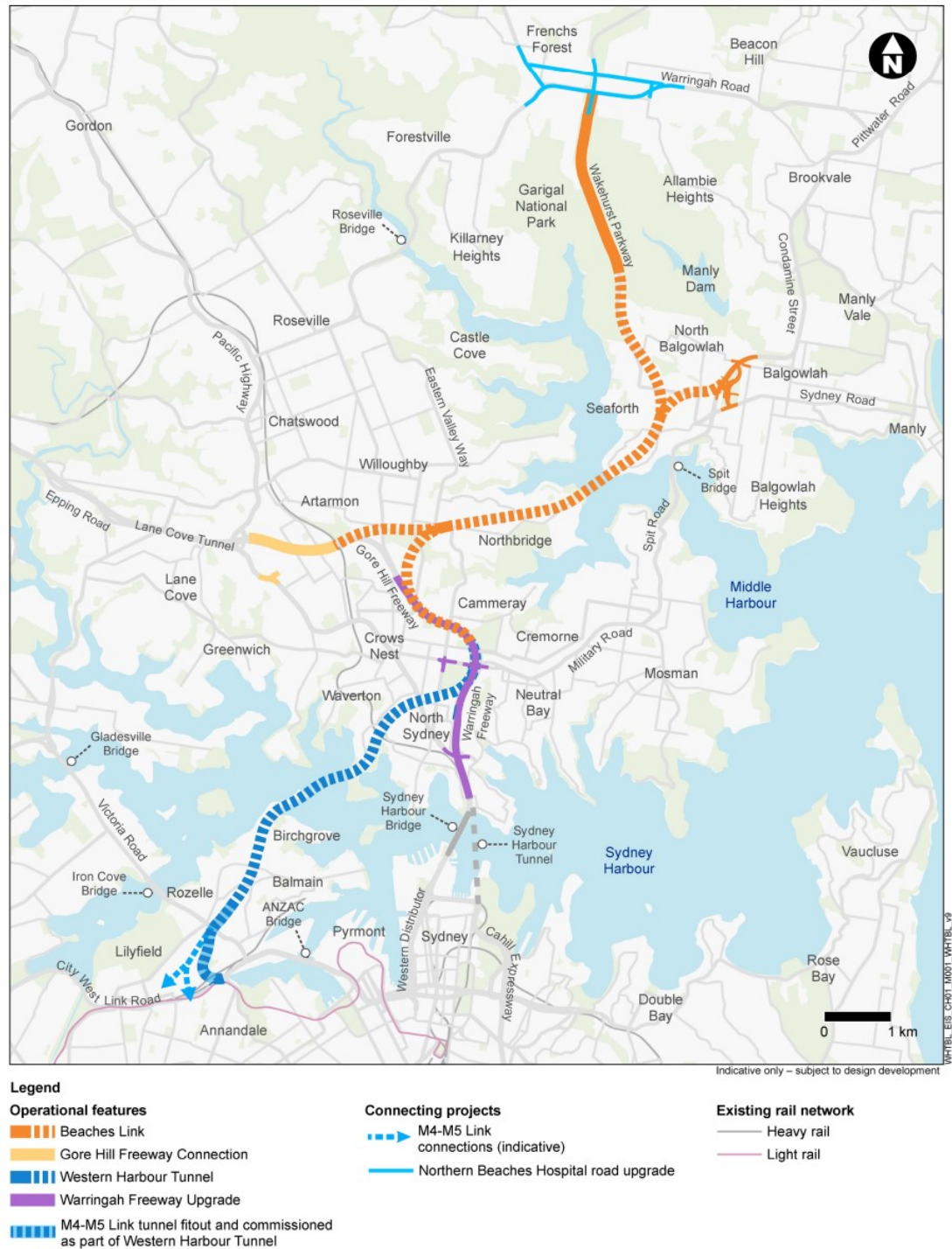
- 1.1 The Western Harbour Tunnel is a new tolled motorway tunnel connection across Sydney Harbour between the suburbs of Birchgrove and Waverton. Commencing at the Rozelle Interchange, the mainline tunnels would pass under Balmain and Birchgrove, then cross Sydney Harbour between Birchgrove and Balls Head. The tunnels would then continue under Waverton and North Sydney, linking directly to the Warringah Freeway to the north of the existing Ernest Street bridge. There will be twin tunnels, each with three lanes, approximately 6.5 kilometers long. The Warringah Freeway upgrade from around Fitzroy Street at Milsons Point to around Willoughby Road at Naremburn allows for the connection of the Western Harbour Tunnel and Beaches Link and integrates them with the broader transport network.²
- 1.2 Beaches Link will provide a new tolled motorway tunnel connection from the existing motorway network to the Northern Beaches, creating a bypass of Military Road/Spit Road and Warringah Road/Eastern Valley Way corridors. It comprises a new motorway tunnel connection across Middle Harbour from the Warringah Freeway and Gore Hill Freeway to the Burnt Bridge Creek Deviation at Balgowlah and Wakehurst Parkway at Killarney Heights.³
- 1.3 The Western Harbour Tunnel and the Warringah Freeway Upgrade project, and the Beaches Link and Gore Hill Freeway Connection project (the Projects) form part of the NSW Government's *Future Transport 2056 Strategy* which includes a set of plans for achieving a 40-year vision for the transport system in New South Wales. The strategy aims to make Sydney 'an integrated road and public transport network that has a higher capacity and gives everyone the freedom to choose how and when they get around, no matter where they live and work'.⁴

² Submission 482, Transport for NSW, p 3; Transport for NSW, *Western Harbour Tunnel and Warringah Freeway Upgrade Project – Environmental Impact Statement – Executive Summary* (January 2020), p 3; Submission 482, Transport for NSW, p 3; Transport for NSW, *Western Harbour Tunnel and Warringah Freeway Upgrade Project – Environmental Impact Statement – Introduction* (January 2020), p 4.

³ Submission 482, Transport for NSW, p 3; Transport for NSW, *Beaches Link and Gore Hill Freeway Connection Project – Environmental Impact Statement – Executive Summary* (December 2020), p 5.

⁴ Submission 482, Transport for NSW, p 3.

Figure 1 Western Harbour Tunnel and Beaches Link Projects map



Source: Transport for NSW, Western Harbour Tunnel and Warringah Freeway Upgrade Project – Environmental Impact Statement – Executive Summary (January 2020), p 5.

Background and planning

- 1.4 The Projects were a recommendation in the *NSW State Infrastructure Strategy* in 2012 and 2018.⁵ Transport for NSW developed a business case for the Projects in 2016 based on a concept design. During 2017, further work was undertaken including investigating the technical and environmental aspects of the Projects, consultation with the community and the market, development of a reference design and an economic benefit-cost analysis.⁶
- 1.5 The Warringah Freeway upgrade is the first part of the project to be delivered, followed by the Western Harbour Tunnel. The Beaches Link is planned to be the last part of the project, to be built once the Western Harbour Tunnel is completed.⁷

Western Harbour Tunnel Project

- 1.6 Transport for NSW put the Environmental Impact Statement (EIS) for the Western Harbour Tunnel project on public exhibition between January and March 2020. In May 2020, Infrastructure NSW published the *Western Harbour Tunnel and Warringah Freeway Upgrade Final Business Case Summary*. The Summary stated that the benefit-cost ratio was estimated between 1.2 and 1.3 when only transport benefits were included, and between 1.6 and 1.7 when all benefits were included, such as wider economic, city shaping and flow breakdown benefits.⁸
- 1.7 The EIS estimated that, subject to planning approval, Western Harbour Tunnel construction would begin in 2020 and be completed in 2026.⁹
- 1.8 In January 2021, the Western Harbour Tunnel and Warringah Freeway Upgrade Project received planning approval and in May 2021 it was added to Infrastructure Australia's Priority List as a Priority Project.¹⁰ It was also approved by the Minister for Planning and Public Spaces as a State significant infrastructure project under the *Environmental Planning and Assessment Act 1979* in January 2021.¹¹
- 1.9 The 2022-23 Budget included 'investment' of \$4.1 billion '(over next four years)' for 'Western Harbour Tunnel Upgrade and Beaches Link Planning'. This included \$558.5 million in 2022-23.¹²

⁵ Submission 482, Transport for NSW, p 3.

⁶ Submission 482, Transport for NSW, p 4.

⁷ Submission 482, Transport for NSW, p 6.

⁸ Submission 482, Transport for NSW, pp 4-6.

⁹ Transport for NSW, *Western Harbour Tunnel and Warringah Freeway Upgrade Project – Environmental Impact Statement – Executive Summary* (January 2020), p 10.

¹⁰ Media Release, Transport for NSW, 'Planning approval for Western Harbour Tunnel', 22 January 2022, <https://www.transport.nsw.gov.au/news-and-events/media-releases/planning-approval-for-western-harbour-tunnel>; Transport for NSW Infrastructure Partnerships Australia, *Project: Western Harbour Tunnel*, Australia New Zealand Infrastructure Pipeline, <https://infrastructurepipeline.org/project/western-harbour-tunnel>.

¹¹ Submission 482, Transport for NSW, p 30.

¹² NSW Government, *Budget Paper No. 3: Infrastructure Statement 2022-23*, 2022, p 34. Previous Budgets also included funding relevant to the Western Harbour Tunnel.

- 1.10** Transport for NSW announced in January 2022 that construction of the Western Harbour Tunnel would commence mid-2022.¹³ Giving evidence before the committee in September 2021, Ms Camilla Drover, Deputy Secretary of Infrastructure and Place at Transport for NSW, stated that Transport for NSW intended to award contracts for the Western Harbour Tunnel project by the end of 2022, with a five-year construction process, therefore placing likely completion in 2027.¹⁴ In explaining the delay compared to earlier timelines, Ms Drover stated:
- ... since the project was first considered is that we have moved away from the PPP [public-private partnership] model and, more importantly, the single package model. That is very much in response to market dynamics. The market has quite clearly told us that they want it procured as two packages. Because we need to do one and come back and finish it with the other, that has added some time to the delivery program.¹⁵
- 1.11** The main work for the Western Harbour Tunnel is divided into two stages. Stage 1 involves the construction of the southern section of the tunnel from the Rozelle Interchange to Birchgrove. A contract for \$722 million for the southern tunneling works was awarded to John Holland and CIMIC's CPB Joint Venture in January 2022 as a modification to its existing Rozelle Interchange contract after a competitive tender process.¹⁶ Stage 1 construction began in June 2022.¹⁷
- 1.12** Stage 2 of the main works involves the construction of the northern tunnels including connections to the Warringah Freeway, marine work through Sydney Harbour and complete tunnel fit out. In January 2022, the NSW Government shortlisted three bidders for the northern tunnelling works (ACCIONA, a Bouygues Construction and VINCI Construction Grands Projects Joint Venture, and a John Holland, CPB Contractors and UGL Engineering Joint Venture).¹⁸ Transport for NSW plans to award this contract in late 2022.¹⁹ On 4 November 2022, the media reported that ACCIONA was the preferred bidder, which rather than lay the

¹³ Media Release, Transport for NSW, 'Construction of the Western Harbour Tunnel to begin in mid-year', 19 January 2022, <https://www.transport.nsw.gov.au/news-and-events/media-releases/construction-of-western-harbour-tunnel-to-begin-mid-year>.

¹⁴ Evidence, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 27 September 2021, p 38.

¹⁵ Evidence, Ms Drover, 27 September 2021, p 38.

¹⁶ CIMIC, *CIMIC's CPB selected for WHY Tunnelling Works*, Latest News, 19 January 2022, <https://www.cimic.com.au/en/news-and-media/latest-news/cpb-contractors/2022/cpb-selected-for-wht-tunnelling-works>; Transport for NSW, *Western Harbour Tunnel – Western Harbour Tunnel – Community Update*, (March 2022), <https://media.caapp.com.au/pdf/liwjub/aee2492c-e88b-43cb-9853-602e0943cb95/Community%20update%20lower%20north%20shore%20%28March%202022%29.pdf>.

¹⁷ Transport for NSW, *Western Harbour Tunnel Community Update: August 2022*, 2022, p 1.

¹⁸ Media Release, Transport for NSW, 'Stage is set for second package of Western Harbour Tunnel Project', 19 January 2022, <https://www.transport.nsw.gov.au/news-and-events/media-releases/stage-set-for-second-package-of-western-harbour-tunnel-project>; Transport for NSW, *Western Harbour Tunnel – Western Harbour Tunnel – Community Update*, (March 2022), <https://media.caapp.com.au/pdf/liwjub/aee2492c-e88b-43cb-9853-602e0943cb95/Community%20update%20lower%20north%20shore%20%28March%202022%29.pdf>.

¹⁹ Transport for NSW, *Western Harbour Tunnel Community Update: August 2022*, 2022, p 1.

tunnel on the harbour floor would bore deep tunnels under it, hence reducing impact on harbour sediment.²⁰

1.13 Other contracts awarded for the Western Harbour Tunnel project include:

- the geotechnical investigation and groundwater monitoring package contract was awarded to GHD in December 2021²¹
- a \$50 million contract for asset management of the Western Harbour Tunnel and Sydney Harbour Tunnel was awarded to Ventia in April 2022.²²

Beaches Link Project

1.14 The Beaches Link project is yet to receive planning approval. This section describes planning steps that led to this point.

1.15 Transport for NSW put the Environmental Impact Statement (EIS) for the Beaches Link and Gore Hill Freeway Connection on public exhibition between December 2020 and March 2021.

1.16 Transport for NSW's submission stated (in July 2021) that Government was 'currently considering the Beaches Link project', and that Transport for NSW was preparing the relevant material, including the benefit-cost ratio, to allow the Government to consider the Beaches Link investment decision.²³

1.17 Transport for NSW has sought approval for the Beaches Link project as State significant infrastructure under the *Environmental Planning and Assessment Act 1979* and that the Minister for Planning and Public Spaces declare the project as critical State significant infrastructure.²⁴

1.18 The EIS stated construction of the Beaches Link and Gore Hill Freeway Connection project is planned to commence in 2023, however this is subject to planning approval and procurement. It is estimated that construction would take between five to six years, with the main construction completed at the end of 2027 and completion of construction works for the new and improved open space and recreation facilities in 2028.²⁵

1.19 Ms Camilla Drover, Deputy Secretary of Infrastructure and Place at Transport for NSW, summarised the status of Beaches Link as at September 2021:

²⁰ Matt O'Sullivan, 'Sydney Harbour Tunnel tolls to stay, deeper tunnel possible for new crossing', *Sydney Morning Herald*, 27 July 2022, <https://www.smh.com.au/national/nsw/sydney-harbour-tunnel-tolls-to-stay-deeper-tunnel-possible-for-new-crossing-20220727-p5b4xb.html>.

²¹ Infrastructure Partnerships Australia, *Project: Western Harbour Tunnel*, Australia New Zealand Infrastructure Pipeline, <https://infrastructurepipeline.org/project/western-harbour-tunnel>.

²² Media Release, Transport for NSW, 'Asset Manager confirmed for Harbour Tunnels', 11 April 2022, <https://www.transport.nsw.gov.au/news-and-events/media-releases/asset-manager-confirmed-for-harbour-tunnels>.

²³ Submission 482, Transport for NSW, pp 7-8.

²⁴ Submission 482, Transport for NSW, p 30.f

²⁵ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection Project – Environmental Impact Statement – Executive Summary* (December 2020), p 12.

As is of course the process with the INSW [Infrastructure New South Wales] assurance process, we need to receive an investment decision before we can proceed. We are also awaiting the planning approval. The exhibition for the Beaches Link project finished in March 2021. Next month, in October, we are hoping to submit our preferred infrastructure report [PIR], which is our response to all the community feedback and all the other stakeholder feedback we have had for the EIS. That will go back to the DPIE [Department of Planning, Industry and Environment]. They will then assess the PIR and all that response from the community and stakeholders and they will, ideally and hopefully, give us planning approval sometime early next year. We would not be in a position to procure a project without having a planning approval in place.²⁶

1.20 In May 2022, Infrastructure NSW's 2022 State Infrastructure Strategy recommended that the timing, need and sequence for Beaches Link, among other infrastructure projects in New South Wales, be reconsidered, recognizing high demand from 'several megaprojects on foot' in NSW and elsewhere and 'construction industry capacity, supply chains and skills have all been stretched by COVID-19 and other world events'.²⁷

1.21 Media reporting in June 2022 indicated Beaches Link would be placed on hold.²⁸ An update from Transport for NSW on 17 June 2022 stated that:

The NSW Government remains committed to Beaches Link. Following independent advice, the NSW Government is restaging major infrastructure projects such as Beaches Link so they can be delivered in a sustainable and affordable way for taxpayers

...

The Beaches Link project is still yet to receive Planning approval.²⁹

1.22 The 2022-23 NSW budget allocated \$1 million for 'Beaches Link (planning)' in 2022-23.³⁰

1.23 At the Budget Estimates hearing for Portfolio Committee No. 6 – Transport in September 2022, the Hon Rob Stokes MP, Minister for Infrastructure, stated the following in response to questions from the Hon John Graham MLC:

The Hon. JOHN GRAHAM: ... You said this on the public record:

We do have a bit of time to make the investment decision, as we can't build the Beaches Link until the Warringah Freeway upgrades and the Western Harbour Tunnel are done. The timing is probably 2027/28 until those projects are completed.

...

²⁶ Evidence, Mr Drover, 27 September 2021, p 37.

²⁷ Infrastructure NSW, *Staying Ahead: State Infrastructure Strategy 2022-2042*, 2022, p 9.

²⁸ Jessica Kidd and Ruby Cornish, 'NSW government puts Beaches Link and Blue Mountains tunnel on ice' *ABC News*, 1 June 2022, <https://www.abc.net.au/news/2022-06-01/nsw-government-road-projects-paused-budget-constraints/101116124>.

²⁹ NSW Government, Transport for NSW, *Latest News* (17 June 2022), Beaches Link and Gore Hill Freeway Connection, <https://caportal.com.au/rms/bl>.

³⁰ NSW Government, *Budget Paper No. 3: Infrastructure Statement 2022-23*, 2022, p 50.

The Hon. JOHN GRAHAM: I agree with all that. Do you accept this project's been paused? That's a fair characterisation when we're talking about it in public?

Mr ROB STOKES: Yes, I think that's an absolutely fair characterisation on the basis of advice.³¹

Rationale, purported goals and benefits of the Projects

1.24 Transport for NSW's submission noted that the Projects were developed to address congestion, remove trucks and cars off local roads so as to return them to local communities for local use, improve access by public transport and improve freight access in the Eastern Harbour City.³²

1.25 The benefits of the Projects noted by Transport for NSW included:

- more reliable travel times for journeys between the Northern Beaches region and key centres such as south and west of Sydney Harbour
- reducing travel times and improving surface roads
- employment growth and increased productivity by virtue of improved connectivity between Northern Beaches and strategic centres around Greater Sydney
- city-shaping benefits such as improving the amenity of the Sydney CBD and Military Road
- creating 15,000 full-time equivalent jobs during construction.³³

1.26 Transport for NSW's submission also stated that specific benefits of the Western Harbour Tunnel included:

- taking pressure off Sydney Harbour Bridge, Sydney Harbour Tunnel, Anzac Bridge and Western Distributer
- reducing travel times for bus, freight and private travel trips
- upgrading the Warringah Freeway, connecting the North end of the Sydney Harbour Bridge and the Willoughby Road interchange at Narumburn to the Western Harbour Tunnel and Beaches Link, which will improve road safety as it will streamline traffic and reduce merging between buses and cars by virtue of a dedicated bus lane
- offering a more direct route between Inner West and North Sydney
- integrating with public transport and creating new options for express bus services between Inner West and Lower North Shore and beyond, improving the functionality and performance of the bus network
- improving amenity and open space and adding more pedestrian paths and cycleways.³⁴

1.27 Transport for NSW's submission noted the following benefits of Beaches Link:

³¹ Evidence, Inquiry into Budget Estimates 2022, Hon Rob Stokes MP, Minister for Infrastructure, 6 September 2022, pp 33-34.

³² Submission 482, Transport for NSW, p 3.

³³ Submission 482, Transport for NSW, pp 3-5.

³⁴ Submission 482, Transport for NSW, pp 3-5.

- taking pressure off Spit Bridge, Military Road and Warringah Road
- providing more efficient public transport with opportunities for new express bus services
- providing faster and more reliable bus trips on existing surface roads, such as Military Road and Warringah Road
- improving B-Line services between Sydney CBD, North Shore and the Northern Beaches and accommodating new express bus service routes to Macquarie Park, North Sydney and Sydney CBD and providing for efficient bus interchange with Sydney Metro at North Sydney.³⁵

Project design and delivery

1.28 A number of government bodies are involved in the design, delivery and construction of the Projects. Roles and responsibilities of the key organisations are summarised below.

1.29 Transport for NSW is the lead agency of the NSW Transport Portfolio with primary responsibility for transport coordination, policy and planning, services and infrastructure. As the proponent of the Projects, Transport for NSW is responsible for management of the planning, procurement and delivery of the Projects.³⁶ The parties to the respective contracts for the construction of the Projects are Transport for NSW and the preferred construction partners.

1.30 Infrastructure NSW is responsible for undertaking reviews of business cases as part of the assurance process under the Infrastructure Investor Assurance Framework and provides reports to the NSW Government 'on the status and satisfaction of business cases'.³⁷

1.31 The Department of Planning and Environment undertook an independent assessment of the Projects as they are State significant infrastructure proposals under the *Environmental Planning and Assessment Act 1979*. Mr David Gainsford, Deputy Secretary of Assessment and Systems Performance at the Department of Planning, Industry and Environment, stated that despite the Western Harbour Tunnel project and Beaches Link project being 'at different stages of planning and construction', both 'are subject to the same detailed and rigorous assessment process'.³⁸

1.32 Mr Gainsford explained the Department's role in the EIS:

We issue secretary's requirements for the preparation of environmental impact statements [EIS], review assessment documentation in consultation with agencies to ensure that they meet those requirements, place environmental impact statements on public exhibition and then carefully assess them, considering advice from key government agencies and independent experts.³⁹

³⁵ Submission 482, Transport for NSW, pp 3-5.

³⁶ Transport for NSW, *Western Harbour Tunnel and Warringah Freeway Upgrade Project – Environmental Impact Statement – Executive Summary* (January 2020), p 15.

³⁷ Evidence, Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, p 2.

³⁸ Evidence, Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 11.

³⁹ Evidence, Mr Gainsford, 27 September 2021, p 11.

- 1.33** After the assessment process, the Department may grant approval of the project to the proponent which includes commitments the proponents must undertake and conditions of approval by which the proponent and project must abide. That is, 'project approval will establish the criteria and limits on potential impacts and incorporate a range of ongoing environmental management and monitoring requirements'.⁴⁰
- 1.34** The Environmental Protection Authority provides advice to the Department throughout the planning and assessment process, including providing recommendations aimed at protecting the community and the environment, which the Department considers in determining projects and setting conditions of approval. Project construction cannot commence until management and monitoring plans have been approved and an environmental protection licence is issued by the Environmental Protection Authority, which must be consistent with the conditions of approval.⁴¹
- 1.35** The Department and the Environmental Protection Authority share compliance functions and responsibility for regulating the impacts of the Projects. The Department regulates the projects against the conditions of approval and the Environmental Protection Authority regulates the projects against the conditions of the licence.⁴²

Summary of stakeholder views

- 1.36** This inquiry attracted a great deal of community interest. Local government, community groups, environmental groups, and school parent and citizen associations all made submissions. In addition, over 500 individuals made submissions.
- 1.37** A large number of people and organisations from the Inner West, Lower North Shore and Northern Beaches made submissions. These are the areas of Sydney that will be most directly impacted by construction of the Projects.
- 1.38** The vast majority of stakeholders who made submissions were opposed to the Projects. Some who were not necessarily opposed to the Projects raised concerns about their impacts and how they would be managed. Reasons for opposition and concern about impacts were varied, but some themes emerged. These included:
- project justification and planning, including:
 - motorways as a response to traffic and skepticism around traffic modelling for the Projects
 - consideration of alternatives
 - business cases and benefit-cost ratios
 - environmental impact statements
 - project delivery and consultation, including:
 - procurement, tolling, management and future ownership of the Projects
 - community consultation

⁴⁰ Evidence, Mr Gainsford, 27 September 2021, p 11.

⁴¹ Evidence, Mr Gainsford, 27 September 2021, p 11.

⁴² Evidence, Mr Gainsford, 27 September 2021, p 11.

- construction impacts on residents and school communities
- air quality
- water quality.

1.39 Stakeholders from the Inner West, Lower North Shore and Northern Beaches raised issues of concern to their communities. Some of these overlapped with general concerns outlined above, particularly constructions impacts and air and water quality concerns. Stakeholders also raised local environmental impacts such as loss of open space and biodiversity, as well as local traffic impacts once the Projects are operational.

1.40 A smaller number of stakeholders expressed support for the Projects. These are also mentioned in the following chapters, though with a much lesser focus, in accordance with their lower prevalence in the Committee's evidence.

Chapter 2 Project justification, planning, delivery and consultation

This chapter focusses on issues surrounding the justification, planning, delivery and consultation surrounding the Projects, with a focus on stakeholder concerns and a description of government responses where available. Topics discussed include motorways as traffic alleviation responses and traffic modelling particular to the Projects; consideration of alternatives to the Projects; business cases, benefit-cost ratios and environmental impact statements regarding the Projects. The chapter also discusses delivery and consultation processes, including procurement processes and decisions regarding tolling, managing, and future ownership of the tunnels.

Project justification and planning

- 2.1 Chapter 1 outlined the rationale, purported goals and benefits of the Projects as expressed by Transport for NSW. Many stakeholders disagreed with the Projects as means to achieve those benefits.
- 2.2 Stakeholders presented views that questioned the need or preference for a tolled motorway, including arguing that alternatives, such as public transport, had not been adequately considered. Stakeholders also questioned and criticised assumptions, modelling, and conclusions presented in documentation surrounding the Projects.
- 2.3 In presenting these concerns, some stakeholders called for the Projects, or various aspects of them, to be reconsidered. The need to take into account societal changes due to COVID were a particularly strong theme in this call.⁴³
- 2.4 This section discusses these concerns through common themes in submissions and hearings:
 - motorways as a response to traffic and skepticism around traffic modelling for the Projects
 - consideration of alternatives
 - business cases and benefit-cost ratios
 - environmental impact statements.

⁴³ See for example Evidence, Mr Joseph Hill, Director, City Strategy, North Sydney Council, 13 September 2021, p 25; Evidence, Mr Robert Kelly, Convenor, Western Harbour Tunnel Action Group, 17 September 2021, p 32; Submission 232, Mr Vince Lee, pp 2-3; Submission 326, Name suppressed, p 5; Submission 380, Name suppressed, p 3; Submission 561, Mr Kevin Collins, p 2; Submission 575, Stop the Tunnels, p 37.

Motorways as a response to traffic and skepticism around traffic modelling for the Projects

- 2.5** Multiple stakeholders expressed opposition to motorways as a response to traffic pressures. Many claimed that, rather than alleviating traffic, motorways increase congestion through induced demand.⁴⁴
- 2.6** Inner West Council Mayor, Cr Rochelle Porteous, argued that 'the end result ... is another motorway, and motorways induce traffic. It does not matter which motorway you study around New South Wales or in fact around the world, the same impact is that it induces traffic'.⁴⁵
- 2.7** The community group Rozelle Against WestConnex similarly opposed 'radiating inner-urban motorways' arguing 'they have never solved traffic issues anywhere in the world'.⁴⁶
- 2.8** Stakeholders further criticised the assumptions, modelling and conclusions regarding traffic alleviation put forward as part of the Projects. Some questioned the validity of traffic modelling,⁴⁷ some disagreed that traffic benefits would be realized,⁴⁸ while others argued that EIS documents did not support claims of traffic alleviation.⁴⁹
- 2.9** Still others pointed out difficulties in forecasting tunnel usage, referring to previous projects where usage was less than predicted. Mr Robert Kelly, of Stop the Tunnels, argued that:
- Forecasting tunnel volumes in Australia has historically been very wide of the mark—for example, the Sydney Cross City Tunnel, where traffic ended up being one-third of the forecast 85,000 vehicles per day, and the Clem7 tunnel in Brisbane, where traffic ended up being one-quarter of the projected volume. These were clearly grossly off the mark.⁵⁰
- 2.10** When questioned about impacts on traffic and congestion, Mr Doug Parris, of Transport for NSW, cited modelling for various scenarios through to 10 years after the Projects are completed that showed 'generally there is less congestion'.⁵¹

⁴⁴ See for example Evidence, Mr Bill Holliday, Committee Member, Rozelle Against WestConnex, 17 September 2021, p 31; Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 483, Inner West Council, pp 5–6; Submission 399, Parramatta River Catchment Group, p 2.

⁴⁵ Evidence, Cr Rochelle Porteous, Mayor, Inner West Council, 13 September 2021, p 13.

⁴⁶ Submission 394, Rozelle Against WestConnex, p 2.

⁴⁷ Evidence, Mr John Moratelli, President, Willoughby Environmental Protection Association, 17 September 2021, pp 18–19; Submission 102, Mr Bill Colwell, p 1; Submission 578, Australian Labor Party, Balmain Branch, p 3.

⁴⁸ Evidence, Cr Gail Giles-Gidney, Mayor, Willoughby City Council, 13 September 2021, p 22; Submission 394, Rozelle Against WestConnex, p 3.

⁴⁹ Evidence, Mrs Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, p 2; Submission 483, Inner West Council, p 5.

⁵⁰ Evidence, Mr Kelly, 17 September 2021, p 32. See also Submission 250, Western Harbour Tunnel Action Group, p 1.

⁵¹ Evidence, Mr Doug Parris, Director, Project Development, Central River & Eastern Harbour City, Infrastructure and Place, Transport for NSW, 27 September 2021, p 29.

2.11 Ms Camilla Drover, Deputy Secretary of Infrastructure and Place with Transport for NSW, maintained the view that the Projects would contribute to traffic alleviation, citing their ability to introduce 'new connectivity, therefore that will relieve congestion', 'take surface traffic off local streets and put it down underground and provide that express connectivity' and improve 'travel times reliability'.⁵²

Consideration of alternatives

2.12 Multiple stakeholders criticised the Projects for, in their view, an inadequate consideration of alternative options to tolled motorways to achieve the Projects' intended outcomes.⁵³ Stakeholders proposed alternatives including:

- public transport options including rail, light rail, Sydney Metro, and underground electric bus⁵⁴ or integrating rail and road in the same tunnel⁵⁵
- traffic reduction options, including active transport infrastructure⁵⁶
- using funding intended for the Projects for different infrastructure investments.⁵⁷

2.13 Ms Gabi Brown, of Rozelle against WestConnex, expressed disappointment that 'Government never even went ahead—talking about rail lines, they have never even considered trying to put in an alternative transport strategy. They never even considered what a public transport alternative could be for this area'.⁵⁸

2.14 Mr John Moratelli, President of the Willoughby Environmental Protection Association, claimed that it is 'nothing short of disgraceful that the Government has refused to consider alternatives

⁵² Evidence, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 27 September 2021, pp 22, 28.

⁵³ See for example Evidence, Mrs Penn, 13 September 2021, p 2, Submission 177, Edward Precinct, p 3; Submission 203, Ms Lee Purches, pp 4–5; Submission 241, Name suppressed, p 1; Submission 250, Western Harbour Tunnel Action Group, p 2; Submission 255, North Sydney Community Independent Councillors, pp 2, 4; Submission 282, Name suppressed, p 1; Submission 472, Save Flat Rock Gully and Middle Harbour, p 2; Submission 476, Willoughby South Progress Association, p 1.

⁵⁴ See for example Evidence, Cr Porteous, 13 September 2021, pp 14-15; Evidence, Mr Paul Walter, Chair, Bay Precinct and Member, North Sydney Combined Precincts Committee, 13 September 2021, p 42; Evidence, Mr Moratelli, 17 September 2021, p 19 Evidence, Cr Giles-Gidney, 13 September 2021, p 21; Submission 190, Name suppressed, p 1; Submission 208, Name suppressed, pp 1–2; Submission 235, Mr Cian Byrne, p 2.

⁵⁵ Evidence, Mr Holliday, 17 September 2021, p 35.

⁵⁶ See for example Evidence, Mr Kendall Banfield, Senior Transport Planner, Inner West Council, 13 September 2021, p 18; Mrs Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, Evidence, Cr Giles-Gidney, 13 September 2021, p 21; p 3; Submission 122, Bicycle NSW, p 3; Submission 394, Rozelle Against WestConnex, p 3; Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 203, Ms Lee Purches, pp 4–5.

⁵⁷ See for example Submission 575, Stop the Tunnels, p 2; Submission 470, Cammeray Public School P&C, p 10; Submission 517, Mr Justin Davies, p 1.

⁵⁸ Evidence, Ms Gabi Brown, Facebook Administrator, Rozelle Against WestConnex, 17 September 2021, p 36.

to these motorway projects' and that other alternatives need to be 'seriously considered before any further development of the current proposals takes place'.⁵⁹

- 2.15** Ms Larissa Penn, Convenor of Stop the Tunnels, argued that while the Beaches Link EIS assumes 'public transport such as a rail corridor is not possible from a geological point of view, from a cost feasibility point of view', she is aware of a 'feasibility assessment' and other input from engineers that indicate 'it is actually entirely possible at the moment'.⁶⁰
- 2.16** Some stakeholders who argued for public transport alternatives raised contributions to climate change and carbon emissions as an important consideration.⁶¹
- 2.17** Professor Maria Byrne submitted that 'We are at a critical juncture in respect of climate change. For a more sustainable lower emissions future for NSW, alternatives to the [Western Harbour Tunnel] and big transport projects must be considered as an utmost priority'.⁶²
- 2.18** Some alleged inadequate consideration of alternatives was in accordance with government intentions.
- 2.19** Mr Ted Nye, an engineer who was Design Team Leader of the land tunnels of the Sydney Harbour Road tunnel, argued that statements in the Beaches Link EIS regarding the ability to build rail infrastructure were false or deliberately misleading and likely 'included in the EIS for the purpose of avoiding the assessment of a rail alternative'.⁶³ Mr Nye claimed 'the EIS is contrived to match Transport's and the Government's political desired outcomes'.⁶⁴
- 2.20** Mr Nye further submitted that 'NSW Transport have stated that the proposal was to be a road solution and that rail alternatives were dismissed on that basis'. Mr Nye claimed that 'EIS legislation requires a full assessment of alternatives' and that this was not done.⁶⁵
- 2.21** Mr Jamie Parker MP, Member for Balmain, referred to media reporting of a Transport for NSW memo that suggests the 'NSW government has instructed transport officials to ignore public transport alternatives to motorway projects which impacts the business case for projects like

⁵⁹ Evidence, Mr Moratelli, 17 September 2021, pp 18, 19.

⁶⁰ Evidence, Mrs Penn, 13 September 2021, p 3.

⁶¹ See for example Submission 124, Ben McKeown, p 1; Submission 173, Mr Jamie Parker MP, Member for Balmain, p 2; Submission 263, Name suppressed, p 2; Submission 399, Parramatta River Catchment Group, p 2; Submission 451, Name suppressed, p 3; Submission 558, Ms Claire Whitehead, p 5; Submission 565, Ms Alison Garland, p 1; Submission 578, Australian Labor Party, Balmain Branch, p 3.

⁶² Submission 152, Professor Maria Byrne, p 2.

⁶³ Submission 437, Mr Ted Nye, Appendix E, pp 1–3.

⁶⁴ Submission 437b, Mr Ted Nye, p 2.

⁶⁵ Submission 437b, Mr Ted Nye, p 1. See also Evidence, Mr Moratelli, President, 17 September 2021, p 20.

the Western Harbour Tunnel'.⁶⁶ Mr Parker argued that 'Failing to benchmark this project against public transport alternatives significantly impacts the justification for this project'.⁶⁷

- 2.22** Stop the Tunnels referred to the Public Accountability Committee's inquiry into the impact of the WestConnex Project, noting the recommendation that the Government prepare an independently peer reviewed options analysis in accordance with the requirements of the Infrastructure Investor Assurance Framework for large scale infrastructure projects.⁶⁸ Stop the Tunnels recommended an 'independent review, which includes a comparative review against a range of other transport options' be completed to ensure 'investment in this project represents the best value for money'.⁶⁹

Government agency evidence regarding consideration of alternatives

- 2.23** Transport for NSW's submission stated that 'the construction and operation of a new tunnelled motorway crossing' was 'the preferred solution' for both Sydney Harbour (Western Harbour Tunnel) and Middle Harbour (Beaches Link) crossings.⁷⁰

- 2.24** In relation to the Western Harbour Tunnel, Transport for NSW stated:

The EIS outlined that alternative transport modes, including bus, rail, ferry and active transport, could be considered as strategic alternatives to the project. While many of these modes and upgrades are complementary to the project as part of a broader integrated transport network, none of the proposed initiatives negate the need to provide additional cross-harbour motorway capacity.⁷¹

- 2.25** In relation to Beaches Link, Transport for NSW stated:

Alternative transport modes, including bus, rail, light rail and active transport, could be considered as strategic alternatives to the project. While many of these modes and upgrades are complementary to the project as part of a broader integrated transport network, none will be as effective in providing improvements to journey times and journey time reliability for freight services, public transport and other road users, while improving efficiency and amenity along existing surface road corridors.⁷²

- 2.26** Infrastructure NSW Chief Executive Mr Simon Draper explained that options including not going ahead with the Projects or undertaking 'other approaches like augmenting existing

⁶⁶ Submission 173, Mr Jamie Parker MP, Member for Balmain, p 2. See also Peter Martin, 'F6 planners told to ignore public transport, build roads, documents show', *Sydney Morning Herald*, 10 April 2017, <https://www.smh.com.au/national/nsw/f6-planners-told-to-ignore-public-transport-build-roads-documents-show-20170407-gvgbon.html>.

⁶⁷ Submission 173, Mr Jamie Parker MP, Member for Balmain, p 2.

⁶⁸ Public Accountability Committee, NSW Legislative Council, *The impact of the WestConnex Project*, (2018), p 28.

⁶⁹ Submission 575, Stop the Tunnels, pp 30–31.

⁷⁰ Submission 482, Transport for NSW, pp 12, 13.

⁷¹ Submission 482, Transport for NSW, p 11.

⁷² Submission 482, Transport for NSW, p 12.

motorway assets or expanding public transport' were examined—though a metro line to the Northern Beaches was not considered as an alternative.⁷³

- 2.27** Mr Doug Parris, of Transport for NSW, advised that 'Public transport ... has been thought about but for the northern beaches in the medium term the buses are going to do the heavy lifting, and ferries to an extent'.⁷⁴
- 2.28** Ms Camilla Drover, Deputy Secretary of Infrastructure and Place with Transport for NSW, described 'dedicated bus infrastructure provided as part of the program'—however confirmed there is 'not a dedicated bus lane in either of the tunnels'. Ms Drover noted there will be a 'new southbound dedicated bus lane from Miller Street right through onto the Sydney Harbour Bridge'.⁷⁵ Mr Parris explained that 'Transport for NSW modelling indicated the 'tunnels will operate in a free-flow state' and this influenced consideration around not providing a dedicated bus lane'.⁷⁶

Business cases and benefit-cost ratios

- 2.29** This section describes the status of the business case and benefit-cost ratio of the Projects, stakeholder concerns about the business case and benefit-cost ratio, and Infrastructure NSW responses to those concerns.
- 2.30** Transport for NSW advised that it developed a 'Final Business Case' for the Projects in 2016 based on a concept design. The business case was augmented by further work in 2017 around technical and environmental aspects of the Projects development of a reference design and an economic benefit-cost analysis in accordance with NSW Treasury Guidelines.⁷⁷
- 2.31** In the years since this work, the two components of the Projects (Western Harbour Tunnel and Beaches Link) have been considered separately, as described below.

Beaches Link

- 2.32** Transport for NSW's submission stated (in July 2021) that the NSW Government was considering the Beaches Link project and therefore a 'Final Business Case Summary has not yet been prepared or released'.⁷⁸ There is therefore also no benefit-cost ratio available for the Beaches Link project.⁷⁹
- 2.33** As discussed in Chapter 1, Infrastructure NSW advised that the NSW Government had not yet made a final investment decision on Beaches Link, and that Infrastructure NSW would evaluate the Beaches Link component separately (to the already evaluated Western Harbour Tunnel

⁷³ Evidence Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, p 6.

⁷⁴ Evidence, Mr Parris, 27 September 2021, p 29.

⁷⁵ Evidence, Ms Drover, 27 September 2021, p 27.

⁷⁶ Evidence, Mr Parris, 27 September 2021, p 28. See also Evidence, Ms Drover, 27 September 2021, p 31.

⁷⁷ Submission 482, Transport for NSW, p 4.

⁷⁸ Submission 482, Transport for NSW, p 7.

⁷⁹ Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, p 9.

component) and provide a business case summary after the investment decision has been made.⁸⁰

Western Harbour Tunnel

2.34 Infrastructure NSW published the *Final Business Case Summary Western Harbour Tunnel* in May 2020, which found:

- in reviewing the business case documentation, 'the material presented to be comprehensive in considering the key issues and of a high technical standard'⁸¹
- major risks have been identified and assessed, and risk management is 'rigorous and tailored' to respond to 'project-specific risks'⁸²
- the benefit-cost ratio is between 1.2 and 1.3 'when only the transport benefits are included' and between 1.6 and 1.7 when all program benefits (such as 'wider economic benefits, city-shaping benefits and flow breakdown benefits') are included.⁸³

2.35 The report concluded that the benefit-cost ratio of 1.2 to 1.3, 'together with the strategic importance of the Program in completing Sydney's inner urban motorway network, provides a basis for Government's investment decision'.⁸⁴

2.36 Infrastructure Australia, in April 2021, released a project business case evaluation summary which supported the 'delivery approach' for the Western Harbour Tunnel and considered the business case to include 'an accurate view of the project's net benefits, using appropriately conservative assumptions about future benefits'. Infrastructure Australia concluded that overall 'the project demonstrates strategic fit and strong economic, social and environmental merit'.⁸⁵

Stakeholder concerns regarding the business cases and benefit-cost ratios

2.37 Stakeholders raised a variety of concerns with the business case and benefit-cost ratio for the Western Harbour Tunnel. While the summary Beaches Link business case and benefit-cost ratio are not publicly available, some stakeholders extended their concerns across both components of the Projects. Common concerns included:

- a general view that the business case and benefit-cost analysis are inadequate⁸⁶

⁸⁰ Evidence Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, p 4; Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, pp 1, 12, 14.

⁸¹ Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, p 15

⁸² Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, p 15

⁸³ Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, p 12.

⁸⁴ Infrastructure NSW, *Final Business Case Summary Western Harbour Tunnel*, 2020, p 15.

⁸⁵ Infrastructure Australia, *Project business case evaluation summary: Western Harbour Tunnel and Warringah Freeway Upgrade*, 2021, p 1.

⁸⁶ See for example Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 241, Name suppressed, p 1; Submission 231, Name suppressed, p 1; Submission 169, Mr Ian Martin, p 1.

- concern that the benefit-cost ratio for the Western Harbour Tunnel is marginal⁸⁷ and the ratio for Beaches Link would be less than 1:1⁸⁸
- inadequate consideration of the impact changes to work habits due to COVID will have⁸⁹
- that costs, including to the community and environment, have not been adequately considered⁹⁰
- a lack of transparency, including the Beaches Link business case not being available⁹¹ and assumptions underlying the Western Harbour Tunnel business case not being available⁹²
- that similar projects have fallen short of their objectives.⁹³

2.38 Some stakeholders argued that business cases should be re-assessed to take into account various considerations, and that Beaches Link or the whole of the Projects should be paused or stopped altogether.⁹⁴ For example, Mr John Moratelli, President of the Willoughby Environmental Protection Association, argued for the Western Harbour Tunnel proposal to be 'reassessed in light of updated traffic modelling which takes public transport developments, such as the B-Line, and the impact of COVID into account'.⁹⁵

2.39 Amongst the criticisms listed above, lack of transparency was a particularly strong concern for stakeholders. This included criticism of business case transparency around the Western Harbour

⁸⁷ See for example Evidence, Mrs Penn, 13 September 2021, p 2; Evidence, Mr Kelly, 17 September 2021, p 32.

⁸⁸ See for example Evidence, Mr Moratelli, 17 September 2021, pp 18–19; Submission 151, Mr Terry le Roux, p 13.

⁸⁹ See for example Submission 19, Name suppressed, p 1; Submission 152, Professor Maria Byrne, p 2; Submission 575, Stop the Tunnels, pp 1, 101; Submission 399, Parramatta River Catchment Group, p 3

⁹⁰ See for example Evidence, Mrs Penn, 13 September 2021, p 2; Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 307, Wollstonecraft Precinct, p 2; Submission 396, Waverton Precinct, p 2; Submission 466, STEP Inc., p 1; Submission 470, Cammeray Public School P&C p 2; Submission 471, Willoughby Environment Protection Association, p 8; Submission 496, Ms Carolyn Allen, p 1; Submission 575, Stop the Tunnels, p 18;

⁹¹ See for example Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 381, Anzac Park Public School P & C Association, p 2; Submission 465, Action for Public Transport (NSW) Inc, p 2; Submission 467, Naremburn Progress Association, pp 2, 3; Submission 470, Cammeray Public School P&C, p 2; Submission 471, Willoughby Environment Protection Association, pp 6, 7, 18

⁹² See for example Submission 177, Edward Precinct, pp 2–3; Submission 255, North Sydney Community Independent Councillors, p 1; Submission 307, Wollstonecraft Precinct, p 2; Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 7.

⁹³ See for example Evidence, Mr Kelly, 17 September 2021, p 32; Submission 250, Western Harbour Tunnel Action Group, p 1; Submission 575, Stop the Tunnels, p 2.

⁹⁴ See for example Evidence, Cr Giles-Gidney, 13 September 2021, p 25; Evidence, Mr Joseph Hill, Director, City Strategy, North Sydney Council, 13 September 2021, p 25; Evidence, Mr Kelly, Convenor, Western Harbour Tunnel Action Group, 17 September 2021, p 32; Submission 232, Mr Vince Lee, pp 2-3; Submission 326, Name suppressed, p 5; Submission 380, Name suppressed, p 3; Submission 561, Mr Kevin Collins, p 2; Submission 575, Stop the Tunnels, p 37.

⁹⁵ Evidence, Mr Moratelli, 17 September 2021, p 19.

Tunnel, and the fact that there has been no business case or benefit-cost ratio published for Beaches Link.⁹⁶

- 2.40** Rozelle Against WestConnex argued that all 'financial information for major infrastructure projects should be made publicly available'⁹⁷ while Balgowlah Residents Group asked that preliminary business cases from 2017 and 2018 be made available.⁹⁸
- 2.41** A group of three North Sydney Councillors, Cr Zoë Baker, Cr MaryAnn Beregi and Cr Tony Carr, criticised the lack of transparency around Beaches Link, and stated:

The absence of the business case and any costs benefits analysis is unacceptable for a public works infrastructure project of this size and scope. The business case ought to be published to provide transparency and accountability and to allow the public to make informed submissions. The projects are purportedly for a public purpose using public funds and ought to be open to public scrutiny.⁹⁹

Infrastructure NSW response to concerns

- 2.42** Mr Simon Draper, Chief Executive of Infrastructure NSW, responded to some of the concerns raised with the Western Harbour Tunnel business case and benefit-cost ratio.
- 2.43** Regarding whether the business case adequately accounted for remediating contamination and other contingencies, Mr Draper advised that the 'fact that the business case was supported' by Infrastructure NSW suggested that 'sufficient provision' had been made. Mr Draper advised that Infrastructure NSW uses 'experienced industry people' to assess whether a project's business case has 'sufficient provision for the level of detail the design was at and a technical investigation into whether the agency had made a sufficient provision for factors like ... contamination and other things that are going to draw on contingencies'.¹⁰⁰
- 2.44** When asked whether Infrastructure NSW would re-review the business case for the Western Harbour Tunnel to consider developments due to COVID, Mr Draper advised it would not, noting they only 'review business cases when they get redone by the sponsor agency'.¹⁰¹ Mr Draper further advised that he did not 'have any reason to believe' a review post-COVID would result in a very different assessment, noting 'it is very easy to overweight the current circumstances' around the 'level of demand for the project' and that demand returning to pre-COVID levels 'is a very likely scenario'.¹⁰²

⁹⁶ See for example Evidence, Cr Giles-Gidney, 13 September 2021, p 14; Submission 32, Name suppressed, p 1; Submission 35, Mr Brian Emanuel, p 1; Submission 71, Miss Sarah Bickford, p 2; Submission 152, Professor Maria Byrne, p 2; Submission 160, Mr Matt and Anna Walton, p 1; Submission 190, Name suppressed, p 1.

⁹⁷ Submission 394, Rozelle Against WestConnex, p 5.

⁹⁸ Submission 188, Balgowlah Residents Group, p 5.

⁹⁹ Submission 255, North Sydney Independent Councillors, p 1.

¹⁰⁰ Evidence Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, pp 5–6.

¹⁰¹ Evidence Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, p 3.

¹⁰² Evidence Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, pp 4–5.

Environmental impact statements

- 2.45** Environmental impact statements (EISs) for the Western Harbour Tunnel and Beaches Link components of the Projects were exhibited and open to community feedback in 2020 and 2021.¹⁰³ Transport for NSW produced responses to community feedback which are publicly available.¹⁰⁴
- 2.46** A common theme in evidence was stakeholders disagreeing with, or claiming there are failings in, the EISs for the Projects. This section summarises such criticism and government agency responses, including a possible conflict of interest concern.
- 2.47** Mr Kendall Banfield, Senior Transport Planner with Inner West Council, acknowledged that while the EIS for the Western Harbour Tunnel is comprehensive, 'our main issue is that many of the conclusions reached we do not agree with. The environmental impact statement concludes that many of the impacts will be acceptable, and we do not agree'.¹⁰⁵
- 2.48** Dr Meredith Foley, of the Willoughby Environmental Protection Association, claimed that the EIS for Beaches Link 'only went to the letter of the law' when considering biodiversity and that 'the mitigations that were suggested were risible in some cases'.¹⁰⁶
- 2.49** These are just some examples of the issues stakeholders expressed regarding the EISs. Stakeholders raised a variety of criticisms, including:
- disagreement with conclusions about the acceptability of construction and operational impacts¹⁰⁷
 - that claimed project benefits are not evident in the EISs¹⁰⁸
 - disagreement with assumptions about geological feasibility of a rail corridor in the Northern Beaches¹⁰⁹
 - a view that contamination assessments were lacking, absent, or misleading¹¹⁰
 - claims that dredging sediment disturbance assessments were inadequate and inaccurate¹¹¹

¹⁰³ Submission 482, Transport for NSW, p 30.

¹⁰⁴ NSW Government, *Documents and notifications*, <https://caportal.com.au/rms/wht/documents-and-notifications>; NSW Government, *Documents and notifications*, <https://caportal.com.au/rms/bl/updates-and-fact-sheets>.

¹⁰⁵ Evidence, Mr Banfield, 13 September 2021, p 12.

¹⁰⁶ Evidence, Dr Meredith Foley, Member, Executive Committee, Willoughby Environmental Protection Association, 17 September 2021, p 22.

¹⁰⁷ Evidence, Mr Banfield, 13 September 2021, pp 12, 13, 18.

¹⁰⁸ Evidence, Mrs Penn, 13 September 2021, p 2.

¹⁰⁹ Evidence, Mrs Penn, 13 September 2021, p 3.

¹¹⁰ Evidence, Ms Kristina Dodds, Community and Schools, Stop the Tunnels, 13 September 2021, p 6; Evidence, Dr Bill Ryall, Director, Ryall Environmental, 17 September 2021, pp 3, 5; Evidence, Mr Moratelli, 17 September 2021, pp 19, 20.

¹¹¹ Evidence, Dr Bill Ryall, 17 September 2021, p 3; Evidence, Dr Pat Hutchings, Member, Australian Marine Sciences Association, 17 September 2021, p 4

- impacts of tunnel construction on marine environment were insufficiently considered¹¹²
- water flow reductions and mitigation measures were inadequately assessed¹¹³
- lack of mention of 'unfiltered' in regards to ventilation stacks¹¹⁴
- 'deceptive' assessment of COVID impact and inaccurate presentation of travel time savings¹¹⁵
- the length of the documents makes them hard to understand¹¹⁶
- changes since the EISs were produced (such as COVID impacts and new public transport construction) have not been taken into account.¹¹⁷

2.50 Noting these concerns, some expressed the view that the EISs should be updated, reviewed, or revised.¹¹⁸

Government responses to concerns

2.51 Government agency representatives responded to some of the criticisms outlined above.

2.52 Mr David Gainsford, Deputy Secretary of Assessment and Systems Performance at the Department of Planning, Industry and Environment, explained that further assessment processes around contamination issues were underway.¹¹⁹ A 'preferred infrastructure report' relevant to these issues has since been released.¹²⁰

2.53 Regarding sediment disturbance through dredging, Mr Stephen Beaman, Executive Director of Regulatory Operations, Environment Protection Authority, asserted that the EPA 'firmly had the view that all the risks have been identified and could be addressed under the approved management plans'.¹²¹

¹¹² Evidence, Professor Maria Byrne, Member, Australian Marine Sciences Association, 17 September 2021, p 2; Evidence, Mr Kelly, 17 September 2021, p 32

¹¹³ Evidence, Ms Louise Williams, Public Officer, Baringa Bush Residents Group, 17 September 2021, p 25.

¹¹⁴ Evidence, Ms Georgina Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 18

¹¹⁵ Evidence, Mr Moratelli, 17 September 2021, pp 18, 22.

¹¹⁶ Evidence, Cr Porteous, 13 September 2021, p 12

¹¹⁷ Evidence, Miss Sally Brogan, Project Governance, Stop the Tunnels, 13 September 2021, pp 4-5.

¹¹⁸ Evidence, Mrs Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, p 2; Evidence, Professor Byrne, 17 September 2021, p 5; Evidence, Dr Ryall, 17 September 2021, p 5.

¹¹⁹ Evidence, Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 14. See also Evidence, Mr Stephen Beaman, Executive Director, Regulatory Operations, NSW Environment Protection Authority, 27 September 2021, p 15.

¹²⁰ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Preferred infrastructure report*, Sydney, 2021, pp 2-i-2-58.

¹²¹ Evidence, Mr Beaman, 27 September 2021, p 18.

Concern about a possible conflict of interest

- 2.54** Some stakeholders¹²² raised concerns about a potential conflict of interest held by a private company that was the 'environmental adviser for both the Western Harbour Tunnel and Beaches Link EISs' and is now part of the alliance performing 'services and utility relocations, which are the early works for the Warringah Freeway Upgrade project'.¹²³ Stakeholders were concerned that a company that could benefit from the project proceeding was part of the planning and assessment process.
- 2.55** Ms Camilla Drover, of Transport for NSW, put her view that 'there was no perceived or actual conflict identified' and the firm is not 'checking their own work' as:
- there are separate environmental and consulting/engineering teams at the firm
 - EIS advisory work was 'pre-planning approval' and Warringah Freeway Upgrade works are different in nature and 'post-planning approval'.¹²⁴
- 2.56** Ms Drover also noted a probity advisor was involved 'for all of the procurement for the Warringah Freeway Upgrade project'.¹²⁵

Project delivery and consultation

- 2.57** At the time of evidence-gathering for the inquiry neither the Western Harbour Tunnel nor Beaches Link component of the Projects had begun construction.¹²⁶ As such, this section focusses on issues regarding procurement and future decisions regarding tolling, management and ownership of the Projects, as well as consultation processes, rather than issues directly related to construction.

Procurement, tolling, management and future ownership of the Projects

- 2.58** This section discusses issues around the procurement, management and future ownership of the Projects, namely:
- the proposed 'development partner model' that Transport for NSW did not proceed with
 - tolling rates for the tunnels, and the impact this may have on other tolls
 - intentions around future management and ownership of the Projects.

¹²² Submission 471a, Willoughby Environmental Protection Association (WEPA), pp 1, 15; Submission 575, Stop the Tunnels, p 43.

¹²³ Evidence, Ms Drover, 27 September 2021, p 39.

¹²⁴ Evidence, Ms Drover, 27 September 2021, p 39.

¹²⁵ Evidence, Ms Drover, 27 September 2021, p 39.

¹²⁶ Some contracts for the Western Harbour Tunnel have since been awarded, and early construction works begun (see Chapter 1).

Development partner model

- 2.59** The development partner model was the initial proposed method for running the procurement process, management and administration for two Western Harbour Tunnel construction contracts. If implemented, Transport for NSW was to outsource to an external, private organisation the procurement and delivery of the contracts, with responsibilities including:
- running the procurement process for the Western Harbour Tunnel construction contract(s)
 - managing project delivery, including interface and integration of the packages
 - managing operations and maintenance integration.¹²⁷
- 2.60** However, Transport for NSW noted that while the development partner model was proposed, it would not go ahead, and gave the following reasons:
- Transport for NSW received tenders from three parties, assessed them, and found that there would not be value for money in proceeding with the model, so did not go ahead¹²⁸
 - The assessment included:
 - a tender evaluation panel with oversight by an independent Chair, which recommended not proceeding with the model
 - a tender review panel, which endorsed the evaluation panel recommendation not to proceed with the model
 - a steering committee for the Western Harbour Tunnel (with Transport for NSW and Treasury representation), which 'endorsed both the communication strategy and the payment of bid costs'.¹²⁹
 - Transport for NSW offered compensation to the bidders 'in accordance with Treasury's guidelines for bid cost reimbursement' with 'a cap of up to \$1 million per bidder'.¹³⁰
- 2.61** Ms Camilla Drover, Transport for NSW, noted that the process had not 'led to any delays because we had always planned for the scenario where we would not proceed with the development partner'.¹³¹
- 2.62** Mr Simon Draper, Infrastructure NSW Chief Executive, noted that Infrastructure NSW evaluated the development partner model and 'concurred with the decision of Transport not to proceed with that approach' and agreed that Transport for NSW chose not to proceed with the model as it would have been more expensive than the public sector running procurement itself.¹³²

¹²⁷ Submission 482, Transport for NSW, p 15.

¹²⁸ Evidence, Ms Drover, 27 September 2021, pp 26, 34.

¹²⁹ Evidence, Ms Drover, 27 September 2021, pp 26, 35; Answers to questions on notice, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 9 November 2021, p 4.

¹³⁰ Evidence, Ms Drover, 27 September 2021, p 25.

¹³¹ Evidence, Ms Drover, 27 September 2021, p 26.

¹³² Evidence, Mr Simon Draper, Chief Executive, Infrastructure NSW, 27 September 2021, p 4.

Tolling

- 2.63** Inquiry stakeholders raised various concerns about the introduction of tolled roads as part of the Projects, including:
- the view that tolled roads serve to benefit private toll operators¹³³
 - that tolls are a burden on road users¹³⁴
 - that the introduction of an additional tolled harbour crossing would lead to increased tolling on Sydney Harbour Bridge or introduction of tolls to currently toll-free roads¹³⁵
 - toll avoidance, both for its impacts on 'rat-running' and the financial viability of the Projects.¹³⁶
- 2.64** Ms Drover told the Committee that while the Western Harbour Tunnel and Beaches Link will be tolled, there has been 'no decision by Government on the tolling regimes'.¹³⁷
- 2.65** The Minister for Metropolitan Roads has indicated through statement to the media that existing Sydney Harbour Bridge and Tunnel tolls 'that are in place at the moment will stay in place. There are no changes to those on the tunnel or the bridge'. The Minister also indicated a NSW Treasury tolling review currently underway would inform the Government's views on Western Harbour Tunnel tolling.¹³⁸

Future ownership and management of the Projects

- 2.66** Information about the government's intentions regarding future privatisation of the tunnels is sparse. In its submission, Transport for NSW stated:

Transport for NSW is continuing to engage with industry on the procurement and delivery strategy for Western Harbour Tunnel and is seeking to structure the project to facilitate a future monetisation of Western Harbour Tunnel. There has been no decision

¹³³ See for example Submission 465, Action for Public Transport (NSW) Inc, p 3; Submission 575, Stop the Tunnels, p 1; Submission 578, Australian Labor Party, Balmain Branch, p 3.

¹³⁴ See for example Evidence, Cr Porteous, 13 September 2021, p 13; Submission 173, Mr Jamie Parker MP, Member for Balmain, p 1; Submission 250, Western Harbour Tunnel Action Group, p 2; Submission 394, Rozelle Against WestConnex, p 5; Submission 467, Naremburn Progress Association, p 10; Submission 575, Stop the Tunnels, p 1.

¹³⁵ See for example Evidence Ms Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, pp 2, 3; Evidence, Cr Porteous, 13 September 2021, p 13; Submission 177, Edward Precinct, p 6; Submission 307, Wollstonecraft Precinct, p 8; Submission 396, Waverton Precinct, p 7; Submission 467, Naremburn Progress Association, p 9; Submission 575, Stop the Tunnels, p 1.

¹³⁶ See for example Submission 437, Mr Ted Nye, pp 28, 40; Naremburn Submission 467, Progress Association, p 10; Submission 470, Cammeray Public School P&C, p 1; Submission 471, Willoughby Environmental Progress Association, p 70; Submission 472, Save Flat Rock Gully and Middle Harbour, p 5.

¹³⁷ Evidence, Ms Drover, 27 September 2021, p 36.

¹³⁸ Matt O'Sullivan, 'Sydney Harbour Tunnel tolls to stay, deeper tunnel possible for new crossing', *Sydney Morning Herald*, 27 July 2022, <https://www.smh.com.au/national/nsw/sydney-harbour-tunnel-tolls-to-stay-deeper-tunnel-possible-for-new-crossing-20220727-p5b4xb.html>.

made on whether to monetise Western Harbour Tunnel, nor the form or timing of a monetisation. The structure is being developed to retain flexibility.¹³⁹

2.67 Committee member questions to Transport for NSW representatives regarding privatisation did not yield further substantial information.¹⁴⁰

2.68 During Budget Estimates questioning in August 2022, the Minister for Metropolitan Roads, the Hon. Natalie Ward MLC, responded to a question about ruling out entering into a contractual arrangement with Transurban in relation to toll revenue from the Western Harbour Tunnel:

There are no plans to do so at this time. I think that's ruling it out.¹⁴¹

2.69 Government agency representatives did provide information about management of the tunnels on completion of the Projects.

2.70 Ms Drover explained that in relation to the Western Harbour Tunnel, Transport for NSW is 'looking to procure an asset manager' who will assist with procurement of construction contracts and 'provide advice about the operations and maintenance of the project when finished'.¹⁴² Further, that Transport for NSW is seeking an 'operations and maintenance provider' for the Sydney Harbour Tunnel, and as part of that process will invite that provider to bid for the operations and maintenance services for the completed Western Harbour Tunnel.

2.71 In April 2022 Transport for NSW announced it had contracted Ventia as asset manager for the Sydney Harbour Tunnel and Western Harbour Tunnel.

Community consultation

2.72 Many stakeholders discussed consultation processes around the Projects as an area of concern. While much evidence was critical of consultation processes, some reported positive interactions and outcomes, including lessons learned from previous infrastructure projects.

Government agency description of consultation

2.73 Ms Camilla Drover, Deputy Secretary at Transport for NSW, described the community consultation around the Projects as 'one of the most extensive community and stakeholder engagement processes for a program associated with a road project since the program was announced in 2017'.¹⁴³

2.74 Mr David Gainsford, of the Department of Planning, Industry and Environment, informed the committee that 'the public exhibition periods' for the environmental impact statements related

¹³⁹ Evidence, Ms Drover, 27 September 2021, p 38. See also Evidence, Mr Draper, 27 September 2021, p 3.

¹⁴⁰ Evidence, Ms Drover, 27 September 2021, p 38. See also Evidence, Mr Draper, 27 September 2021, p 3.

¹⁴¹ Evidence, Ms Drover, 27 September 2021, p 38. See also Evidence, Mr Draper, 27 September 2021, p 3.

¹⁴² Evidence, Ms Drover, 27 September 2021, p 38. See also Evidence, Mr Draper, 27 September 2021, p 3.

¹⁴³ Evidence, Ms Drover, 27 September 2021, p 22.

to the Projects 'exceeded the 28-day statutory requirements—62 days for the Western Harbour Tunnel and 61 days for the Beaches Link'.¹⁴⁴

- 2.75** Transport for NSW noted that 'engagement during the construction period will be carried out in accordance with the Ministers Conditions of Approval and any Environment Protection Licences granted for each project'.¹⁴⁵

Stakeholder views on the adequacy of consultation

- 2.76** Some stakeholders criticised the processes and outcomes of community consultation for the Projects, claiming they had not had adequate consultation, or that the consultation that has occurred has had no impact.¹⁴⁶
- 2.77** Rozelle Against WestConnex cited their experience with WestConnex and argued that 'consultation methods are simply a box ticking exercise and hence its effectiveness continues to fall well short of what would be minimally acceptable'.¹⁴⁷
- 2.78** Representatives associated with schools told the Committee they 'have not been contacted by the department of transport at all or Transport for NSW about impacts to our school'¹⁴⁸ or that 'we have had no offers from the Government, Transport for NSW or anything like that to discuss these issues with us at all'.¹⁴⁹
- 2.79** While the EIS public exhibition periods exceeded the 28-day statutory requirements, some stakeholders were not satisfied. Criticism included the length of the EIS documents and the fact that (for Beaches Link) they were exhibited over the Christmas period and during a COVID lockdown in the relevant area.¹⁵⁰ Some also noted requests to extend submission time frames were not granted.¹⁵¹
- 2.80** Mrs Larissa Penn, Convenor of Stop the Tunnels, characterized the response of Government to concerns from her group as 'very little', stating her view that Government believes 'that this project is the best option' and that:

¹⁴⁴ Evidence, Mr Gainsford, 27 September 2021, p 11.

¹⁴⁵ Submission 482, Transport for NSW, p 25.

¹⁴⁶ See for example Submission 312, Name suppressed, p 1; Submission 358, Mr David Watt, pp 1–2; Submission 405, Name suppressed, p 2; Submission 503, Ms Nerissa Levy, pp 4–7; Submission 530, Inge Walter, p 1.

¹⁴⁷ Submission 394, Rozelle Against WestConnex, p 5.

¹⁴⁸ Evidence, Ms Dodds, 13 September 2021, p 4.

¹⁴⁹ Evidence, Mr Ben Prag, Member, Rozelle Public School Parents & Citizens Association, 17 September 2021, p 32.

¹⁵⁰ Evidence, Ms Williams, 17 September 2021, p 27; Submission 457, Flat Rock Gully Residents Action Group, p 3; Submission 470, Cammeray Public School P&C, p 3; Submission 471, Willoughby Environmental Protection Association, pp 14–15; Submission 472, Save Flat Rock Gully and Middle Harbour, p 4; Submission 473, Northbridge Public School Parents & Citizens Association, p 2; Submission 518, Ms Zali Steggall OAM MP, Member for Warringah, pp 5–6.

¹⁵¹ Ms Louise Williams, Public Officer, Baringa Bush Residents Group, 17 September 2021, p 27; Submission 470, Cammeray Public School P&C, p 3; Submission 471, Willoughby Environmental Protection Association, p 15;

... they believe that they have consulted with the community. Really, we have seen no change as a result. We have actually had that in writing in one of the circulars after the EIS consultation. There were 3,000 submissions put in. The response we had was basically that no design changes will be made as a result of that community consultation. I think in general it is fair to say that we have really had very little response.¹⁵²

- 2.81** Mr Ian Grey, Chair of the North Sydney Combined Precincts Committee, described a similar outcome, including 'meticulously polite letters back from the Government and from MPs' that lack substantive content, as well as meetings with MPs and government departments and 'hundreds of submissions' that 'have made not a solitary skerrick of difference to what the proposal is'.¹⁵³
- 2.82** Inner West Council noted that while issues it has raised have been 'addressed' through the reference design and EIS consultation processes, they have not necessarily been 'resolved'.¹⁵⁴
- 2.83** Some stakeholders experienced some positives around consultation on the Projects.
- 2.84** Inner West Council stated that there have 'been lessons learned by the State agencies, contractors and all involved that has led to noticeable improvements' from their experience with WestConnex. Council also noted that despite this, not all consultation processes will be adequate, and 'some residents ... will suffer considerable impacts even where consultation is adequate and compliance is achieved'.¹⁵⁵
- 2.85** Mr Rhys Williams, Tunnel Coordinator for Anzac Park Public School Parents & Citizens Association, explained that they had had some success resolving construction issues through regular meetings with contractors. This included 'traffic controls during the early works for trucks—so, the trucks are restricted on when they can pass through the streets in front of the school'.¹⁵⁶
- 2.86** Willoughby City Council Mayor Cr Gail Giles-Gidney reported that Council has 'had consultation along the way with the project. We did raise significant concerns in relation to the western harbour tunnel and these were deeply explored. There was traffic modelling that was provided to us as a result of those concerns that we raised'. Cr Giles-Gidney also described other 'additional consultation that has happened along the way'.¹⁵⁷

Committee comment

- 2.87** The Committee is deeply concerned at evidence that indicates appropriate consideration of the Western Harbour Tunnel and Beaches Link, along with other major infrastructure projects, has

¹⁵² Evidence, Mrs Penn, 13 September 2021, p 3.

¹⁵³ Evidence, Mr Ian Grey, Chair, Waverton Precinct and Co-Convenor, North Sydney Combined Precincts Committee, 13 September 2021, p 41. See also Evidence, Mr Prag, 17 September 2021, p 32.

¹⁵⁴ Submission 483, Inner West Council, p 1.

¹⁵⁵ Submission 483, Inner West Council, p 4.

¹⁵⁶ Evidence, Mr Rhys Williams, Tunnel Coordinator, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 19.

¹⁵⁷ Evidence, Cr Giles-Gidney, 13 September 2021, p 22.

been hampered by Government directions that alternatives to motorways should not be considered.

2.88 This is a clear perversion of planning processes that should be considering all options to provide the best solution for New South Wales residents. The huge scale of the Projects only increases the importance of appropriate processes, and therefore the damage caused by Government interventions that undermine those processes.

2.89 These concerns make it difficult for the Committee and the community to trust that projects funded by public money are delivering outcomes in the best public interest.

Finding 1

That the NSW Government failed to consider public transport as an alternative to motorways for the Western Harbour Tunnel and Beaches Link Projects, resulting in a lack of confidence in the community that the best outcomes have been achieved.

2.90 During this inquiry the community raised questions regarding the effectiveness of motorways as responses to traffic congestion. These questions need to be interrogated and honest responses provided from Government. If public servants were indeed prevented from assessing non-motorway options for the Projects, then the community is unable to receive accurate information on which to judge Government decisions.

2.91 If the Government has intervened to prevent proper consideration of alternatives, then the Projects need to be paused in order for those alternatives to now be appropriately considered.

2.92 The Committee considers it important that alternatives for all major transport infrastructure projects should be assessed. Hence the committee recommends that the NSW Government ensure that public transport alternatives have been adequately assessed when proceeding with motorway developments, to increase community confidence in the robustness of the decisions.

Recommendation 1

That the NSW Government ensure that public transport alternatives have been adequately assessed when proceeding with motorway developments, to increase community confidence in the robustness of the decisions.

2.93 Government agency representatives told the Committee that the Projects would include dedicated bus infrastructure, but that this would not include a dedicated bus lane. Instead, buses would use the tunnels in the same way as all other traffic. The Committee finds that it is incorrect to label road tunnels with no dedicated bus lanes as including dedicated bus infrastructure.

2.94 The committee believes the Projects should assess including dedicated bus lanes. As the only public transport component of the Projects, the Committee is keen to see bus travel prioritised.

Recommendation 2

That the NSW Government assess including dedicated bus lanes in the Western Harbour Tunnel and Beaches Link projects if they proceed.

- 2.95** The fact that the Government has not made public the full business case, summary business case, or benefit-cost ratio for Beaches Link indicates to the Committee that it is very unlikely these assessments support the project going ahead.
- 2.96** Stakeholder evidence reflected this view, with the community rightfully skeptical about the benefits of Beaches Link outweighing its costs. The Government has now indicated Beaches Link is indefinitely delayed.
- 2.97** The Committee's view is that Beaches Link should not proceed. Stakeholders provided extensive evidence of the risks and costs associated with Beaches Link to the community and environment, as well as criticism of the purported benefits of the project. Many indicated they believed the costs would outweigh the benefits. Infrastructure NSW has recommended the timing, need and sequence for Beaches Link be reconsidered. The Government has not provided any convincing evidence to the contrary in the form of a business case or benefit-cost ratio that justifies proceeding with Beaches Link.
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Recommendation 3

That the NSW Government not proceed with Beaches Link.

- 2.98** If Beaches Link were to be revisited in the future, it would require a full re-assessment of its business case, including the concerns raised as part of this inquiry and the impact of changes due to COVID.
- 2.99** Previous parliamentary inquiries have made recommendations regarding the Government publishing business cases and other financial information regarding major projects.¹⁵⁸
- 2.100** This Committee agrees that the Government should be more transparent regarding the planning, funding, and justification for major infrastructure projects. Major construction projects such as the Western Harbour Tunnel and Beaches Link should not proceed without the public being properly informed about the projects and their costs.
- 2.101** The Committee further notes the Western Harbour Tunnel relies on a business case that was finalised in 2018. While a business case summary has been published by Infrastructure NSW, the business case itself is not public.
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¹⁵⁸ See Public Accountability Committee, NSW Legislative Council, *The impact of the WestConnex Project* (2018), pp 15–32; Portfolio Committee No. 2 – Health and Community Services, NSW Legislative Council, *Road tolling in New South Wales* (2017), pp 50–51; Portfolio Committee No. 6, NSW Legislative Council, *Road Tolling Regimes* (2022) pp 89–91.

- 2.102** Many inquiry stakeholders raised the fact that substantial changes have occurred since 2018, including public transport development and COVID impacts to road usage, that may impact the business case for the Western Harbour Tunnel. Without relevant information being made public, the New South Wales community is unable to judge whether and to what extent these changes impact the value of the Western Harbour Tunnel project.
- 2.103** The Committee believes it is appropriate for this information to be made publicly available before any further Western Harbour Tunnel contracts are signed. The Committee also notes the proximity to the 2023 New South Wales election. The committee believes that it would be inappropriate for the Government to enter into further contracts, particularly without improved transparency, so close to a general election. The New South Wales community deserves to be fully informed about such substantial investments being made on its behalf. Hence the committee recommends that no further contracts regarding the Western Harbour Tunnel be signed by the current government, and that prior to the March 2023 election, the government publicly release the final business case and funding model for the Western Harbour Tunnel.
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Recommendation 4

That the NSW Government not sign any further contracts regarding the Western Harbour Tunnel until after the March 2023 state election.

Recommendation 5

That the NSW Government publicly release the final business case and funding model for the Western Harbour Tunnel prior to the March 2023 state election.

- 2.104** The committee notes that Transport for NSW abandoned the development partner model for procuring and managing contracts in relation to the Western Harbor Tunnel in 2021, resulting in substantial compensation payouts.
- 2.105** The Committee is skeptical of Transport for NSW's evidence that the abandonment of the delivery model did not cause any delays. The Western Harbour Tunnel project has clearly been delayed by the change in delivery model.
- 2.106** The Committee's view is that the development partner model has been a failure. It has caused delays to Western Harbour Tunnel construction, it has resulted in compensation payouts to bidders, and it has risked damage to the New South Wales Government's reputation among the construction industry.
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Finding 2

That the Transport for NSW development partner model for the Western Harbour Tunnel has been a failure. The failure of the model has caused delays to the tunnel's construction, has resulted in compensation payouts to bidders, and has risked damage to the New South Wales Government's reputation among the construction industry.

- 2.107** The Government has not provided any information about the tolling levels that will apply to either the Western Harbour Tunnel or Beaches Link, should it proceed. The Committee also notes a lack of information available on whether tolling levels for the new roads will impact toll levels on existing roads, including the Sydney Harbour Bridge. While the Government has made statements to the media, there has been no information provided as part of project planning. The Committee views this as a failure to properly inform the public about an extremely important aspect of the Projects.
- 2.108** Tolling levels directly impact both the use of the proposed tunnels by the community and the overall evaluation of the viability and business cases regarding the Projects. To not have this information available represents poor planning and/or a lack of transparency on the Government's behalf.
- 2.109** The Committee is aware of the Legislative Council inquiry into road tolling regimes tabled in August 2022,¹⁵⁹ along with the NSW Government's Toll Road Pricing and Relief Reform Review.¹⁶⁰ While the Government's Review is welcome, it is a late measure to address a problem of the Government's own creation. Hence we recommend that the full report of the Review be made publicly available as soon as it is complete.
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Recommendation 6

That the NSW Government include the Western Harbour Tunnel and Beaches Link in its Toll Road Pricing and Relief Reform Review, and that the Review be made publicly available as soon as it is complete.

- 2.110** Another area in which the Government has failed to properly inform the public is around its intentions for the future ownership of the Projects. Committee questions on this issue yielded no helpful information. The Government has provided little information as part of planning processes.
- 2.111** The Committee's view is that Government plans regarding future ownership of major infrastructure projects such as these should be an integral part of the planning and consultation processes. The size of these Projects means the investment being made is significant. As such, it is incumbent on the Government to inform the public about its intentions around the future of its investment.
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¹⁵⁹ Portfolio Committee No. 6 – Transport, NSW Legislative Council, *Road tolling regimes* (2022).

¹⁶⁰ Portfolio Committee No. 6 – Transport, NSW Legislative Council, *Road tolling regimes* (2022), pp 36–39.

- 2.112** The Committee's view is that the Western Harbour Tunnel (and Beaches Link, should it proceed) should remain public assets, with toll revenue being received by Government. Privatisation of assets like these can lead to poor transparency and accountability outcomes, impacting on public confidence.

Recommendation 7

That the NSW Government keep the Western Harbour Tunnel (and Beaches Link, should it proceed) as public assets, with toll revenue being received by the government.

- 2.113** The Committee notes the extensive concerns and dissatisfaction raised regarding the environmental impact statement for both the Western Harbour Tunnel and Beaches Link, including reports of inadequate assessment of environmental and community costs and impacts.
- 2.114** The Committee is troubled by the prevalence of these reports in evidence to the inquiry. While the EIS consultation processes that the Government has undertaken are not expected to resolve all issues, the volume of problems reaching the Committee indicates the process and its outcomes could be improved.
- 2.115** One particular issue of concern is reports of a possible conflict of interest through a private firm both providing advice regarding environmental impact statements and benefiting from work associated with the Warringah Freeway Upgrade. Government agency representatives denied there was any conflict on this issue, citing separate units in the firm in question performing the work, and a distinction in pre- and post-planning approval work. The Committee is not satisfied by these explanations. Hence we recommend that the government investigate and publicly report on the possible conflict of interest whereby a private firm has both provided advice regarding environmental impact statements and benefitted from work associated with the Warringah Freeway Upgrade.

Recommendation 8

That the NSW Government investigate and publicly report on the possible conflict of interest whereby a private firm has both provided advice regarding environmental impact statements and benefitted from work associated with the Warringah Freeway Upgrade.

- 2.116** The Committee acknowledges the substantial consultation program undertaken for the Projects. The Committee also acknowledges that major infrastructure projects such as the Western Harbour Tunnel and Beaches Link will always divide opinion and negatively impact some people and communities, no matter the level and quality of consultation. The committee notes that the NSW Labor Opposition have announced their opposition to the Beaches Link as an election commitment.
- 2.117** While recognising this, the Committee remains disappointed at stakeholders reporting consultation experiences that did not seem meaningful or designed to have any real impact.

Some stakeholders did note improvements over previous consultation processes, particularly compared to WestConnex.

- 2.118** The consultation on the environmental impact statement for Beaches Link coincided with the Christmas period and a COVID lockdown in the relevant area. While the consultation period was longer than the statutory requirement, this is not the only measure of whether consultation was appropriate. Contextual information such as lockdowns and timing need to be taken into account. Hence we recommend that the government improve its consultation process surrounding environmental impact statements by better considering the context and timing of the consultation period.

Recommendation 9

That the NSW Government improve its consultation process surrounding environmental impact statements by better considering the context and timing of the consultation period.

Chapter 3 Issues across the Projects—construction impacts, air quality and water quality

This chapter focusses on issues that were common themes in evidence across the Projects and across areas impacted most directly by construction—construction impacts on local residents and communities, air quality once the Projects are operational, and construction impacts on water quality.

Common construction impacts across the Inner West, Lower North Shore, and Northern Beaches discussed include construction noise, vibration and pollution; increased traffic from construction vehicles; and the impact on school communities. The chapter also notes issues particular to some areas, and outlines government responses.

The chapter also discusses air pollution issues, including health impacts; tunnel ventilation stacks, including filtration, number and location of stacks; air quality monitoring; and government responses to these issues.

Stakeholders raised the impact of construction on water quality as a common issue. There was particular concern about the impacts of dredging and cofferdam construction in Sydney Harbour and Middle Harbour. Stakeholders were concerned about negative impacts on both the marine environment and the ability of people to safely perform water activities. This chapter describes these issues, including expert evidence regarding construction impacts, and government responses.

Construction impacts on local residents and communities

- 3.1 Stakeholders across the three regions most directly affected by construction of the Projects—Inner West, Lower North Shore and Northern Beaches—provided evidence regarding the impacts construction will have on their lives and communities.
- 3.2 There were common themes to this evidence, including concerns around construction noise, vibration and pollution; increased traffic from construction vehicles; and the impact on school communities.
- 3.3 The following sections describe these concerns across the three regions mentioned above, along with evidence particular to each region, and conclude with evidence provided by government agency representatives around responses and mitigations.

Inner West

- 3.4 A number of inquiry participants described health and other impacts they anticipate for residents in the Inner West. These include impacts from noise, vibrations, increased traffic, and construction vehicle emissions, as well as the possibility of damage to residential properties.
- 3.5 Mr Kendall Banfield, Senior Transport Planner for Inner West Council outlined impacts including:

... general noise, dust, parking demand in local streets, sometimes bad behaviour by workers idling their cars and trucks at 5.30 in the morning when they arrive in residential

streets, walking and cycling routes that have been severed or redirected unacceptably ...¹⁶¹

- 3.6** Stakeholders from the Inner West noted particular areas will be impacted by construction due to their proximity to tunnel dive sites, tunnelling routes, or other construction processes. Member for Balmain, Mr Jamie Parker MP, highlighted Yurulbin Point and White Bay as areas where residents would be subject to construction impacts.¹⁶²

Cumulative impact of multiple major infrastructure projects

- 3.7** Residents and groups from the Inner West described their experiences with major infrastructure projects in their area, particularly WestConnex. They noted the cumulative impacts of multiple projects over the course of years, including construction and operational impacts.
- 3.8** Inner West residents expressed their concern that the Western Harbour Tunnel would be a continuation of the negative impacts they had experienced from the WestConnex project.¹⁶³ Ms Gabi Brown, Facebook Administrator for Rozelle Against WestConnex, expressed deep concern about construction impacts on people's physical and mental health.¹⁶⁴
- 3.9** Mr Kendall Banfield, Senior Transport Planner with Inner West Council, gave evidence that Inner West residents' recent experience with WestConnex construction included people driven to desperation by sleep deprivation due to construction noise.¹⁶⁵ Mr Banfield told the Committee:

I have been dealing with the planning and construction issues from WestConnex for more than five years. Impacts from WestConnex on the inner west have been serious, and we do not want this experience to be repeated. I have worked with countless residents who were dealing with unbearable construction impacts from WestConnex.¹⁶⁶

- 3.10** Cr Rochelle Porteous, Mayor of Inner West Council, recommended a cumulative impact assessment.¹⁶⁷ Mr Banfield claimed if one had been completed it would likely have recommended cancelling the Western Harbour Tunnel.¹⁶⁸

¹⁶¹ Evidence, Mr Kendall Banfield, Senior Transport Planner, Inner West Council, 13 September 2021, p 14.

¹⁶² Submission 173, Mr Jamie Parker MP, Member for Balmain, pp 3–4.

¹⁶³ See for example Evidence, Ms Gabi Brown, Facebook Administrator, Rozelle Against WestConnex, 17 September 2021, pp 33–34; Submission 14, Mrs Georgina Crawford, p 1; Submission 69, Professor Andrew Gonczi, p 1; Submission 76, Name suppressed, p 1; Submission 152, Dr Maria Byrne, p 2; Submission 268; Name suppressed, p 1; Submission 275; Name suppressed, p 1; Submission 321, Name suppressed, p 1; Submission 401, Name suppressed, pp 1–2; Submission 409, Name suppressed, p 1; Submission 480, Mr Ethan Whitty-Pike, p 1.

¹⁶⁴ Evidence, Ms Brown, 17 September 2021, pp 33, 36.

¹⁶⁵ Evidence, Mr Banfield, 13 September 2021, p 14. See also Submission 394, Rozelle Against WestConnex, pp 3, 5, 6; Submission 399, Parramatta River Catchment Group, p 3.

¹⁶⁶ Evidence, Mr Banfield, 13 September 2021, p 11.

¹⁶⁷ Evidence, Cr Rochelle Porteous, Mayor, Inner West Council, 13 September 2021, p 11.

¹⁶⁸ Evidence, Mr Banfield, 13 September 2021, p 11.

- 3.11** Stakeholders from the Inner West also outlined their negative experiences in communication and complaint management for the WestConnex project, and how these inform their approach to the Western Harbour Tunnel. Mr Banfield described high levels of complaints, 'critical issues' remaining unresolved, and the 'lived experience' of residents impacted by WestConnex being markedly different to that outlined in project plans.¹⁶⁹
- 3.12** Inner West residents advocated for the complaints and reporting processes around construction issues to be improved compared to their experience with WestConnex.¹⁷⁰
- 3.13** Ms Camilla Drover, Deputy Secretary of Infrastructure and Place for Transport for NSW, gave evidence that they are aware of and want to mitigate 'construction fatigue' in the Inner West. Ms Drover specified that the EIS for the Western Harbour Tunnel models and assesses cumulative impacts, leading to conditions of approval around construction noise, night works and similar issues.¹⁷¹ Inner West Council has acknowledged the Government's efforts around cumulative impacts, though contends the EIS has underestimated cumulative health impacts.¹⁷²

Construction impacts on traffic

- 3.14** Inner West Council outlined predicted traffic impacts during construction, and cited increases in vehicle numbers from the Western Harbour Tunnel EIS. Council contended impacts would include travel delays, 'rat-running', road safety risks around schools, and difficulty for locals to access home and services. Council also stated concerns about construction vehicle parking at various locations and expressed scepticism about a plan for construction workers to access sites by boat being implemented.¹⁷³
- 3.15** Council outlined a series of initiatives it believed essential for construction vehicles and drivers to mitigate these issues, including education and certification for drivers, construction vehicle identification, and a penalty system for breaches of 'safety, environmental or amenity provisions'.¹⁷⁴

Construction vehicle emissions at Rozelle Public School

- 3.16** Mr Ben Prag, of the Rozelle Public School Parents & Citizens Association, raised apprehension among the school community about increased diesel engine emissions due to construction vehicles accessing a Western Harbour Tunnel dive site near the school.¹⁷⁵ Mr Prag provided data from a Rozelle Public School owned air quality monitor that showed air pollution at the school is already in the 'fair' or 'poor' zone and contended that the increase in heavy vehicles during

¹⁶⁹ Evidence, Mr Banfield, 13 September 2021, p 11.

¹⁷⁰ Submission 496, Ms Carolyn Allen, p 3; Submission 559, Ms Kirstine Murray, pp 2, 3–4, 5, 9, 10.

¹⁷¹ Evidence, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 27 September 2021, p 40.

¹⁷² Submission 483, Inner West Council, pp 5, 12 and 17.

¹⁷³ Submission 483, Inner West Council, pp 7, 10, 11, 12–14. See also Submission 394, Rozelle Against WestConnex, p 3.

¹⁷⁴ Submission 483, Inner West Council, p 13.

¹⁷⁵ Evidence, Mr Ben Prag, Member, Rozelle Public School Parents & Citizens Association, 17 September 2021, pp 31, 32.

construction may result in 'very poor' air quality at the school.¹⁷⁶ Mr Prag recommended abandoning the dive site near the school, calling it 'wholly inappropriate'.¹⁷⁷

- 3.17** The Government's response to these concerns (as provided by Rozelle Public School Parents & Citizens Association) was that construction vehicle emissions would not significantly contribute to local air quality.¹⁷⁸
- 3.18** Mr Prag and the Rozelle Public School Parents & Citizens Association expressed dissatisfaction with this response, arguing it suggests 'the government either does not care or has no plan as to how to mitigate the impact on the community by enforcing air quality standards during construction'.¹⁷⁹
- 3.19** The impact of the Projects on air quality generally once operational is discussed in detail later in the chapter.

Property damage and home value loss

- 3.20** Multiple inquiry stakeholders expressed concern about property damage due to construction and vibration in the Inner West.¹⁸⁰
- 3.21** The Western Harbour Tunnel Action Group advocated for extending the definition of 'affected properties' in terms of property damage caused by tunnel construction beyond 50 metres, referencing media reporting of damage to homes within 250 metres of construction activities for WestConnex.¹⁸¹
- 3.22** Rozelle Against WestConnex referred to 'numerous reports of owners who have been denied compensation for damage sustained by the tunnelling or drain down of the water table'.¹⁸²

¹⁷⁶ Evidence, Mr Prag, 17 September 2021, p 31; Tabled document, Mr Ben Prag, Rozelle Public School Parents & Citizens Association, *Information on Western Harbour Tunnel impacts on air quality for Rozelle Public School*, September 2021.

¹⁷⁷ Evidence, Mr Prag, 17 September 2021, p 34.

¹⁷⁸ Submission 52, Rozelle Public School Parents & Citizens Association, p 3.

¹⁷⁹ Submission 52, Rozelle Public School Parents & Citizens Association, p 3; Evidence, Mr Prag, 17 September 2021, p 32.

¹⁸⁰ See for example Submission 152, Professor Maria Byrne, p 2; Submission 250, Western Harbour Tunnel Action Group, p 1; Submission 268, Name suppressed, p 1; Submission 275, Name suppressed, p 1; Submission 480, Mr Ethan Whitty-Pike, p 1.

¹⁸¹ Submission 250, Western Harbour Tunnel Action Group, p 1. See also 9NEWS, 'New satellite images show impact WestConnex is having on Sydney homes', 13 March 2019, <https://www.9news.com.au/national/westconnex-sydney-news-inner-west-damage-houses/6b9517a7-6380-45ae-b8c6-e48595e1c1fa>.

¹⁸² Answers to questions on notice, Rozelle Against WestConnex, 29 October 2021, pp 1–2.

Lower North Shore

Construction impact on residents

- 3.23** Inquiry participants described health and other construction impacts they anticipate for Lower North Shore residents.¹⁸³ These included impacts from noise, vibrations, increased traffic and construction vehicle parking, and dust and air pollution. Cammeray resident Mr Michael Wright echoed the concerns expressed by many stakeholders:

There will be years and years of traffic chaos, noise, vibration, dust, and hundreds of trucks thundering past Lower North Shore homes as this grandiose project is built. This will cause serious health impacts on local residents and the serious risk of damage to buildings.¹⁸⁴

- 3.24** Mr Steve Miles, North Sydney Combined Precincts Committee, outlined parking problems he foresaw being brought on by construction vehicles where 'Some 200 people will need parking around Waverton, which is a suburb that was built in the late 1800s; it is not made to accommodate big trucks and lots of workers. Nobody thinks the workers will do anything other than drive their vehicles to the worksite. It will destroy our suburb'. Mr Miles noted a lack of compliance with 'Minister's conditions for approval' contributes to this problem, leaving it to local residents 'to complain to try to get things fixed up'.¹⁸⁵
- 3.25** A resident who lives near Flat Rock Reserve submitted that 'the proposed Beaches Link and in particular the dive site suggested at Flat Rock Gully Reserve would cause catastrophic traffic congestion to Northbridge and surrounding suburbs, not to mention the noise and pollution that the estimated 5 year dive site will generate'¹⁸⁶ and further that 'noise impacts will likely result in noise-induced hearing loss to anyone living at our address and make the house untenable for a period of 5 years, if adequate acoustic treatment is not provided to ensure suitable noise levels'.¹⁸⁷
- 3.26** The Northbridge Progress Association expressed its concern that for construction noise, 'the mitigation measures may not be adequate, leading to significant negative impact on health and wellbeing of Northbridge residents'.¹⁸⁸ The Association noted following its objections to the EIS, it had had 'very constructive' meetings with 'Government entities and stakeholders to discuss possible approaches to mitigating concerns'.¹⁸⁹

¹⁸³ See for example Submission 17, 1st Northbridge Sea Scouts, pp 13–17; Submission 40, Artarmon Progress Association, p 17; Submission 56, Ms Janet France, p 1; Submission 255, North Sydney Community Independent Councillors, p 4; Submission 457, Flat Rock Gully Residents Action Group, p 5; Submission 467, Naremburn Progress Association, p 3; Submission 471, Willoughby Environmental Protection Association (WEPA), pp 30, 71; Submission 498, Name suppressed, p 1.

¹⁸⁴ Submission 201, Mr Michael Wright, p 1.

¹⁸⁵ Evidence, Mr Steve Miles, Chair, Parks Precinct and Member, North Sydney Combined Precincts Committee, 13 September 2021, p 40. See also Evidence, Mr Ian Grey, Chair, Waverton Precinct and Co-Convenor, North Sydney Combined Precincts Committee, 13 September 2021, p 41.

¹⁸⁶ Submission 336, Name suppressed, p 1.

¹⁸⁷ Submission 336, Name suppressed, p 3.

¹⁸⁸ Submission 477, Northbridge Progress Association, p 10. See also Evidence, Cr Gail Giles-Gidney, Mayor, Willoughby City Council, 13 September 2021, p 24.

¹⁸⁹ Submission 477, Northbridge Progress Association, pp 1, 2.

- 3.27** Mr Rhys Williams, Tunnel Coordinator for Anzac Park Public School Parents & Citizens Association, explained that they had had some success resolving construction issues through regular meetings with contractors. This included 'traffic controls during the early works for trucks—so, the trucks are restricted on when they can pass through the streets in front of the school'. Mr Williams noted this was despite Department of Planning and Environment representatives indicating 'that there were absolutely no restrictions on the traffic and they could have whatever size trucks they wanted travelling at whatever time'.¹⁹⁰

Construction impacts on school communities

- 3.28** Stakeholders noted the high prevalence of schools in the Lower North Shore¹⁹¹ and highlighted the impact construction will have on school communities.
- 3.29** Cammeraygal High School P&C explained that the 'program of works cuts through the largest school corridor in Sydney with an estimated 20,000 pupils'. Their submission went on to note Cammeraygal High School is 'highly impacted by the construction of the [Beaches Link] and [Western Harbour Tunnel] as our school zone and catchment area with its students, teachers and parents will be exposed to construction impacts from these joint major infrastructure projects for an estimated 8 years if all runs to schedule'.¹⁹²
- 3.30** Cammeray Public School P&C noted their school 'regularly uses many of the sports fields which stand to be placed under significant construction strain (noise, dust, trucks) from 7 years of overlapping works'.¹⁹³
- 3.31** Mr Rhys Williams, of Anzac Park Public School Parents & Citizens Association, focused on the impacts of air pollution for school communities, and advocated for 'tighter, clearer, proactive terms ensuring protection during construction and in operation; monitoring at schools and sporting places frequented by children now, to provide for proper baseline data as well as ongoing, perpetual monitoring'.¹⁹⁴

Northern Beaches

Construction impacts on residents

- 3.32** Inquiry participants described health and other construction impacts they anticipate for Northern Beaches residents. These included impacts from noise, vibrations, increased traffic

¹⁹⁰ Evidence, Mr Rhys Williams, Tunnel Coordinator, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 19.

¹⁹¹ Evidence, Mrs Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, p 5; Evidence, Mr Williams, 17 September 2021, p 17; Evidence Ms Georgina Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 21.

¹⁹² Submission 474, Cammeraygal High School P&C, p 1. See also Evidence, Mrs Penn, 13 September 2021, p 2.

¹⁹³ Submission 470, Cammeray Public School P&C, pp 1, 4.

¹⁹⁴ Evidence, Mr Williams, 17 September 2021, p 17.

and construction vehicle parking, and dust and air pollution as well as impacts on residential properties.¹⁹⁵ Mrs Ann Sharp explained:

The construction and operational phases will result in increased air pollution, noise, large truck movement, and a corresponding decline in the quality of life. The increased stress associated with these and other adverse impacts is likely to affect the physical and mental health of residents.¹⁹⁶

3.33 A North Balgowlah resident similarly raised concerns that the 'construction phase of the project will undoubtedly impact North Balgowlah residents with dust, noise, vibration, and heavy vehicle traffic in the area'.¹⁹⁷

3.34 Northern Beaches Council noted many of these issues and advocated for Transport for NSW to 'consider management of construction impacts to human health from noise, dust, contaminated soils, and the social impacts caused by the program affecting nearby residents'.¹⁹⁸ Council also provided further detail regarding:

- a need for more information about heavy vehicle movements
- construction staff parking near construction sites
- mitigation measures needed for construction noise
- construction vibration.¹⁹⁹

3.35 Baringa Bush Residents Group described construction impacts on local residents over a 'six year period proposed' as 'intolerable', citing 'exposure to noise, dust, heavy transport emissions and congestion' and increases in traffic due to construction that 'will effectively trap some residents' between tunnel entry sites.²⁰⁰ The Group also argued strongly against short-term closures of the Wakehurst Parkway as a health risk for those needing to urgently access Northern Beaches Hospital.²⁰¹ The Group recommended 'delaying or staggering construction' of Beaches Link until after the Western Harbour Tunnel is completed, as well as 'constructing one tunnel entry at a time, to alleviate congestion'.²⁰²

3.36 Save Manly Dam Catchment Committee similarly argued for various infrastructure projects to be built 'gradually or consecutively rather than concurrently', expressing concern that 'concurrent construction will cause traffic chaos throughout Sydney'.²⁰³

¹⁹⁵ See for example Submission 42, Mrs Deborah Gray, p 1; Submission 71, Miss Sarah Bickford, pp 6, 7; Submission 151; Mr Terry le Roux, p 10; Submission 162; Mr Richard Ware, p 4; Submission 203, Ms Lee Purches, p 3; Submission 209, Name suppressed, p 1; Submission 544, Mrs Ann Gray, p 1; Submission 567, Mr Stephen McNulty, p 1.

¹⁹⁶ Submission 539, Mrs Ann Sharp, p 3.

¹⁹⁷ Submission 335, Name suppressed, p 1.

¹⁹⁸ Submission 44, Northern Beaches Council, p 22.

¹⁹⁹ Submission 44, Northern Beaches Council, pp 13, 20 and 21.

²⁰⁰ Submission 364, Baringa Bush Residents Group, pp 13–14.

²⁰¹ Submission 364, Baringa Bush Residents Group, p 14.

²⁰² Submission 364, Baringa Bush Residents Group, p 14.

²⁰³ Submission 388, Save Manly Dam Catchment Committee, p 8.

Construction impacts on school communities

- 3.37** A number of Northern Beaches residents and organisations associated with local schools raised concerns about the impact construction will have on those schools and their students, staff, and wider school communities.²⁰⁴ This included schools close to the proposed construction site at Balgowlah Golf Course and Balgowlah Oval and the proposed tunnel entry/exit at Burnt Bridge Creek Deviation.²⁰⁵
- 3.38** Mr Colin Cardwell, President of the Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, referred to the construction site proposed to be across the road from the school,²⁰⁶ and identified impacts including 'truck traffic, disruption access, noise, vibration, poor air quality and health impacts and the loss of access to the small amount of open space that we have at Balgowlah Oval'.²⁰⁷
- 3.39** Mr Cardwell indicated there was 'no plan in place to address' these impacts and that to properly develop such a plan would take funding and time.²⁰⁸ Mr Cardwell further informed the Committee that in the one meeting held with the project team the response was 'that it's all going to be fine and it's all going to be okay', a view that, Mr Cardwell said, 'from the school's perspective, it is very difficult to have any confidence in'.²⁰⁹ Mr Cardwell proposed that the Projects be paused until a plan is agreed.²¹⁰
- 3.40** St Cecilia's Catholic School Advisory Committee outlined air pollution and dust, construction noise, loss of access to Balgowlah Oval, traffic impacts, and 'rat running' as concerns during construction.²¹¹ Seaforth Public School P&C Association raised a lack of clarity around spoil truck routes and concern about disrupting Seaforth and other schools.²¹²

²⁰⁴ See for example Submission 42, Mrs Deborah Gray, p 1; Submission 71, Miss Sarah Bickford, p 6; Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, pp 3, 5; Submission 393, St Cecilia's Catholic School Advisory Committee, p 2; Submission 285, Balgowlah North Public School P&C, p 2; Submission 306, Executive Committee of the Basketball Program, Balgowlah Boys Secondary Campus, p 1; Name suppressed, Submission 376, p 1.

²⁰⁵ Northern Beaches Secondary College Balgowlah Boys Campus, St Cecilia's Catholic Primary School, and Seaforth Public School.

²⁰⁶ See Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 3.

²⁰⁷ Evidence, Mr Colin Cardwell, President, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, 17 September 2021, p 25. For more see Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, pp 4–7.

²⁰⁸ Evidence, Mr Cardwell, 17 September 2021, pp 25, 26, 29.

²⁰⁹ Evidence, Mr Cardwell, 17 September 2021, p 26

²¹⁰ Evidence, Mr Cardwell, 17 September 2021, pp 25, 29.

²¹¹ Submission 393, St Cecilia's Catholic School Advisory Committee, p 2.

²¹² Submission 91, Seaforth Public School P & C Association, p 1.

- 3.41** Multiple stakeholders associated with schools requested a project manager be funded by the Government to represent school interests and ensure mitigating measures are complied with.²¹³
- 3.42** St Cecilia's Catholic School Advisory Committee and Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association also expressed dissatisfaction with consultation and planning processes, noting their schools were omitted in the EIS.²¹⁴ Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association further claimed to be 'ignored during preparation of the EIS' due to the proposal not being substantially changed in response to their concerns and the school not be contacted during EIS preparation.²¹⁵

Government evidence regarding construction impacts across the Projects

- 3.43** Representatives from various government agencies gave evidence to the Committee relevant to the construction issues raised across the Inner West, Lower North Shore, and Northern Beaches.
- 3.44** Mr David Gainsford, Deputy Secretary for Assessment and Systems Performance with the Department of Planning, Industry and Environment, explained that the Projects are subject to 'detailed and rigorous assessment' processes that include 'conditions of approval' and recommendations from the EPA to protect the community and environment from the predicted impacts'.²¹⁶ Mr Gainsford noted that for the Western Harbour Tunnel, conditions of approval include 'management of noise, dust and various other amenity impacts' and that the Department has 'reached out' to school communities that have raised issues.²¹⁷
- 3.45** Ms Jacinta Hanemann, Acting Director of Regulatory Operations at the NSW Environment Protection Authority, provided an example of how EPA processes can work in relation to Cammeray golf club:

The conditions that exist in the licence are to protect the community from noise, water and air quality impacts. There are some fairly standard conditions on that licence that relate to the minimisation of the generation of dust. We have received one complaint since the licence was in place—since the end of May—and that was in relation to dust. The EPA goes through a process—every complaint or report that comes to the EPA we do investigate. That typically might involve us getting in contact with the complainant, initially, but also the licensee, requesting documentation and information.

²¹³ Submission 71, Miss Sarah Bickford, p 7; Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 9; Submission 393, St Cecilia's Catholic School Advisory Committee, p 3.

²¹⁴ Submission 393, St Cecilia's Catholic School Advisory Committee p 3 and Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 4.

²¹⁵ Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 4.

²¹⁶ Evidence, Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 11.

²¹⁷ Evidence, Mr Gainsford, 27 September 2021, pp 13–14.

We may undertake site inspections as well. Then with all that information we make a determination as to whether any action is undertaken or not.²¹⁸

- 3.46** Ms Camilla Drover, Deputy Secretary for Infrastructure and Place with Transport for NSW, confirmed that conditions of approval have taken into account cumulative impacts of multiple construction projects, and include 'noise attenuation, respite periods, the extent of night works and generally the extent of work that can be done at any one point in time'.²¹⁹
- 3.47** Transport for NSW outlined various processes to mitigate and respond to the impacts construction will have on local residents. These included:
- noise and vibration assessments (which Transport for NSW asserts 'are conservative and assess the worst-case scenario')
 - engaging an independent Environmental Representative and Acoustic Advisor
 - a noise insulation program, and
 - an Independent Property Impact Assessment Panel to resolve property damage disputes.²²⁰
- 3.48** Representatives described mitigation works around the Warringah Freeway as an example. Mr Doug Parris, of Transport for NSW, acknowledged 'that there is going to be a large impact' including night works, and that there is a 'need to strike a balance between keeping the network moving and doing our work'. Part of the mitigation efforts include noise treatments for around 2,000 properties near the Warringah Freeway.²²¹
- 3.49** In addition, the conditions of approval for the Western Harbour Tunnel component of the Projects include provision for a 24-hour complaints management system and appointing a Community Complaints Mediator.²²²

Committee comment

- 3.50** The committee is concerned about the high level of project construction impact on local communities. We are particularly concerned that Inner West residents and communities have endured long periods of construction impacts associated with WestConnex and will now experience a further long period of impacts due to Western Harbour Tunnel construction. The cumulative major projects can have a considerable impact on the health and wellbeing of locals.
- 3.51** Lower North Shore residents also described health and amenity impacts from construction of the Projects, with concern around noise, vibration, increased construction vehicle parking, dust and air pollution, including a particular focus on the impact on the many schools and school

²¹⁸ Evidence, Ms Jacinta Hanemann, Acting Director, Regulatory Operations, NSW Environment Protection Authority, 27 September 2021, p 13.

²¹⁹ Evidence, Ms Drover, 27 September 2021, p 40.

²²⁰ Submission 482, Transport for NSW, pp 31–32.

²²¹ Evidence, Mr Doug Parris, Director, Project Development, Central River & Eastern Harbour City, Infrastructure and Place, Transport for NSW, 27 September 2021, p 41

²²² NSW Government, *Department of Planning, Industry and Environment: Western Harbour Tunnel and Warringah Freeway Upgrade Infrastructure Approval*, Sydney, 2021, p 24.

communities in the area. These are difficult issues for local residents. Construction disruptions can be damaging to health and difficult to bear. The Committee was heartened to hear of some constructive consultation around these issues, but also concerned by evidence of some poor or inadequate responses from government agencies.

- 3.52** To better manage construction impacts, it is important that appropriate complaints management systems are established and maintained.
- 3.53** The Committee is encouraged that evidence from people and organisations in the Inner West indicates improvement in consultation processes as compared to WestConnex, but notes there are still concerns that those with local knowledge are not appropriately listened to. Residents are further concerned that complaints management processes during construction will be inadequate, based on their experience with WestConnex, and advocated for improvements for the Western Harbour Tunnel construction process.
- 3.54** The committee notes that as part of the conditions of approval for the Western Harbour Tunnel a 24 hour complaints management system is to be implemented and a community complaints mediator appointed. This is a positive development, and the Committee advocates for such provisions to be extended to the Beaches Link, should it proceed.
- 3.55** Nevertheless, school communities surrounding the Projects will be impacted by construction disruptions, including noise, vibration, increased truck traffic, and air pollution. These are damaging impacts, and the Committee has heard that school communities in the Northern Beaches feel consultation processes have failed to include them or adequately listen to their concerns. Communities perceive a lack of planning about mitigating construction impacts, and multiple schools advocated for a Government-funded project manager to address these issues.

Air quality — the impact of pollution from operational tunnels

- 3.56** The impact of air pollution as a result of the Projects, once operational, was a common issue for stakeholders. This included Asthma Australia, Lung Foundation Australia, local government representatives, school community representatives, and individuals. Issues raised are discussed below, and include:
- health impacts of air pollution
 - tunnel ventilation stacks, including filtration, number and location of stacks
 - air quality monitoring
 - government responses to these issues.

Health impacts of air pollution

- 3.57** Stakeholders expressed concerns about the health impacts of air pollution from the Projects, once operational.²²³

²²³ See for example Submission 12, Name suppressed, p 1; Submission 18, Ms Mary Curran, p 1; Submission 151, Mr Terry le Roux, p 11; Submission 283, Name suppressed, p 1; Submission 420, Name suppressed, p 1; Submission 524, Dr Conny Harris, p 1.

3.58 Ms Michele Goldman, Chief Executive Officer of Asthma Australia explained to the Committee the health impacts of traffic related air pollution:

There is now very strong evidence demonstrating the immediate and long-term health effects of traffic-related air pollution on humans, highlighting a greater magnitude of impact than previously understood and showing that there is no safe lower limit of exposure. Approximately one in three New South Wales residents have a respiratory condition and, while air pollution is harmful to everyone, the most vulnerable suffer the most harm, and children and young adults with respiratory conditions are particularly at risk from the effects of air pollution because they have faster breathing rates and their lungs are still developing. Air pollution is also both a risk factor for the development of asthma as well as a trigger for asthma symptoms in people who have the condition. The same can be said for other respiratory conditions, highlighting just how devastating air pollution can be for many local residents. Living in close proximity to high traffic volume is also associated with a range of adverse health outcomes, including hospitalisation as a result of asthma and other respiratory conditions.²²⁴

3.59 Ms Goldman and Mr Mark Brooke, Chief Executive Officer of Lung Foundation Australia, further explained that 'air quality is one of the leading contributors to the burden of disease for lung conditions'²²⁵ and that in addition to immediate impacts, pollution contributes to lung conditions, including cancer that 'might only be seen 20 or 30 years after being exposed to particular pollutants'.²²⁶

3.60 Mr Brooke expressed a lack of confidence around measures associated with the Projects to mitigate health risks²²⁷ and advised that in general he believed:

... we need to get the principles and the policy settings right first and make sure that they are evidence based, and ... getting those policy settings first and not as an afterthought. To be frank, let us not build the infrastructure and then retrofit an air quality monitoring system; let us have the conversation about the principles for setting air quality standards in this country first and then look at the infrastructure.²²⁸

3.61 Ms Goldman stated that in general for tunnel infrastructure projects 'not enough time and analysis and investigation has gone into understanding and estimating the health impacts'²²⁹ and further that 'government policy and regulation have not kept pace with the increase in our knowledge' around 'what levels of exposure are harmful to health'.²³⁰

3.62 Mr Ian Bridge, an environmental scientist, also highlighted the danger posed by particulate pollution, stating that there 'is a direct relationship between exposure to fine particulate and

²²⁴ Evidence, Ms Michele Goldman, Chief Executive Officer, Asthma Australia, 17 September 2021, p 10.

²²⁵ Evidence, Mr Mark Brooke, Chief Executive Officer, Lung Foundation Australia, 17 September 2021, pp 11-12.

²²⁶ Evidence, Ms Goldman, 17 September 2021, p 13.

²²⁷ Evidence, Mr Brooke, 17 September 2021, p 12.

²²⁸ Evidence, Mr Brooke, 17 September 2021, p 14.

²²⁹ Evidence, Ms Goldman, 17 September 2021, p 11. See also p 14.

²³⁰ Evidence, Ms Goldman, 17 September 2021, p 13.

mortality and morbidity'.²³¹ Mr Bridge and others also raised particular concern around crystalline silica exposure.²³² Mr Bridge explained that:

... any time you have crystalline silica released to the environment near an ambient population, you have a risk that that population will contract silicosis. That risk can only be prevented and mitigated. Once you contract silicosis, then it is an incurable disease; it is the prevention rather than the cure that has to be accepted.²³³

Tunnel ventilation stacks, including filtration, number and location of stacks

3.63 Stakeholders raised ventilation stacks used as part of the Projects as a common issue. Many expressed concern at the impact these stacks would have on surrounding communities, and criticised the lack of filtration as part of the Projects design. Some also criticised the number and location of the proposed stacks.

3.64 Stakeholders expressed concerns that using unfiltered stacks for the Projects, as planned, presents a greater risk to human health than using filtered stacks.²³⁴

3.65 Stakeholders from community groups explained the concerns held by their communities. Mr Steve Miles of the North Sydney Combined Precincts Committee stated that:

The major impact everyone is concerned about is that there is no filtration of the ventilation stacks—the smokestacks there—which actually service two tunnels and 14 kilometres of tunnels and the emissions exhaust.²³⁵

3.66 Mr Rhys Williams, of the Anzac Park Public School Parents & Citizens Association, criticised the Projects' proponent's attitude towards filtration and commented that 'no-one on the proponent's side sees the overarching benefit that filtration would have to the reduction of damaging air pollutants, climate change impacts and meeting government targets'.²³⁶

3.67 Ms Michele Goldman, Chief Executive Officer of Asthma Australia, supported 'looking at filtration' as 'essential' to 'try and minimise the level of emissions that are emitted from the stacks'.²³⁷

²³¹ Evidence, Mr Ian Bridge, 17 September 2021, p 12. See also Evidence, Ms Brown, 17 September 2021, p 33.

²³² See for example Submission 381, Anzac Park Public School P&C Association, p 7; Submission 457, Flat Rock Gully Residents Action Group, pp 2, 5; Submission 470, Cammeray Public School P&C, p 4.

²³³ Evidence, Mr Bridge, 17 September 2021, p 10

²³⁴ Evidence, Cr Porteous, 13 September 2021, p 11; Evidence, Mr Miles, 13 September 2021, p 40; Evidence, Mr Williams, 17 September 2021, pp 17, 19; Evidence, Mr Grey, 13 September 2021, p 39; Evidence, Ms Brown, 17 September 2021, p 33; Submission 3, Mr Michael Tarlinton, p 1; Submission 42, Mrs Deborah Gray, p 1; Submission 164, Name suppressed, p 6; Submission 203, Ms Lee Purches, p 13; Submission 326, Name suppressed, p 4; Submission 435, Name suppressed, p 2.

²³⁵ Evidence, Mr Miles, 13 September 2021, p 40.

²³⁶ Evidence, Mr Williams, 17 September 2021, p 17.

²³⁷ Evidence, Ms Goldman, 17 September 2021, p 11.

- 3.68** Ms Georgina Taylor, of the Anzac Park Public School Parents & Citizens Association, criticised the number of ventilation stacks proposed. Ms Taylor highlighted the length of the proposed tunnels and noted that:
- ... the pollution stack at Cammeray will vent all the northbound western harbour tunnel, the North Sydney leg as well as the Cammeray through main leg and the main line from the beaches link tunnel, with no filtration or mitigation measures—is quite astonishing. That is now the biggest proposed stack on the motorway network. That, I think, is what has incredibly astounded people. That will be 42.5 kilometres of pollution coming out.²³⁸
- 3.69** Mr Paul Walter, of the North Sydney Combined Precincts Committee, similarly noted that under the proposed design, 'beaches link tunnel and the western harbour tunnel both expel all their exhaust for a whole length of the tunnel in one location, which is Cammeray'.²³⁹
- 3.70** Ms Taylor argued treating longer tunnels the same way as shorter tunnels is 'deficient ventilation design' as shorter tunnels 'do not require filtration and can survive with just a stack at each end'.²⁴⁰
- 3.71** Ms Taylor referred to international design principles and practices overseas which provide for more exhaust stacks in tunnels of the length proposed as part of the Projects as 'a safe way to build it if you do not want to filter'. Ms Taylor argued that the 'recent history of ventilation and exhaust stack conditions in Sydney has been one of cherrypicking the data and obfuscation' and criticised reliance on data which describes practices around shorter tunnels.²⁴¹
- 3.72** Stakeholders expressed concerns around the location of ventilation stacks, including their proximity to schools, hospitals, and apartment buildings.²⁴² Mrs Larissa Penn, Convenor of Stop the Tunnels, noted stacks will be in the range of 'dozens of schools and the Royal North Shore Hospital, and we have confirmed that there are risks to thousands of high-rise residents'.²⁴³
- 3.73** Anzac Park Public School P&C Association noted the school uses 'passive environmentally friendly heating/cooling' which requires open windows, meaning the school is 'extremely sensitive to external air and noise pollution'.²⁴⁴

²³⁸ Evidence, Ms Georgina Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 22.

²³⁹ Evidence, Mr Paul Walter, Chair, Bay Precinct and Member, North Sydney Combined Precincts Committee, 13 September 2021, p 46. See also Evidence, Ms Taylor, 17 September 2021, p 22.

²⁴⁰ Evidence, Ms Taylor, 17 September 2021, p 17.

²⁴¹ Evidence, Ms Taylor, 17 September 2021, pp 18, 21. See also NSW Government Advisory Committee on Tunnel Air Quality, *Initial report on Tunnel Air Quality*, 2014.

²⁴² Evidence, Mr Miles, 13 September 2021, p 43; Evidence, Cr Porteous, 13 September 2021, p 11; Submission 115, Ms Mary Teteris, p 1; Submission 208, Name suppressed, p 6; Submission 326, Name suppressed, p 4; Submission 463, Name suppressed, p 1; Submission 528, Mrs Adrienne Kabos, p 1; Submission 558, Ms Claire Whitehead, p 2; Submission 563, Ms Jan Knight, p 1; Submission 566, Name suppressed, p 4.

²⁴³ Evidence, Mrs Penn, 13 September 2021, p 2.

²⁴⁴ Submission 381, Anzac Park Public School P&C Association, p 1.

3.74 Mr Steve Miles, of the North Sydney Combined Precincts Committee, criticised an approach that he saw as damaging to health in particular areas. While conceding that 'Overall in Sydney there will be a total of better health outcomes' Mr Miles criticised 'a horrible win/lose game when someone gains something and someone else loses something'.²⁴⁵

Air quality monitoring

3.75 Stakeholders called for improvements to the monitoring of air quality once the tunnels are operational, both at ventilation stacks and at community locations such as schools and childcare centres.²⁴⁶

3.76 Ms Michele Goldman, Chief Executive Officer of Asthma Australia, noted that 'whilst New South Wales has one of the most extensive air quality monitoring networks in the country, there still is room for improvement'. Ms Goldman explained 'there are some communities who do not have appropriate air quality monitoring to understand air pollution levels'²⁴⁷ and recommended 'ongoing air quality monitoring at schools and childcare centres'.²⁴⁸

3.77 Local government representatives provided varying evidence regarding air quality monitoring surrounding the Projects. Mr Andrew Gillies, Strategic Transport Planner with Willoughby City Council, explained that Council had requested 'monitoring be put in at certain locations' and was 'working with the project team' on this issue.²⁴⁹ Mr Joseph Hill, Director of City Strategy at North Sydney Council, explained they were not satisfied with responses from the proponent regarding monitoring, so resolved to undertake monitoring themselves.²⁵⁰ Representatives from Inner West Council noted air quality monitoring is traditionally a state responsibility, and difficult for local government to 'gear up for' leaving councils to rely on state agency data.²⁵¹

3.78 Some stakeholders criticised monitoring and compliance practices. Mr Steve Miles, of the North Sydney Combined Precincts Committee, criticised the independence and resourcing of government agencies associated with monitoring.²⁵² Ms Georgina Taylor, of the Anzac Park Public School Parents & Citizens Association, explained that they asked for warnings for exhaust stack air quality exceedances, but 'All of that was dismissed'.²⁵³

²⁴⁵ Evidence, Mr Miles, 13 September 2021, p 43.

²⁴⁶ See for example Evidence, Mr Williams, 17 September 2021, p 17.

²⁴⁷ Evidence, Ms Goldman, 17 September 2021, p 16.

²⁴⁸ Evidence, Ms Goldman, 17 September 2021, p 11.

²⁴⁹ Evidence, Mr Andrew Gillies, Strategic Transport Planner, Willoughby City Council, 13 September 2021, pp 26–27.

²⁵⁰ Evidence, Mr Joseph Hill, Director, City Strategy, North Sydney Council, 13 September 2021, p 27.

²⁵¹ Evidence, Mr Banfield, 13 September 2021, p 15; Evidence, Cr Porteous, 13 September 2021, p 15.

²⁵² Evidence, Mr Miles, 13 September 2021, pp 45–46.

²⁵³ Evidence Ms Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 21.

Government responses to air quality issues

3.79 Government agency representatives responded to concerns around air quality issues associated with the Projects, particularly around ventilation stacks. Representatives noted some increases and decreases of air pollution as a result of the Projects, but maintained these would be negligible and not result in exceeding air quality levels.

3.80 Multiple government agencies noted assessment processes included review and research by the Chief Health Officer, Chief Scientist, Chief Engineer, and the Advisory Committee on Tunnel Air Quality.²⁵⁴ Mr David Gainsford, Deputy Secretary of the Department of Planning, Industry and Environment, also described 'reviews from international consultants' and 'an air quality specialist' who gave 'advice in helping to set the parameters for the condition of approval'.²⁵⁵ Mr Gainsford described the outcomes of these assessments:

... the assessments themselves predicted at various point sources some increases and decreases in pollutant levels, but what I would say is that the levels of impact that were predicted where there were increases were quite small and the predictions have suggested that none of the air quality levels would be exceeded at those points ...²⁵⁶

3.81 Mr Doug Parris, of Transport for NSW, also described their modelling showing that there is a 'negligible impact' on air quality 'around those ventilation outlets'.²⁵⁷

3.82 Transport for NSW representatives described the need to comply with EPA parameters and monitoring processes regarding tunnel ventilation.²⁵⁸ Ms Jacinta Hanemann, of the Environmental Protection Authority, explained monitoring of tunnel ventilation systems is 'outcomes focussed' with requirements around 'discharge emission limits' but no prescription around the need for filtration.²⁵⁹

3.83 Ms Hanemann also explained real-time monitoring of air quality is a requirement of conditions of approval and the EPA licence, and that any exceedances must immediately be reported to the EPA, NSW Health and the Department of Planning. Responses available to the EPA include:

- varying the licence to include additional conditions
- implementing a pollution reduction program
- compliance actions including advisory letters, formal warnings and penalty notices.²⁶⁰

²⁵⁴ Submission 482, Transport for NSW, p 20; Evidence, Mr Parris, 27 September 2021, p 30; Evidence, Mr Stephen Beaman, Executive Director, Regulatory Operations, NSW Environment Protection Authority, 27 September 2021, p 16; Evidence, Mr Gainsford, 27 September 2021, p 16.

²⁵⁵ Evidence, Mr Gainsford, 27 September 2021, p 16.

²⁵⁶ Evidence, Mr Gainsford, 27 September 2021, p 17.

²⁵⁷ Evidence, Mr Parris, 27 September 2021, p 30. See also Submission 482, Transport for NSW, p 29.

²⁵⁸ Evidence, Ms Drover, 27 September 2021, p 30.

²⁵⁹ Evidence, Ms Hanemann, 27 September 2021, p 19.

²⁶⁰ Evidence, Ms Hanemann, 27 September 2021, p 20. See also Answers to questions on notice, Ms Jacinta Hanemann, Acting Director, Regulatory Operations, NSW Environment Protection Authority, 2 November 2021, p 2; Evidence, Mr Glenn Snow, Director, Transport Assessments, Department of Planning, Industry and Environment, 27 September 2021, p 17.

- 3.84** Monitoring also includes public access to data through 'real-time monitoring (update hourly) and relevant meteorological data' provided online.²⁶¹

Committee comment

- 3.85** The Committee has heard strong evidence regarding the health impacts of air pollution from traffic, including an indication that public policy has not kept pace with the science in this area. The health impacts here can be serious and long term. It is important that they are appropriately considered when planning for large-scale motorway construction.
- 3.86** The Committee recognises improvements in air quality monitoring transparency, with public access to real real-time data being made available. However, local government and school communities continue to find it necessary to implement their own air monitoring systems around the current motorway projects, as they did for WestConnex. This continues to be unacceptable. The NSW Government has a responsibility to ensure, through its air quality monitoring and engagement with community around monitoring, that those close to motorway projects are able to access data relevant to their local communities.
- 3.87** The Committee notes that some local communities dissatisfaction with the air quality monitoring measures surrounding the Projects is leading them to pursue their own monitoring programs. This indicates the Government's monitoring program is either lacking, the Government has not adequately engaged with the community about its monitoring, or both. As such, the Committee recommends that the NSW Government improve its engagement with communities regarding air monitoring, such that those communities do not need to pursue their own monitoring programs.

Recommendation 10

That the NSW Government improve its air monitoring program associated with the Projects so that communities do not need to pursue their own monitoring programs.

²⁶¹ See also Answers to questions on notice, Ms Jacinta Hanemann, Acting Director, Regulatory Operations, NSW Environment Protection Authority, 2 November 2021, p 2. See also Evidence, Mr Snow, 27 September 2021, pp 17, 20; Evidence, Ms Hanemann, 27 September 2021, p 20.

Water quality—impacts from construction

3.88 Stakeholders raised the impact of construction on water quality as a common issue. There was particular concern about the impacts of dredging and cofferdam construction in Sydney Harbour and Middle Harbour. Stakeholders were concerned about negative impacts on both the marine environment and the ability of people to safely perform water activities.

3.89 The following sections describe:

- dredging and cofferdam construction in Sydney Harbour and Middle Harbour
- community concern about environmental impacts
- expert evidence regarding:
 - disturbance of contaminated sediment and its impact on marine life
 - criticism of the environmental impacts statement and EPA review
 - criticism of planned mitigation and monitoring
- government evidence on these issues.

Dredging and cofferdam construction in Sydney Harbour and Middle Harbour

3.90 The Western Harbour Tunnel and Beaches Link plans include under-harbour tunnels at both Sydney Harbour and Middle Harbour in the EIS:

- Western Harbour Tunnel construction is to include two cofferdams to allow construction of the interface structures where driven tunnels will meet immersed tube tunnels. According to the environmental impact statement for the Western Harbour Tunnel the cofferdams will be placed next to Yurulbin Point in Birchgrove and next to the disused Balls Head coal loader in Waverton. Sydney Harbour will be dredged between the two cofferdams to allow a gravel bed and immersed tube tunnels to be placed in the resulting trench.²⁶²
- Beaches Link tunnel construction is to include two cofferdams to allow construction of the interface structures where driven tunnels will meet immersed tube tunnels. According to the environmental impact statement for Beaches Link the cofferdams will be 'constructed at each end of the Middle Harbour crossing and within the harbour off the shore at Northbridge to the south and Seaforth to the north'. Middle Harbour will be dredged between the two cofferdams to allow a gravel bed and immersed tube tunnels to be placed in the resulting trench.²⁶³

3.91 For both the Western Harbour Tunnel and Beaches Link excavated material from within cofferdams and dredged material from the trenches is to be either transported to offshore disposal sites, or if not suitable of offshore disposal, transferred to a construction support site

²⁶² NSW Government, *Western Harbour Tunnel and Warringah Freeway Upgrade: Environmental impact statement*, 2020, Chapter 6, pp 16, 52 and 54.

²⁶³ NSW Government, *Beaches Link and Gore Hill Freeway Connection: Environmental impact statement*, 2020, Chapter 6, pp 15, 19, 63 and 65.

for treatment and disposal on land.²⁶⁴ The environmental impact statements also noted that floating silt curtains would be used to minimise impacts of dredging on the surrounding marine environment.²⁶⁵

Community concern about impacts on water quality

- 3.92** Stakeholders across the inquiry expressed concern about the impacts tunnel construction would have on water quality across the Projects and argued for stronger mitigation and repatriation measures.²⁶⁶
- 3.93** Mr Robert Kelly, Convenor of the Western Harbour Tunnel Action Group, criticised the 'casualness' with which environmental risks of 'dredging of contaminated sediments poses to Sydney Harbour' are discussed in the EIS. Mr Kelly argued that project planning essentially conceded 'that contamination will spread through Sydney Harbour'. Mr Kelly called this 'totally unacceptable' and said there must be 'stronger controls and standards imposed on the project to mitigate against these risks'.²⁶⁷
- 3.94** Save Manly Dam Catchment Committee's submission argued:

The construction of two cofferdams and the laying of two immersed tunnel tubes are likely to pose significant risk by disturbing the highly sensitive ecological interaction of marine life. The disturbance of sediment and more turbidity will spread accumulated toxins and affect the seagrass and the microscopic organisms within which will threaten the survival of larger animals ...²⁶⁸

Expert evidence

- 3.95** The Committee heard evidence from the Australian Marine Sciences Association Inc. and its representatives Professor Maria Byrne and Dr Pat Hutchings, along with Dr Bill Ryall, a retired environmental scientist with experience regarding sediment remediation. These experts outlined

²⁶⁴ NSW Government, *Western Harbour Tunnel and Warringah Freeway Upgrade: Environmental impact statement*, 2020, Chapter 6, pp 19–21, 46–47; NSW Government, *Beaches Link and Gore Hill Freeway Connection: Environmental impact statement*, 2020, Chapter 6, pp 18–20.

²⁶⁵ See for example, NSW Government, *Western Harbour Tunnel and Warringah Freeway Upgrade: Environmental impact statement*, 2020, Chapter 6, p 20.

²⁶⁶ See for example Evidence, Mr Banfield, 13 September 2021, p 11; Evidence, Ms Louise Williams, Public Officer, Baringa Bush Residents Group, 17 September 2021, p 24; Evidence, Cr Giles-Gidney, 13 September 2021, pp 21, 23, 24, 27; Evidence, Mrs Penn, 13 September 2021, pp 2, 6; Evidence, Mr Moratelli, 17 September 2021, p 18; Evidence, Cr Porteous, 13 September 2021, p 11; Submission 6, Name suppressed, p 1; Submission 173, Mr Jamie Parker, Member for Balmain, p 2; Submission 250, Western Harbour Tunnel Action Group, p 1; Submission 285, Balgowlah North Public School P&C, p 2; Submission 288, Save Manly Dam Catchment Committee, p 18; Submission 365, Mrs Ann Collins, p 15; Submission 370, Name suppressed, p 1; Submission 394, Rozelle Against WestConnex, pp 2, 3, 5; Submission 399, Parramatta River Catchment Group, p 3.

²⁶⁷ Evidence, Mr Robert Kelly, Convenor, Western Harbour Tunnel Action Group, 17 September 2021, p 32.

²⁶⁸ Submission 388, Save Manly Dam Catchment Committee, p 18.

a variety of concerns around the way the Projects approached the risk of impacts to water quality in Sydney Harbour and included:

- disturbance of contaminated sediment and its impact on marine life
- criticism of the environmental impact statement and EPA review
- criticism of planned mitigation and monitoring measures.

3.96 Professor Byrne summarised these concerns and her view of necessary remedies:

... it is clear that there have been procedural deficiencies with the western harbour tunnel ... process, including an inadequate EIS, incomplete environmental risk analysis with respect to the marine environment, and lack of transparency. The revised environmental measures do not include measures to address the risk of environmental poisoning—that is really important. The risk analysis will need to be revisited, with special attention to the design and management of the dredging program and construction support sites and offshore disposal, improved sediment sampling along the construction site to establish rigorous baseline data prior to construction, and plans for monitoring. We note that monitoring and recovery programs were not detailed.²⁶⁹

Disturbance of contaminated sediment and its impact on marine life

3.97 Professor Byrne explained that the 'water quality of Sydney Harbour has improved immensely over recent decades' and is now 'one of the most diverse in the world in terms of number of species'. Professor Byrne emphasised that this 'renewed diversity has absolutely thrived because contaminants originating from the industrial history of Sydney Harbour are sequestered in the sediments, and this is where they should remain'.²⁷⁰

3.98 A major concern was the disturbance of contaminated sediment as part of construction. Professor Byrne explained that Western Harbour Tunnel construction risked reversing water quality improvements in Sydney Harbour, noting that 'the harbour sediments have high levels of contaminants. These are persistent; they will be with us for hundreds of years, and we cannot do anything about that. This includes sediments in the corridor of the tunnel in the construction support sites'.²⁷¹ Professor Byrne further explained that these contaminants include 'banned and poisonous chemicals that are carcinogenic to humans' and materials that 'cause instant death to many marine animals'.²⁷²

3.99 Professor Byrne noted that these impacts to marine life may include effects on endangered species and up the food chain, as organisms that live in the sediment are consumed by larger animals, including birds which may spread contaminants 'far and wide'.²⁷³

Criticism of the environmental impacts statement and EPA review

3.100 Professor Byrne, Dr Ryall, and Dr Hutchings criticised the environmental impact statement's (EIS) consideration of impacts on the marine environment, and argued:

²⁶⁹ Evidence, Professor Byrne, 17 September 2021, p 3.

²⁷⁰ Evidence, Professor Byrne, 17 September 2021, p 2.

²⁷¹ Evidence, Professor Byrne, 17 September 2021, p 2.

²⁷² Evidence, Professor Byrne, 17 September 2021, p 2.

²⁷³ Evidence, Professor Byrne, 17 September 2021, pp 2, 7.

- the EIS did not sufficiently consider the impacts of construction on the marine environment²⁷⁴
- EIS measurements of contaminated sediment are incorrect²⁷⁵
- the effects of strong currents on sediment are not addressed²⁷⁶
- available scientific literature was not considered²⁷⁷
- the EIS lacked quality baseline studies that would allow effective monitoring of mitigation and recovery efforts²⁷⁸
- there was no mention of real-time monitoring of toxics in the water.²⁷⁹

3.101 Dr Ryall claimed that 'The EIS is totally defective in that it has not assessed the risk—the impact of these things. There are tools around that can assess this and the EPA, in their review, should have demanded that that be done'.²⁸⁰

3.102 Dr Ryall argued the EPA's assessment of the EIS was lacking, claiming it was 'abnormal', 'very disappointing', and 'basically did not address any of the important contamination issues'. Dr Ryall argued the EPA should have produced a more robust review and required the EIS to be revised, noting the 'community needs to be assured that proper environmental protection measures will be implemented'.²⁸¹

3.103 Professor Byrne and Dr Ryall also reported a lack of transparency around analyses of contamination.²⁸² Australian Marine Sciences Association Inc.'s submission argued that this lack of transparency indicated that the Projects have 'not been subject to the appropriate levels of transparency expected of a project delivered by a public sector body'.²⁸³

Criticism of planned mitigation and monitoring

3.104 Expert evidence to the Committee indicated the silt curtains and backhoe dredge proposed as mitigation measures would not be sufficient to contain disturbed sediment.²⁸⁴ Professor Byrne explained:

²⁷⁴ Evidence, Professor Byrne, 17 September 2021, p 2.

²⁷⁵ Evidence, Dr Bill Ryall, Director, Ryall Environmental, 17 September 2021, pp 3, 5.

²⁷⁶ Evidence, Dr Ryall, 17 September 2021, p 3.

²⁷⁷ Evidence, Professor Byrne, 17 September 2021, p 5.

²⁷⁸ Evidence, Dr Pat Hutchings, Member, Australian Marine Sciences Association, 17 September 2021, p 4.

²⁷⁹ Evidence, Professor Byrne, 17 September 2021, p 9.

²⁸⁰ Evidence, Dr Ryall, 17 September 2021, p 5.

²⁸¹ Evidence, Dr Ryall, 17 September 2021, pp 3, 5, 7.

²⁸² Evidence, Professor Byrne, 17 September 2021, pp 2, 3; Evidence, Dr Ryall, 17 September 2021, p 3.

²⁸³ Submission 90, Australian Marine Sciences Association Inc., p 1.

²⁸⁴ Evidence, Professor Byrne, 17 September 2021, p 2; Evidence, Dr Ryall, 17 September 2021, p 3; Evidence, Dr Hutchings, 17 September 2021, p 4; Submission 90, Australian Marine Sciences Association Inc., p 2.

There is no way that the silt curtains and the backhoe dredge will contain the sediments because the area is dynamic with strong water movement. The tunnel construction will disturb the sediments, and the movements between Berrys Bay, Snails Bay, White Bay and the Rozelle Rail Yards have a high potential to disturb and redistribute sediments. Measures to contain and track those plumes are not convincing, nor is the assumed loss of fine sediments.²⁸⁵

3.105 Dr Ryall argued that planned 'shallow silt curtains two to three metres floating from the surface' would not be effective, as the water depth in the relevant area is 11 to 15 metres, meaning 'disturbance of the sediment obviously takes place at the sea floor, which is some eight metres at least below the level of the silt curtain'.²⁸⁶

3.106 Dr Ryall proposed a different mitigation method, which makes greater use of cofferdams:

... there is a better way of doing the remediation, because the contaminated sediments are not distributed along the entire alignment of the ITT [immersed tube tunnel]; they are restricted to both ends of it—near Yurulbin Point, near Birchgrove, and near the Waverton Coal Loader. ... they should be using that facility [the cofferdams] at Birchgrove and at Waverton to remove the contaminated sediments; then there is negligible impact from contaminated sediments to the waters of Sydney Harbour.²⁸⁷

3.107 Dr Ryall also proposed using 'full-depth silt curtains which are anchored to the bottom—anchored to the sea floor' noting they had been used successfully in other strong current environments.²⁸⁸ Dr Ryall claimed his proposal would be cheaper than the currently planned methods.²⁸⁹

3.108 Professor Byrne advocated for real-time monitoring of water quality during construction, with public reporting allowing people to decide whether they would swim in Sydney Harbour.²⁹⁰

Government evidence

3.109 Government representatives provided some evidence in response to community and expert concerns surrounding the Projects' impact on water quality.

3.110 Mr Stephen Beaman, Executive Director of Regulatory Operations with the NSW Environment Protection Authority (EPA) explained that the EPA had heard 'the community's call around protecting Sydney Harbour' and outlined EPA experience with regulating dredging operations, including with contaminate sediments.²⁹¹ Mr Beaman maintained that:

... based on the information that we have had and saw in the EIS and some follow-up information that we actually got from the proponent and Transport for NSW, we firmly

²⁸⁵ Evidence, Professor Byrne, 17 September 2021, p 2.

²⁸⁶ Evidence, Dr Ryall, 17 September 2021, p 3.

²⁸⁷ Evidence, Dr Ryall, 17 September 2021, p 4. See also Submission 448a, Dr Bill Ryall.

²⁸⁸ Evidence, Dr Ryall, 17 September 2021, p 5.

²⁸⁹ Evidence, Dr Ryall, 17 September 2021, p 6. See also Submission 448a, Dr Bill Ryall, p 1.

²⁹⁰ Evidence, Professor Byrne, 17 September 2021, p 9. See also Submission 90, Australian Marine Sciences Association Inc., p 2.

²⁹¹ Evidence, Mr Beaman, 27 September 2021, p 18.

had the view that all the risks have been identified and could be addressed under the approved management plans.²⁹²

- 3.111** Mr Beaman also pointed to an EIS appendix as evidence of hydrodynamic investigations done as part of planning.²⁹³
- 3.112** Media reporting in July 2022 indicated that the Government is considering different tunnel construction processes in light of concerns around dredging.²⁹⁴
- 3.113** The Committee is aware that contaminated sediment, once treated, was to be disposed of in Newcastle. The Government has since advised this sediment will not be disposed of at Newcastle, but not provided information about where it will be disposed, indicating the contractor performing the work will select a suitable site.²⁹⁵

Committee comment

- 3.114** Sydney's waterways are one of the State's great natural assets. Any actions which put the health of Sydney's harbours at risk need to be carefully assessed to measure their value. Risks need to be managed and mitigated to reduce impacts to harbour water quality.
- 3.115** The Committee sees actions in the Projects' construction plans that present significant risk to Sydney's harbours. Dredging and cofferdam construction will disturb both contaminated and uncontaminated sediment from the harbour floors. This risks damaging the marine environment and community enjoyment of the harbours. Whilst the committee notes the media reports (see chapter 1) that the Western Harbour Tunnel may be constructed deeper than planned and actually go under Sydney Harbour rather effectively sit on the bottom of it, hence potentially not disturbing harbour sediments as much, the committee received no evidence about this.
- 3.116** Hence the committee can only comment on the evidence it received during the inquiry. Based on this, it is clear to the committee that the way risks to harbour water quality are proposed to be managed could be improved. The Committee is concerned at expert evidence suggesting that the EIS process around water quality did not sufficiently address various factors regarding the marine environment, incorrectly represented amounts of contaminated sediment, did not consider available scientific literature, and lacked information around monitoring water quality.
- 3.117** The Committee acknowledges evidence from government representatives that maintains the view that risks have been identified and can be addressed by the proposed management plan. However, on balance, the Committee finds that there is credible, expert evidence that

²⁹² Evidence, Mr Beaman, 27 September 2021, p 18.

²⁹³ Evidence, Mr Beaman, 27 September 2021, pp 18–19. See also NSW Government, *Western Harbour Tunnel and Warringah Freeway Upgrade: Environmental impact statement: Appendix P: Hydrodynamics and dredge plume modelling*, 2020; NSW Government, *Beaches Link and Gore Hill Freeway Connection: Environmental impact statement Appendix P: Hydrodynamics and dredge plume modelling*, 2020.

²⁹⁴ Matt O'Sullivan, 'Sydney Harbour Tunnel tolls to stay, deeper tunnel possible for new crossing', *Sydney Morning Herald*, 27 July 2022, <https://www.smh.com.au/national/nsw/sydney-harbour-tunnel-tolls-to-stay-deeper-tunnel-possible-for-new-crossing-20220727-p5b4xb.html>.

²⁹⁵ Evidence, Ms Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, Budget Estimates Inquiry, Portfolio Committee No. 6-Transport, 1 March 2022, pp 66–67. See also Answers to questions on notice, Hon. Natalie Ward MLC, Minister for Metropolitan Roads, (n.d.), p 36.

procedures around analysing the impact of the Projects on harbour water quality were insufficient.

- 3.118** It is important that once construction starts, the effectiveness of water quality mitigation and management plans is transparent. This can be achieved through water quality monitoring that is detailed and publicly available in real time. The Committee notes calls from stakeholders for greater monitoring of water quality, and recommends that the NSW Government ensure water quality monitoring in relation to the Projects is sufficient to judge the efficacy of mitigation and management measures, is publicly available, and provided in real time.
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Recommendation 11

That the NSW Government ensure water quality monitoring in relation to the Projects is:

- sufficient to judge the efficacy of mitigation and management measures,
 - publicly available, and
 - provided in real time.
-

- 3.119** The Committee's view is that the community should be made aware of where contaminated sediment is to be disposed as part of project planning. It is not sufficient to leave this decision to a contractor to be made later in the construction process. The Committee recommends that the NSW Government inform the community, ahead of March 2023, where treated contaminated sediment will be disposed.
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Recommendation 12

That the NSW Government inform the community, ahead of March 2023, where treated contaminated sediment will be disposed.

Chapter 4 Inner West

This chapter focusses on the Inner West suburbs of Birchgrove, Balmain, Rozelle, and Lilyfield, outlining the views presented by those from the Inner West and concerns raised about particular impacts on their lives and communities. Concerns discussed in this chapter include environmental impacts of contamination at Dawn Fraser Baths, loss of green space, and the identification of the former Balmain Tigers Leagues Club as a construction site. The chapter also presents Government agency views and responses to these issues.

Community positions on the Projects

- 4.1 Organisations and individuals who gave evidence from the Inner West generally opposed the Projects, with a particular focus on the Western Harbour Tunnel, which, due to its location, would most directly impact the Inner West.
- 4.2 People and groups from the Inner West raised concerns regarding the Projects that align with general concerns across all stakeholders, as discussed in chapters 2 and 3 of the report.
- 4.3 Inner West stakeholders also raised concerns particular to their area. These are discussed in this chapter, and include:
 - environmental impacts, including:
 - contamination at Dawn Fraser Baths
 - temporary loss of green space at Yurulbin Point
 - the former Balmain Tigers Leagues Club site.

Summary of major local stakeholder positions on the Projects

- 4.4 Inner West Council, while noting only the Western Harbour Tunnel component of the Projects falls within its Council area, stated its 'long-standing position of opposing inner-urban motorways, including WestConnex & [the Western Harbour Tunnel]' and its preference for 'traffic-reduction options to address congestion, including public and active transport, travel demand management and transit-oriented development, with some modest/targeted improvements to the existing road network'.²⁹⁶
- 4.5 Council and other local groups also noted concerns including negative experiences with WestConnex and a desire for an 'infrastructure construction health impact study'.²⁹⁷

²⁹⁶ Submission 483, Inner West Council, p 2.

²⁹⁷ Submission 483, Inner West Council, pp 2–3. See also Submission 578, Australian Labor Party, Balmain Branch; Submission 394, Rozelle Against WestConnex, pp 2–4.

Environmental impacts

Contamination at Dawn Fraser Baths

- 4.6** Inner West residents voiced their concern that dredging and construction activities would negatively impact the Dawn Fraser Baths.²⁹⁸ Cr Rachelle Porteous, Mayor of Inner West Council, contended 'that the western harbour tunnel could make the baths unusable' with a 'toxic plume' from dredging impacting users of the Baths.²⁹⁹
- 4.7** Cr Porteous and Rozelle Against WestConnex also criticised assessment processes around construction impacts on the Baths, stating they had not been included in the reference design or environmental impact statement.³⁰⁰
- 4.8** The Parramatta River Catchment Group and Professor Maria Byrne of the Australian Marine Sciences Association expressed concern over a lack of planning to monitor for health impacts at the Baths.³⁰¹ Professor Byrne argued for real-time monitoring that is reported to the public to allow for informed decisions about using the Baths.³⁰²
- 4.9** Transport for NSW referred to the Western Harbour Tunnel and Warringah Freeway Upgrade EIS Submission Report Appendix C, which included a response to concerns about water quality at the Baths as a result of dredging.³⁰³ Transport for NSW stated that 'in most instances the impacts at the Dawn Fraser Baths due to dredging would not be a noticeable addition to ambient concentrations' citing the Baths distance from the dredging location and dredging 'safeguards to be implemented including backhoe dredge works with an environmental clamshell bucket carried out within a floating silt curtain'.³⁰⁴
- 4.10** Mr David Gainsford, Deputy Secretary at the Department of Planning, Industry and Environment, told the Committee that a more detailed management plan will also be required of the contractor when designs are finalised.³⁰⁵

²⁹⁸ The impact of the Projects on water quality generally, including impacts of dredging and other construction activities, is discussed in detail in Chapter 3. This section describes concerns raised about the impact of water quality at the Dawn Fraser Baths in Balmain by local residents. See for example Submission 11, Name suppressed, p 1; Submission 69, Professor Andrew Gonczi, p 1; Submission 333, Name suppressed, p 1.

²⁹⁹ Evidence, Cr Rochelle Porteous, Mayor, Inner West Council, 13 September 2021, p 11.

³⁰⁰ Evidence, Cr Porteous, 13 September 2021, p 11; Submission 394, Rozelle Against WestConnex, p 6.

³⁰¹ Evidence, Professor Maria Byrne, Member, Australian Marine Sciences Association, 17 September 2021, p 9; Submission 399, Parramatta River Catchment Group, p 1.

³⁰² Evidence, Professor Byrne, 17 September 2021, p 9; Submission 152, Professor Maria Byrne, p 1.

³⁰³ Transport for NSW, *Western Harbour Tunnel and Warringah Freeway Upgrade Submissions Report Appendix C*, 2020, pp 2–3.

³⁰⁴ Submission 482, Transport for NSW, p 34.

³⁰⁵ Evidence, Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 14.

Temporary loss of green space at Yurulbin Point

- 4.11** Yurulbin Park at Yurulbin Point will be used as a Western Harbour Tunnel construction site, with plans for the park to be rehabilitated and open to the public after construction.³⁰⁶
- 4.12** Inner West groups and residents raised concerns about the impacts on Yurulbin Park, including the loss of park space for the local community during construction and the impact on trees, with some arguing the Park is an unsuitable place for a construction site.³⁰⁷
- 4.13** Mr Lewis Kaplan explained that his grandchildren, who he brings to the Park, would be 'denied access to one of Sydney's premier waterfront parks for a significant proportion of their childhood and the same is true for all young people who use this as an important part of their recreation'.³⁰⁸ Some also raised the presence and importance of Aboriginal cultural sites at Yurulbin Park.³⁰⁹
- 4.14** Inner West Council opposed 'removal of any publicly-accessible open space for motorway construction'.³¹⁰ Mayor Porteous criticised the outcomes of consultation processes around issues of environmental damage and construction sites including Yurulbin Point, and stated her belief that Inner West Council 'does not think they have been adequately dealt with in terms of the response from the EIS'.³¹¹

Former Balmain Tigers Leagues Club site

- 4.15** The environmental impact statement for the Western Harbour Tunnel identified that the former Balmain Tigers Leagues Club site on Victoria Street in Rozelle would be used as a construction support site.³¹²
- 4.16** A 2020 Inner West Council assessment report noted the Club venue on the site was built in the 1960s for 'social gatherings' and has 'historically been considered as a significant and well established local community and entertainment venue'. The Club sold the site in the 2000s, and the building is currently vacant and 'in a dilapidated condition'.³¹³

³⁰⁶ Submission 482, Transport for NSW, p 33.

³⁰⁷ Submission 394, Rozelle Against WestConnex, pp 3, 6; Submission 483, Inner West Council, pp 7, 8. See also for example of submissions from individual residents Submission 50, Name suppressed, p 1; Submission 275; Name suppressed, p 1; Submission 370, Name suppressed, p 1; Submission 521, Ms Michelle Hacking, p 2; Submission 535, Ms Catherine Whitty, p 1;

³⁰⁸ Submission 159, Mr Lewis Kaplan, p 2.

³⁰⁹ Submission 483, Inner West Council, p 8; Submission 117, Dr Fergus Fricke, p 1.

³¹⁰ Submission 483, Inner West Council, p 7.

³¹¹ Evidence, Cr Porteous, 13 September 2021, p 13.

³¹² NSW Government, *Western Harbour Tunnel and Warringah Freeway Upgrade Environmental impact statement*, 2020, Chapter 20, p 30

³¹³ Inner West Council, *Council Assessment Report: Sydney Eastern City Planning Panel PPS-2018SCL044: DA D/2018/219*, 2020, p 7.

- 4.17** Some stakeholders from the Inner West opposed using the site for construction, noting construction impacts on neighbouring homes and businesses.³¹⁴ Mr Kendall Banfield, Senior Transport Planner with Inner West Council explained the impact this would have on the community:
- We are also concerned about residents, businesses and schools near the former Balmain Leagues Club site being affected by noise, dust and truck traffic from the 24/7 operation of this spoil extraction site.³¹⁵
- 4.18** Plans to use the former Balmain Leagues Club site for the Projects have changed during the course of this inquiry. The Government announced in May 2022 that the site would no longer be needed.³¹⁶ A developer with approved plans for the site subsequently announced its intention to progress its plans.³¹⁷
- 4.19** Inner West Council representatives noted a lack of communication around Transport for NSW considering alternative sites and the uncertainty this created. Mayor Porteous criticised the process around use of the site as 'appalling'.³¹⁸
- 4.20** In explaining why the site had not been developed in the time since its sale, Mayor Porteous stated that local planning controls require the site to 'have a community club in it and that community club is for the Balmain Leagues community club' and that the 'problem has always been the overdevelopment of the site'.³¹⁹

Rozelle Parklands Working Group

- 4.21** The Rozelle Parklands is approximately 10 hectares of public parkland and open space. Transport for NSW's Rozelle Interchange project prepared an Urban Design and Landscape Plan for the site.³²⁰
- 4.22** The Plan included provision for two sports fields and four multi-purpose courts within the Rozelle Parklands precinct ..., the Rozelle Parklands Working Group was established to

³¹⁴ Submission 173, Mr Jamie Parker MP, Member for Balmain, p 3; Submission 394, Rozelle Against WestConnex, p 3; Submission 321, Name suppressed, p 1.

³¹⁵ Evidence, Mr Kendall Banfield, Senior Transport Planner, Inner West Council, 13 September 2021, p 11.

³¹⁶ NSW Government, *Update about the use of the Victoria Road temporary construction site*, Western Harbour Tunnel, <https://caportal.com.au/rms/wht>.

³¹⁷ Michael Koziol and Tom Rabe, 'Balmain Leagues site can be rebuilt after government ditches dump plan' *The Sydney Morning Herald*, 17 May 2022, <https://www.smh.com.au/national/nsw/balmain-leagues-site-can-be-rebuilt-after-government-ditches-dump-plan-20220517-p5am6e.html>.

³¹⁸ Evidence, Mr Banfield and Cr Porteous, 13 September 2021, p 13.

³¹⁹ Evidence, Cr Porteous, 13 September 2021, pp 17–18.

³²⁰ Transport for NSW, Terms of Reference – Rozelle Parklands Working Group (November 2020), p 1, <https://roads-waterways.transport.nsw.gov.au/projects/01documents/rozelle-parklands/rozelle-parklands-terms-of-reference-rozelle-parklands-working-group.pdf>.

determine the Rozelle Parklands' 'optimal end state to ensure that all perspectives are being considered'.³²¹

- 4.23** An article in the Sydney Morning Herald reported the following about the Rozelle Parklands Plan:

The state government ditched several key elements of the Rozelle Parklands project recommended by its own expert working group, including an all-weather sporting field, tennis courts and street parking, leading to accusations the inner west has been short-changed.

...

The group – which was convened by Transport for NSW and reported to the transport minister – recommended a synthetic playing field to host year-round soccer, five-a-side soccer, Ultimate Frisbee, touch football and OzTag.

It recommended four multipurpose courts – two for tennis and two for basketball and netball – but only two will be built. The report also called for existing bike paths to be removed for car parking along the Lilyfield Road boundary.³²²

Committee comment

- 4.24** The Committee notes that the Dawn Fraser Baths are an important local amenity in the Inner West. Resident and community group concerns about health impacts of dredging at the baths have not been adequately addressed. The Committee therefore recommends that the NSW Government ensure real-time monitoring of water quality, with results available to the public, be provided for at the Dawn Fraser Baths.

Recommendation 13

That the NSW Government ensure that publicly available real-time monitoring of water quality be provided for the Dawn Fraser Baths.

- 4.25** The former Balmain Tigers Leagues Club site is an important site for the local community. The Committee recognises that while the site has not been used as a community venue since its sale in the 2000s, we consider that its identification as a construction site for the Western Harbour Tunnel was inappropriate and at odds with local efforts to rehabilitate the site for community use.

³²¹ Transport for NSW, Rozelle Parklands Working Group (25 January 2022), <https://roads-waterways.transport.nsw.gov.au/projects/rozelle-parklands/index.html>.

³²² Michael Koziol, "'Short-changed': Key sporting facilities scrapped from Rozelle Parklands plan", Sydney Morning Herald, 18 November 2022, <https://www.smh.com.au/national/nsw/short-changed-key-sporting-facilities-scrapped-from-rozelle-parklands-plan-20221116-p5byyg.html>.

- 4.26** The committee notes and supports the work and recommendations of the Rozelle Parklands Working Group and recommends that the Working Group's original recommendations be reinstated by the New South Wales Government.

Recommendation 14

That the NSW Government reinstate the original recommendations of the expert working group on the Rozelle Parklands.

Chapter 5 Lower North Shore

This chapter focusses on the lower north shore, outlining the views presented by those from that locality and concerns raised about particular impacts on their lives and communities. Concerns discussed in this chapter include environmental impacts including loss of green space, disturbance at contaminated sites, and impacts on local flora and fauna; and traffic impacts once the Projects are completed. The chapter also presents Government agency views and responses to these issues where available.

Community positions on the Projects

- 5.1** Organisations and individuals who gave evidence from the lower north shore expressed a variety of views and positions, with a majority opposed to the Projects. Many expressed views on both Beaches Link and the Western Harbour Tunnel, noting both projects impact the Lower North Shore.
- 5.2** People and groups from the lower north shore raised concerns regarding the Projects that align with general concerns across all stakeholders, as discussed in chapters 2 and 3 of the report.
- 5.3** Stakeholders also acknowledged that there was a diversity of views amongst residents about the Projects. Cr Gail Giles-Gidney, Mayor of Willoughby City Council, explained that in Willoughby there are 'a large number of people within our community who have grave concern around' a variety of issues with the Projects, but there are also people 'who would welcome the conclusion of the project where there would be an alleviation, they believe, of the traffic situation that they are currently experiencing and any reduction in local road traffic congestion would be welcomed'.³²³
- 5.4** Lower north shore stakeholders also raised concerns particular to their area. These are discussed in this chapter, and include:
- environmental impacts, including:
 - loss of green space
 - disturbance of contaminated sites
 - impact on local flora and fauna
 - local traffic impacts once the Projects are operational, including:
 - impacts on local centres, particularly North Sydney CBD and Berry Street
 - increased traffic in the lower north shore and lack of active transport integration.

³²³ Evidence, Cr Gail Giles-Gidney, Mayor, Willoughby City Council, 13 September 2021, p 25. See also Evidence, Mr Joseph Hill, Director, City Strategy, North Sydney Council, 13 September 2021, p 25.

Summary of major local stakeholder positions on the Projects

Organisations opposed or objecting to the Projects

- 5.5 A variety of organisations and groups from the lower north shore expressed their opposition or objection to the Projects. These included local government representatives,³²⁴ some progress associations,³²⁵ environmental groups,³²⁶ local sporting and scouting groups,³²⁷ local school parents and citizens organisations,³²⁸ and community groups formed in response to the Projects.³²⁹
- 5.6 While themes were similar, each organisation put its opposition or objection to the Projects in its own words. See for example:
- A group of three North Sydney Councillors, Cr Zoë Baker, Cr MaryAnn Beregi and Cr Tony Carr, opposed the Projects and urged that they do not proceed, arguing they 'will not deliver any amelioration to traffic congestion and will have devastating environmental, health and social impacts at significant financial cost to the State'.³³⁰
 - Mr John Moratelli, President of the Willoughby Environmental Protection Association (WEPA) argued that other alternatives need 'to be seriously considered before any further development of the current proposals takes place'.³³¹
 - Flat Rock Gully Residents Action Group 'strongly object' to the Projects and advocated for reconsideration of 'additional road tollways that impact on our built and natural environments, contribute to climate change, risk the health and wellbeing of vulnerable members of our community due to increased pollution levels, silica dust and health risks associated with the release of toxic contaminants'.³³²
 - Cammeray Public School P&C objected to the Projects and advocated for the Government to 'stop these projects immediately and fully scope alternative options'.

³²⁴ Evidence, Cr Giles-Gidney, 13 September 2021, pp 21, 27-28; Submission 255, North Sydney Community Independent Councillors, p 1; Submission 479, Bay Precinct; Submission 177, Edward Precinct; Submission 514, Milson Precinct. For explanation of the North Sydney Community Precinct System see North Sydney Council, Precinct Guidelines & Overview, [https://www.northsydney.nsw.gov.au/Council_Meetings/Community_Engagement/Precincts/Precinct_Guidelines_Overview].

³²⁵ Submission 40, Artarmon Progress Association, p 10; Submission 467, Nareburn Progress Association, p 2.

³²⁶ Submission 471, Willoughby Environmental Protection Association (WEPA), p 6.

³²⁷ Submission 17, 1st Northbridge Sea Scouts, p 1; Submission 344, Northern Suburbs Netball Association, p 1; Submission 542, 1st Sailors Bay Sea Scouts, pp 1, 6.

³²⁸ Submission 381, Anzac Park Public School P & C Association, p 1; Submission 470, Cammeray Public School P&C, pp 1–2; Submission 474, Cammeraygal High School P&C, pp 1–2.

³²⁹ Submission 457, Flat Rock Gully Residents Action Group, p 2; Submission 472, Save Flat Rock Gully and Middle Harbour; Submission 575, Stop the Tunnels, p 1.

³³⁰ Submission 255, North Sydney Community Independent Councillors, p 1.

³³¹ Evidence, Mr Moratelli, 17 September 2021, p 19.

³³² Submission 457, Flat Rock Gully Residents Action Group, p 2.

Issues of concern included construction traffic, impact on green space, pollution around the school and traffic safety impacts once operational.³³³

Organisations expressing significant concerns

- 5.7** Some organisations, while not outright opposing or in-principle objecting to the Projects, expressed significant criticism, concerns, qualifications or caveats.
- 5.8** North Sydney Combined Precincts Committee Co-Convenor Mr Ian Grey noted that while they 'do not have an in-principle objection' to the Projects, 'there are other higher priorities'. Further, that while the Projects may benefit people in the Northern Beaches,³³⁴ they solve 'a non-existent problem', in North Sydney, where it is 'currently easy and quick' to get from North Sydney to Rozelle. Mr Grey warned the Projects 'will probably unintentionally inflict massive permanent problems on the North Sydney area, all of which are completely solvable and avoidable. But the Government unfortunately has been uninclined to listen to the comment.'³³⁵
- 5.9** The Committee for North Sydney opposed the Projects 'proceeding until the NSW Government meets' a series of 'expected standards for major public works investments' and noted it is 'primarily concerned about the disastrous impact of the tunnels, as presently planned, on the North Sydney city centre'.³³⁶
- 5.10** Mr Joseph Hill, Director of City Strategy at North Sydney Council explained that North Sydney Council's position has changed over time and that as 'the project developed through to mid-2018 and late 2018, council, which was very oppositional, moved to a bit more neutrality as it looked to this project proceeding and trying to get the best out of this for the local community'. Mr Hill noted Council is 'trying to be inside the tent, trying to make sure the conditions of the current project are genuinely adhered to' noting these conditions 'are many, they are complex, they require a lot of buy-in from all parties but mainly the State to deliver and we are very willing to do that'.³³⁷

Mosman Council's perspective

- 5.11** One voice that supported the Projects was Mosman Council. Mr Craig Covich, Director of Environment and Planning at Mosman Council, explained that Mosman Council 'has provided in-principle support for the tunnel and beaches link' though with qualifications around improvements to The Spit and Military Road corridor and strong opposition to 'any attempt by the Government to leverage the tunnel to increase the [housing] density in Spit Junction and Mosman'.³³⁸
- 5.12** Mr Covich expressed concern that the Projects may be seen 'potentially as an option for the Government to slip in increased density due to the infrastructure', and that Mosman Council

³³³ Submission 470, Cammeray Public School P&C, p 2.

³³⁴ Evidence, Mr Ian Grey, Chair, Waverton Precinct and Co-Convenor, North Sydney Combined Precincts Committee, 13 September 2021, p 45.

³³⁵ Evidence, Mr Grey, 13 September 2021, p 39.

³³⁶ Submission 478, Committee For North Sydney, p 1.

³³⁷ Evidence, Mr Hill, 13 September 2021, p 22. See also p 28.

³³⁸ Evidence, Mr Craig Covich, Director, Environment and Planning, Mosman Council, 13 September 2021, pp 31–32.

does not 'believe that it is necessary or needed'. He emphasised that 'we just want to be very clear that council's in-principle support is contingent on no density increases in the area, subject to what we have already got in our housing strategy'.³³⁹

Environmental impacts

5.13 Lower north shore stakeholders expressed a variety of concerns regarding the local environmental impacts of the Projects. These included:

- loss of green space
- disturbance of contaminated landfill
- impact on local flora and fauna.

5.14 These concerns are discussed below. Stakeholders also described air pollution from tunnel operation and water pollution from dredging as concerns—these issues are discussed in Chapter 3.

5.15 Stakeholders identified Flat Rock Reserve and Cammeray golf course as two particular locations of concern. Flat Rock Reserve will be used as a Beaches Link construction and dive site, with plans for the Reserve to be 'rehabilitated and returned to an equivalent state as soon as practicable at the completion of construction'.³⁴⁰ Cammeray golf course will be used for both construction and operation of the Projects, and will therefore see permanent changes.³⁴¹

Loss of green space

5.16 Lower north shore stakeholders raised concerns about loss of green space at Flat Rock Reserve and Cammeray golf course both during construction, and in the case of Cammeray golf course, permanently.³⁴²

5.17 Ms Kristina Dodds, of Stop the Tunnels, described the value of the Flat Rock Reserve site:

... Flat Rock Gully is a pretty incredible site because it is a gully and it is a water catchment for the area. ... you have got playing fields, Willoughby Leisure Centre. You have got regenerated bushland. Then it leads down into remnant bushland. Then it leads down into more playing fields. Then it leads down into Middle Harbour. The regenerated bushland, which the community has worked hard for 30 years to regenerate—it is only now the trees are maturing, now the wallabies are coming back. Yes, there are wallabies there. There are powerful owls. It is a wildlife corridor.³⁴³

³³⁹ Evidence, Mr Covich, Director, 13 September 2021, p 32.

³⁴⁰ Submission 482, Transport for NSW, p 34.

³⁴¹ Submission 482, Transport for NSW, pp 33–34.

³⁴² See for example Submission 177, Edward Precinct, p 22; Submission 190, Name suppressed, p 2; Submission 236, Name suppressed, p 3; Submission 255, North Sydney Community Independent Councillors, pp 3–4; Submission 307, Wollstonecraft Precinct, p 7; Submission 358, Ms Victoria Rands, p 1.

³⁴³ Evidence, Ms Kristina Dodds, Community and Schools, Stop the Tunnels, 13 September 2021, p 6. See also Evidence, Cr Giles-Gidney, 13 September 2021, p 27.

- 5.18** Mr Marcelo Occhiuzzi, Manager of Strategic Planning at North Sydney Council, explained that North Sydney has 'one of the lower levels of per capita provision of particularly playing fields, but open space generally' and noted that construction and operation of the Projects would result in temporary and permanent losses of open space, including at 'Cammeray golf course, 48,000 square metres of space gone temporarily but almost 30,000 square metres gone permanently'.³⁴⁴
- 5.19** Stakeholders also had concerns about green space used as construction sites being returned in good condition. Cr Giles-Gidney, Mayor of Willoughby City Council, highlighted that her council's 'concern is what state that [Flat Rock Reserve] is returned in and what we can then do with it'.³⁴⁵ Mr Joseph Hill, Director of City Strategy at North Sydney Council, expressed similar concerns about open space in North Sydney being returned 'in a very good state' or replaced in other local government areas rather than in North Sydney.³⁴⁶
- 5.20** Mr Paul Walter, representing North Sydney Combined Precincts Committee, described different project designs that would retain more green space, and advocated for surface impacts to be moved to industrial areas instead of green space, 'or put underground with park over the top'.³⁴⁷
- 5.21** Transport for NSW acknowledged the loss of green space, and stated that Cammeray golf course would be altered to nine holes.³⁴⁸
- 5.22** Transport for NSW further submitted that the 'temporary construction support sites at Flat Rock Reserve and Spit West Reserve would not be needed to operate the project and would be rehabilitated and returned to an equivalent state as soon as practicable at the completion of construction' and that the Projects 'would not impact the ability of these areas to be used in a manner consistent with their existing use as public open space'.³⁴⁹

Disturbance of contaminated landfill

Flat Rock Reserve

- 5.23** Multiple stakeholders warned against disturbance of historical landfill in Flat Rock Reserve, noting its use as a tip and the prospect of releasing contaminants, including into 'water flows that are going through that particular site' and 'through parkland areas, not only revegetated bushland but also established bushland, then going out into the harbour area'.³⁵⁰ Ms Kristina Dodds of Stop the Tunnels described waste dumped at the site:

³⁴⁴ Evidence, Mr Marcelo Occhiuzzi, Manager, Strategic Planning, North Sydney Council, 13 September 2021, p 26.

³⁴⁵ Evidence, Cr Giles-Gidney, 13 September 2021, p 28.

³⁴⁶ Evidence, Mr Hill, 13 September 2021, p 25.

³⁴⁷ Evidence, Mr Paul Walter, Chair, Bay Precinct and Member, North Sydney Combined Precincts Committee, 13 September 2021, p 45.

³⁴⁸ Submission 482, Transport for NSW, pp 33–34.

³⁴⁹ Submission 482, Transport for NSW, p 34.

³⁵⁰ Evidence, Cr Giles-Gidney, 13 September 2021, p, 26. See also Evidence, Mrs Larissa Penn, Convenor, Stop the Tunnels, 13 September 2021, p 2; Evidence, Ms Dodds, 13 September 2021, p 6; Evidence, Mr Moratelli, 17 September 2021, pp 18, 20; Submission 40, Artarmon Progress Association, pp 17–18; Submission 156, Mrs Anne Marie Lock, p 1; Submission 190, Name

It has been an unmitigated tip for 80 years. It was closed in the 1980s. For instance, the Hallstrom refrigeration factory was in the gully for 40 years. That dumped all of the waste from the refrigeration factory, including chrome plating. PFAS was used in the production of that chrome plating. Also there was the medical waste from Royal North Shore Hospital. None of this has actually been overtly expressed in the EIS.³⁵¹

- 5.24** Mr John Moratelli, of WEPA, argued that there was a 'failure to properly assess and manage this contamination, which at Flat Rock may include PFAS, dioxins and hexavalent chrome' and that 'the extent that contamination assessments have been done, risks have been ignored or underplayed.' Mr Moratelli further raised a concern that the 'cost of contamination management and remediation' have not been adequately accounted for both the Western Harbour Tunnel and Beaches Link.³⁵²
- 5.25** Mr Joseph Hill, Director of City Strategy at North Sydney Council, criticised responses they had received from the project proponents around contamination remediation, and explained that 'We have got a lot of the community and council raising concerns with the proponent around what they are doing to remediate their works on land that we believe is contaminated. The responses that we are getting are, in my view, slightly inadequate'.³⁵³
- 5.26** Ms Jacinta Hanemann, of the NSW Environmental Protection Authority (EPA), told the Committee that Willoughby Council and the EPA were completing additional investigations and assessments at Flat Rock Reserve to determine 'the significance of contamination on that site and whether it is actually warranted to be regulated under the Contaminated Land Management Act'.³⁵⁴
- 5.27** Transport for NSW has since released further information on selection of the Flat Rock Reserve site as part of a preferred infrastructure report, prompted by the Department of Planning, Industry and Environment, identifying 'that there were some gaps in the assessment' around the Beaches Link Tunnel.³⁵⁵
- 5.28** This report concluded that 'Given the assessment undertaken during the design development in 2018 and additional assessment documented in this preferred infrastructure report in response to community and stakeholder feedback' the proposed site 'continues to be the preferred option for the Flat Rock Drive construction support site'.³⁵⁶ Further, that there is a 'Reduced risk of contamination impacts at' the proposed site, as opposed to the sporting fields adjoining the

suppressed, p 2; Submission 255, North Sydney Community Independent Councillors, p 4; Submission 457, Flat Rock Gully Residents Action Group, p 4.

³⁵¹ Evidence, Ms Dodds, 13 September 2021, p 6.

³⁵² Evidence, Mr Moratelli, 17 September 2021, pp 18, 19.

³⁵³ Evidence, Mr Hill, 13 September 2021, p 26.

³⁵⁴ Evidence, Ms Jacinta Hanemann, Acting Director, Regulatory Operations, NSW Environment Protection Authority, 27 September 2021, p 12.

³⁵⁵ Evidence, Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 14.

³⁵⁶ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Preferred infrastructure report: 2 – Flat Rock Drive temporary construction support site (BL2) options analysis*, Sydney, 2021, p 58.

site.³⁵⁷ The report also provides for further investigation and, if deemed necessary, a 'Remediation Action Plan' at Flat Rock Reserve.³⁵⁸

Cammeray golf course

- 5.29** Stakeholders from the Lower north shore described concerns around contamination at the Cammeray golf course, and how it will be managed as part of the Projects.
- 5.30** Mrs Larissa Penn, Convenor of Stop the Tunnels, explained that 'we are finding out more and more information about the Cammeray golf course site, which is the major construction site, that there is old landfill but also now potentially that there is coal by-products, which can be quite dangerous, that were potentially dumped there too'.³⁵⁹
- 5.31** Mrs Penn also expressed discomfort 'with how the contamination management is being done, that it seems to be being pushed onto the contractors, which I think we have seen in other projects.' She noted Stop the Tunnels has had to 'follow up' with multiple bodies including 'council, to the Department of Planning, Industry and Environment [DPIE] and to the contractors themselves about actually doing the up-front testing'.³⁶⁰
- 5.32** Ms Jacinta Hanemann, Acting Director of Regulatory Operations with the NSW Environment Protection Authority, informed the Committee that the EPA is 'regulating the early works' at the Cammeray golf club site 'under an environment protection licence at the moment, and works at that site are covered and regulated under that environment protection licence'.³⁶¹

Impact on local flora and fauna

- 5.33** Stakeholders raised threats to local habitats and the flora and fauna living in and around Flat Rock Reserve as negative consequences of its use as a construction support site.³⁶² STEP Inc. explained that

The use of Flat Rock Gully as a dive site will destroy an area that the local community is proud of for its transformation over 25 years from a contaminated tip to an area with high quality riparian zone and bushland. Part of the area has been declared a Wildlife Protection Area because of its value as habitat. The project will destroy about 7 ha of this bushland and remove over 300 trees. Its value as a wildlife corridor will be significantly diminished³⁶³

³⁵⁷ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Preferred infrastructure report: 2 – Flat Rock Drive temporary construction support site (BL2) options analysis*, Sydney, 2021, p 58.

³⁵⁸ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Preferred infrastructure report: 2 – Flat Rock Drive temporary construction support site (BL2) options analysis*, Sydney, 2021, p 62.

³⁵⁹ Evidence, Mrs Penn, 13 September 2021, p 5.

³⁶⁰ Evidence, Mrs Penn, 13 September 2021, p 6.

³⁶¹ Evidence, Ms Hanemann, 27 September 2021, p 13.

³⁶² See for example Submission 99, Mr David Cleave, pp 2–3; Submission 454, Kur-ring-gai Bat Conservation Society, p 1; Submission 336, Name suppressed, p 2–3; Submission 471, Willoughby Environmental Protection Association (WEPA), pp 19–29; Submission 488, Mr Drew Truslove, p 1.

³⁶³ Submission 466, STEP Inc., p 2.

- 5.34** Multiple other stakeholders also raised the removal of trees across the lower north shore as a concern.³⁶⁴ Mr Steve Miles, representing the North Sydney Combined Precincts Committee, was sceptical about efforts to replace lost trees—'We are losing 570 mature trees that will not be replaced. They will plant a few trees that will just die and, anyway, there is nowhere to do it'.³⁶⁵
- 5.35** Flat Rock Gully Residents Action Group highlighted that 'Flat Rock Gully bushland is a wildlife habitat and feeding ground for the endangered Powerful Owl, as well as other native species of plants and animals, such as micro bats, wallabies and echidnas. Hundreds of local species will lose their habitat or will be driven away by noise, light and contamination'.³⁶⁶
- 5.36** Mr David Gainsford, Deputy Secretary of Assessment and Systems Performance at the Department of Planning, Industry and Environment, informed the committee that for the Western Harbour Tunnel 'one of the conditions of approval requires that any trees that are removed are replaced at a ratio of two to one' and that 'With regard to the Beaches Link project, ... the assessment ... is underway' and issues around biodiversity and tree removal will be thoroughly assessed'.³⁶⁷

Local traffic impacts once the Projects are operational

- 5.37** Lower north shore residents and organisations expressed their concerns about how the Projects would impact local traffic once completed. This included particular impacts in the North Sydney CBD and Berry Street, based on the Projects' design, as well as general impacts on local traffic and disappointment at the lack of active transport integration.

Impact on local centres, particularly North Sydney CBD and Berry Street

- 5.38** The North Sydney Combined Precincts Committee expressed major concern around traffic impacts at Berry Street. Mr Ian Grey, Committee Co-Convenor, predicted that 'everyone in North Sydney, and therefore beyond North Sydney, is going to actually be routed down into the North Sydney CBD and across what is a suburban street called Berry Street in order to access this tunnel' calling the plan 'most absurd' and 'just insane'. Mr Grey contended that based on the Projects' 'own projections we will end up every morning with failed traffic intersections all the way along Berry Street and backup in hundreds of metres beyond that on the Pacific Highway and beyond'.³⁶⁸
- 5.39** Mr Grey and Mr Paul Walter, also from the North Sydney Combed Precinct Committee, advocated for the Projects' portal to be aligned with existing freeways, such as the Pacific

³⁶⁴ See Evidence, Mrs Penn, 13 September 2021, p 2; Evidence, Mr Hill, 13 September 2021, p 22; Evidence, Mr Occhiuzzi, 13 September 2021, p 26; Evidence, Ms Georgina Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association, 17 September 2021, p 21; Evidence, Mr Moratelli, 17 September 2021, p 18.

³⁶⁵ Evidence, Mr Miles, 13 September 2021, p 40.

³⁶⁶ Submission 457, Flat Rock Gully Residents Action Group, p 4.

³⁶⁷ Evidence, Mr Gainsford, 27 September 2021, p 14.

³⁶⁸ Evidence, Mr Grey, 13 September 2021, pp 39–40.

Highway, citing existing Lane Cove Tunnel and Cross City Tunnel entries that use a 'highway-type environment'.³⁶⁹

- 5.40** Mr Doug Parris, Transport for NSW, offered contrasting evidence, and noted that 'at the moment Berry Street does feed a motorway system'. Mr Parris also explained that, while other options for tunnel entries were investigated, including from the Pacific Highway, they were not chosen for reasons including topography and 'property impacts—the potential, the need to take out high-rise buildings'.³⁷⁰
- 5.41** Mr Joseph Hill, Director of City Strategy at North Sydney Council, explained his understanding of the way impacts on Berry Street would be managed through 'a very key condition around having to not preclude the outcomes of the North Sydney integrated transport plan'. Mr Hill expressed comfort around collaborative work with the Projects regarding the North Sydney CBD.³⁷¹
- 5.42** Transport for NSW representatives indicated that the North Sydney Integrated Transport Plan is 'a collaboration between Transport for NSW, North Sydney Council and the Greater Sydney Commission' which is 'looking at place-making opportunities in North Sydney and access to integrated transport'³⁷² along with changing 'how traffic moves to, from, in and through the North Sydney CBD'.³⁷³
- 5.43** Transport for NSW, in November 2021, provided further information and modelling assessment regarding traffic impacts. This confirmed that while the Projects 'would generally improve network performance for roads within and around North Sydney, it would not resolve localised performance issues at several intersections'.³⁷⁴

Increased traffic in the Lower North Shore and lack of active transport integration

- 5.44** In addition to concerns about North Sydney CBD and Berry Street, stakeholders raised the issue of increased traffic and congestion in general as a result of the Projects.³⁷⁵
- 5.45** Cr Gail Giles-Gidney, Mayor of Willoughby Council, expressed 'grave concerns around traffic, particularly on Flat Rock Drive', predicting 'incredible disruption to our local transport system and I think when the reality hits for our residents who are trying to get into the city, particularly during peak hour and other times, it is very, very concerning to us indeed'.³⁷⁶

³⁶⁹ Evidence, Mr Grey, 13 September 2021, p 40; Evidence, Mr Walter, 13 September 2021, p 44.

³⁷⁰ Evidence, Mr Doug Parris, Director of Project Development, Central River & Eastern Harbour City, Infrastructure and Place, Transport for NSW, 27 September 2021, p 31.

³⁷¹ Evidence, Mr Hill, 13 September 2021, p 23.

³⁷² Evidence, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 27 September 2021, p 28.

³⁷³ Evidence, Mr Parris, 27 September 2021, p 31.

³⁷⁴ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Preferred infrastructure report: Section 6 – Assessment of road intersection operational performance*, 2021, p 2.

³⁷⁵ See for example Submission 41, Name suppressed, p 8; Submission 54, Name suppressed, p 1; Submission 301, Mrs Charlotte Hunter, pp 1–2; Submission 322, Name suppressed, pp 1–2; Submission 471, Willoughby Environmental Protection Association (WEPA), p 70.

³⁷⁶ Evidence, Cr Giles-Gidney, 13 September 2021, p 22.

- 5.46** A group of three North Sydney Councillors, Cr Zoë Baker, Cr MaryAnn Beregi and Cr Tony Carr, contended that the 'provision of such tunnels is counter to all reasonable and sustainable transport and traffic' and that the Projects 'will result in significant adverse impacts including, but not limited to, significant net additional traffic on Berry Street, Miller Street, Falcon Street and Pacific Highway (south of Falcon Street) as well as significant reductions in levels of service'.³⁷⁷
- 5.47** Transport for NSW Deputy Secretary Ms Camilla Drover put the opposite view regarding the impact of the Projects on surface traffic, and told the committee that:
- In terms of operations, a motorway and particularly a tunnel motorway will take surface traffic off local streets and put it down underground and provide that express connectivity. That will change some of the travel patterns on the surface but it will obviously substantially take surface traffic down underground. We will get a slight moderation of traffic, if you like, on the surface.³⁷⁸
- 5.48** Stakeholders also raised concerns about the safety impacts of increased traffic, particularly around schools. Cammeray Public School P&C explained that '62.1% of kids ride or walk to school more than once per week and the greatest concern for parents is safe active transport routes'.³⁷⁹
- 5.49** Some lower north shore stakeholders were disappointed at a lack of active transport integration in plans for the Projects.³⁸⁰ Both Cr Gail Giles-Gidney, Mayor of Willoughby City Council and North Sydney Combined Precincts Committee Co-Convenor Mr Ian Grey described this as a 'missed opportunity'.³⁸¹ Cr Giles-Gidney argued 'that this is a real opportunity to ensure that those cycleways are enshrined and, in fact, built'.³⁸²

Committee comment

- 5.50** Residents, communities, and the environment in the lower north shore face the impacts of consecutive major infrastructure projects, the Western Harbour Tunnel, which is already underway, and Beaches Link should it go ahead. The Committee has made its view on Beaches Link clear—it should not go ahead (see Recommendation X in Chapter 2). For the purposes of this section, the Committee presents findings and recommendations based on the assumption that Beaches Link will go ahead, as this will most helpfully represent the evidence the Committee has gathered and the need for various actions should Beaches Link be built.
- 5.51** Flat Rock Reserve and Cammeray golf course are both planned construction sites for Beaches Link, with part of Cammeray golf course to be used permanently for operations. The Committee is concerned about issues of contaminated waste management at each site raised in this inquiry.

³⁷⁷ Submission 255, North Sydney Community Independent Councillors, p 3.

³⁷⁸ Evidence, Ms Drover, 27 September 2021, p 28.

³⁷⁹ Submission 470, Cammeray Public School P&C, pp 1–2.

³⁸⁰ See for example Submission 40, Artarmon Progress Association, pp 19–20; Submission 150, Name suppressed, pp 4–5; Submission 282, Name suppressed, p 1; Submission 470, Cammeray Public School P&C, p 3.

³⁸¹ Evidence, Cr Giles-Gidney, 13 September 2021, p 27; Evidence, Mr Grey, 13 September 2021, p 39.

³⁸² Evidence, Cr Giles-Gidney, 13 September 2021, p 27.

The possibility of construction disturbing historical landfill and industrial waste at Flat Rock Reserve is particularly concerning.

- 5.52** The preferred infrastructure report released by Transport for NSW outlining the reasons for site selection is welcome but should have been provided much earlier in the planning process. This is indicative of transparency issues that have been present throughout the Beaches Link component of the Projects.
- 5.53** The preferred infrastructure report includes the possibility of a Remediation Action Plan, based on a site investigation. Again, this is far later in the process than is appropriate. Government should have already investigated contamination possibilities and presented a Remediation Action Plan for this site. This is another indicator of the failings around planning and transparency for Beaches Link. It is not possible to adequately predict the costs associated with the Beaches Link project if assessments such as this have not been undertaken. The site investigation and Remediation Action Plan should both be undertaken without delay and published to allow public scrutiny. The Committee recommends that the Government complete a site investigation of Flat Rock Reserve without delay, with a focus on contaminated waste as a result of the site's status as a historic landfill, which included industrial waste. A Remediation Action Plan should follow this investigation, and both should be made public.

Recommendation 15

That the NSW Government, as a priority, complete and publish a site investigation and remediation action plan of the contaminated Flat Rock Reserve.

- 5.54** Beyond specific contamination concerns, lower north shore residents and communities expressed their desire that environmental impacts of the Projects be minimised, including that open spaces used for construction are returned to the community in good order and efforts to rehabilitate area of local flora and fauna are effective. The Committee understands community skepticism around these issues. Major infrastructure construction can have devastating impacts on local environments, and it is hard to envision recovery. Often it falls on local residents and communities to fight for promises around environmental issues to be upheld.
- 5.55** As such, the Committee recommends that the Government further engage with lower north shore residents and community groups regarding its plans for returning and rehabilitating open spaces and local flora and fauna habitats when the Projects are completed. This should include providing specific information on how rehabilitation will be done and being responsive to community concerns throughout construction.

Recommendation 16

That the NSW Government further engage with residents and community groups regarding its plans for returning and rehabilitating open spaces and local flora and fauna habitats once the Projects are completed.

- 5.56** The Committee shares lower north shore resident concerns about the traffic alleviation outcomes of the Projects (see Chapter 3). The lack of transparency around Beaches Link in particular, with no business case summary or benefit-cost ratio available, invites skepticism around the purported outcomes of the Projects.
- 5.57** In relation to Berry Street and the North Sydney CBD, the Committee notes Transport for NSW acknowledges there will be some negative traffic impacts on local streets. Despite this, the Committee is encouraged by evidence from North Sydney Council representatives regarding how traffic will be managed. The Committee recommends that the NSW Government ensure local traffic impacts of the Projects in the lower north shore are minimised through collaboration with the local community and local governments, including through the North Sydney Integrated Transport Plan.

Recommendation 17

That the NSW Government ensure local traffic impacts of the Projects on the lower north shore are minimised through collaboration with the local community and local governments, including through the North Sydney Integrated Transport Plan.

- 5.58** Finally, the Committee was disappointed with the attitude of Mosman Council in that it supported the Projects on the condition that there was no changes to their housing density requirements. While it is well within Council's right to advocate for its residents, the repeated emphasis on a desire for no changes to housing density in Mosman and Spit Junction was not constructive. It gave the impression of a very narrow view taken by Mosman Council regarding infrastructure projects that have broad impacts

Chapter 6 Northern Beaches

6.1 This chapter focusses on the Northern Beaches, outlining the views presented by those from that area and concerns raised about particular impacts on their lives and communities. Concerns discussed in this chapter include environmental impacts at Burnt Bridge Creek and Manly Dam, threats to local species and biodiversity, loss of green space and impacts on local traffic once Beaches Link is operational. The chapter also presents government agency views and responses to these issues where available.

Community positions on the Projects

6.2 Evidence received from organisations and individuals from the Northern Beaches generally opposed the Projects, or took no position but wanted the impacts in their area to be understood and responded to as they saw appropriate. Northern Beaches residents focussed on Beaches Link, which, due to its location, would most directly impact the Northern Beaches.

6.3 People and groups from the Northern Beaches raised concerns regarding the Projects that align with general concerns across all stakeholders, as discussed in chapters 2 and 3 of the report.

6.4 Northern Beaches stakeholders raised concerns particular to their area. These are discussed in this chapter, and include:

- environmental impacts in the Northern Beaches, including:
 - at Burnt Bridge Creek
 - at Manly Dam (Manly Warringah War Memorial Park) and surrounding Wakehurst Parkway
 - impacts on local species, biodiversity and biodiversity offsets
 - loss of green space
- local traffic impacts once the Projects are operational.

Most Northern Beaches stakeholders opposed the Projects or had concerns about local impacts

6.5 Community groups and individuals³⁸³ from the Northern Beaches outlined their opposition to the Projects or concerns about their impacts:

- Save Manly Dam Catchment Committee asked that the Western Harbour Tunnel and Beaches Link Projects be abandoned immediately.³⁸⁴ The Catchment Committee noted it is 'not opposed to a tunnel as such but we are opposed to the design of this tunnel'.³⁸⁵
- Manly Warringah War Memorial State Park Advisory Committee Community Representatives did not support the Projects due to their impact on the Park, however

³⁸³ See for example Submission 263, Name suppressed, p 1; Submission 506, Shona McKenzie, p 1; Submission 530, Inge Walter, p 1; Submission 531, Mrs Ann Newcomb, p 1.

³⁸⁴ Submission 388, Save Manly Dam Catchment Committee, p 1.

³⁸⁵ Submission 388, Save Manly Dam Catchment Committee, p 2.

provided recommendations to lessen the impact should the Projects go ahead and supported Northern Beaches Council EIS submission in this regard.³⁸⁶

- Baringa Bush Residents Group's submission stated 'the environmental, health, community and economic costs of the project are unacceptably high and the benefits questionable'. The Group concluded that there are 'many serious and unacceptable risks and losses' and that the EIS gives residents 'little confidence that the Beaches Link tunnel can be built safely or sustainably and just as little confidence in the projected savings in travel times'.³⁸⁷
- Groups related to schools asked for 'assurances that at any stage during the project the impacts to our school, community and environment are negligible'³⁸⁸ and for government funding to ensure student safety during construction, protection from construction impacts, provision for new indoor sporting facilities and improved learning environments, and minimising impacts of traffic flow changes and school access.³⁸⁹

Northern Beaches Council supported the Projects

6.6 Northern Beaches Council supported the Projects (with a focus on Beaches Link), subject to various concerns. Council noted some concerns have already been taken into account through the EIS process, with further concerns to be addressed during detailed design stage.³⁹⁰ Council identified five 'key reasons why the Beaches Link is vital':

- addressing high levels of traffic congestion on Northern Beaches
- providing a direct connection to the Sydney motorway network
- supporting growth in the Northern Beaches
- to 'unlock' parts of the Council's Hospital Precinct Structure Plan for Frenchs Forest
- supporting additional growth in Brookvale
- supporting infrastructure-led COVID recovery.³⁹¹

6.7 Council explained its staff have been part of consultation for the Projects, including consideration of design options, and noted community issues have been taken into account as part of the design process.³⁹² Council expressed its satisfaction with stakeholder and community engagement around the Projects through to the EIS exhibition, and outlined procedures it would like to see for further effective consultation and complaint processes during

³⁸⁶ Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, p 2.

³⁸⁷ Submission 364, Baringa Bush Residents Group, pp 2, 14. See also Evidence, Ms Louise Williams, Public Officer, Baringa Bush Residents Group, 17 September 2021, pp 28–29.

³⁸⁸ Submission 285, Balgowlah North Public School P&C, p 1.

³⁸⁹ Submission 306, Executive Committee of the Basketball Program, Balgowlah Boys Secondary Campus, p 1.

³⁹⁰ Submission 44, Northern Beaches Council, pp 2–3.

³⁹¹ Submission 44, Northern Beaches Council, p 4.

³⁹² Submission 44, Northern Beaches Council, pp 6–7.

construction.³⁹³ Mr Phillip Devon, Manager of Transport Networks at Northern Beaches Council, told the Committee:

The way forward, we believe, is to address the local concerns and impacts to allow the project to proceed to provide a broader benefit to the whole northern beaches community, with the inclusion of public transport options within the project to increase the modal shift to rapid bus connectivity.³⁹⁴

Environmental impacts

6.8 Environmental impacts in the Northern Beaches were a common theme for stakeholders. Organisations from the Northern Beaches highlighted impacts of Beaches Link on parks, biodiversity, specific flora and fauna, established trees, and waterways either as reasons to oppose Beaches Link or as impacts that need to be addressed.³⁹⁵

Burnt Bridge Creek

6.9 Burnt Bridge Creek runs through Seaforth and North Balgowlah before flowing into Manly Lagoon. The proposed Beaches Link construction site at Balgowlah Golf Course and tunnel entry/exit at Burnt Bridge Creek Deviation are close to the creek.

6.10 Baringa Bush Residents Group described in detail the diverse flora and fauna in Burnt Bridge Creek Reserve, noting a 'high level of biodiversity' and listing various fauna and flora found in the area.³⁹⁶

6.11 A predicted 96 per cent reduction in water flow at Burnt Bridge Creek (after 100 years of Beaches Link operation)³⁹⁷ was a common concern for stakeholders,³⁹⁸ along with criticism of the environmental impact statement (EIS) for trivialising³⁹⁹ or paying 'little attention to such a significant impact on this creek system'.⁴⁰⁰

³⁹³ Submission 44, Northern Beaches Council, pp 12–13.

³⁹⁴ Evidence, Mr Phillip Devon, Manager, Transport Networks, Northern Beaches Council, 13 September 2021, p 31

³⁹⁵ See for example Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, p 2; Submission 364, Baringa Bush Residents Group, p 2; Submission 388, Save Manly Dam Catchment Committee; Submission 389, Baringa Bush Community Garden Inc. Seaforth; Submission 410, Australasian Bat Society. Inc, pp 1–2; Submission 454, Ku-ring-gai Bat Conservation Society Inc.

³⁹⁶ Submission 364, Baringa Bush Residents Group, pp 3–6.

³⁹⁷ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement: Chapter 17 Hydrodynamics and water quality*, Sydney, 2020, p 57.

³⁹⁸ See for example Submission 186, Name suppressed, p 4; Submission 285, Balgowlah North Public School P&C, p 2; Submission 364, Baringa Bush Residents Group, p 6; Submission 388, Save Manly Dam Catchment Committee, p 18; Submission 512, Mrs Danielle Moore, p 9; Submission 558, Mrs Claire Whitehead, p 3.

³⁹⁹ Submission 44, Northern Beaches Council, p 39 and Submission 364, Baringa Bush Residents Group, p 7.

⁴⁰⁰ Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 3.

- 6.12** Mr Yianni Mentis, Executive Manager of Environment and Climate Change at Northern Beaches Council, raised as one of Council's key environmental concerns 'groundwater drawdown in the local catchments, in particular in relation to Burnt Bridge Creek'.⁴⁰¹
- 6.13** Northern Beaches Council outlined a variety of impacts reduction in water flow would have on flora and fauna, describing the creek as essentially functioning as a stormwater channel.⁴⁰² Council suggested a variety of mitigation measures.⁴⁰³
- 6.14** Baringa Bush Community Garden Inc., Seaforth recommended studies to 'assess the impact of ground water draw down' and 'that engineering solutions such as tunnel linings and tanking be assessed as a possible means of avoiding ground water depletion'.⁴⁰⁴
- 6.15** Ms Louise Williams, representing the Baringa Bush Residents Group, spoke of concern around mitigation measures at Burnt Bridge Creek and criticised the EIS for describing 'feasible and reasonable mitigation measures'. Ms Williams argued '[a]s scientific or technical terms, "feasible" and "reasonable" are subjective and tell you nothing' and referred to a review of the EIS that recommended 'further modelling and assessment' of impacts at Burnt Bridge Creek.⁴⁰⁵ Ms Williams further told the Committee that her organisation does 'not know how and if this creek will be protected' and just has to 'believe that contractors will look after it'.⁴⁰⁶
- 6.16** Transport for NSW provided information and further investigation regarding impacts at Burnt Bridge Creek as part of the EIS process and community updates.⁴⁰⁷ This includes an altered 'tunnel portal location at Burnt Bridge Creek Deviation' which Transport for NSW stated will 'reduce traffic staging works on Burnt Bridge Creek Deviation, reduce our impacts on Burnt Bridge Creek and eliminate the need to demolish and replace the existing Kitchener Street Bridge'.⁴⁰⁸

Manly Dam and Manly Warringah War Memorial Park

- 6.17** Stakeholders from the Northern Beaches expressed concern about impacts Beaches Link, including associated widening of the Wakehurst Parkway, could have on the Manly Dam, Manly

⁴⁰¹ Evidence, Mr Yianni Mentis, Executive Manager, Environment and Climate Change, Northern Beaches Council, 13 September 2021, pp 32–33.

⁴⁰² Submission 44, Northern Beaches Council, p 39.

⁴⁰³ Submission 44, Northern Beaches Council, pp 32–33.

⁴⁰⁴ Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 4.

⁴⁰⁵ Evidence, Ms Williams, 17 September 2021, p 25 and Tabled document, *Ms Louise Williams, Baringa Bush Residents Group*, Information on independent assessments of serious risks to sensitive groundwater, freshwater and marine waters posed by the proposed Beaches Link tunnel, September 2021, p 16.

⁴⁰⁶ Evidence, Ms Williams, 17 September 2021, p 25.

⁴⁰⁷ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Drainage investigations along Burnt Bridge Creek Deviation, Balgowlah Notification*, 2021; Transport for NSW, *Beaches Link and Gore Hill Freeway Connection Submissions Report Appendix E – Further information on predicted groundwater drawdown, baseflow reductions and related environmental impact assessment*, 2021.

⁴⁰⁸ Transport for NSW, *Beaches Link and Gore Hill Freeway Connection: Submissions Report and Preferred Infrastructure Report Community Update*, 2021, p 4.

Dam catchment area, and Manly Warringah War Memorial State Park.⁴⁰⁹ Impacts raised included:

- loss of bush and associated habitat⁴¹⁰
- decline in water quality⁴¹¹
- loss of trees⁴¹²
- direct and indirect biodiversity impacts⁴¹³
- road noise, lights and water runoff impacts on flora and fauna⁴¹⁴
- damage to Duffys Forest Ecological Community.⁴¹⁵

6.18 In describing the possible impacts on Manly Dam catchment, the Save Manly Dam Catchment Committee noted 'This is an environmentally sensitive area and needs the protect[ion] it deserves as a State Park and a War Memorial Park and one of the last freshwater swimming places in Sydney'.⁴¹⁶

6.19 Stakeholders were also critical of the EIS on this issue, and contended that the EIS was not consistent in its treatment of environmental risks. For example, Mr Malcolm Fisher, in discussing 'irreparable harm that will be done to Manly Warringah War Memorial Park' argued that 'Throughout the EIS, care for the environment was repeatedly stated to be the major consideration. Yet in the most sensitive part of the whole plan, this seems to have been totally ignored!'.⁴¹⁷

⁴⁰⁹ Manly Warringah War Memorial State Park is also known as Manly Dam Reserve, see Transport for NSW, *Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement: Chapter 20 Land use and property*, Sydney, 2020, p 14. See for example Submission 46, Mr Malcolm Fisher, p 1; Submission 151, Mr Terry le Roux, p 10; Submission 187, Greater Manly Residents Forum, p 1; Submission 203, Ms Lee Purches, pp 9–10; Submission 290, Name suppressed, p 2; Submission 413, Name suppressed, p 1.

⁴¹⁰ Submission 388, Save Manly Dam Catchment Committee, pp 3, 9; Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 4; Submission 365, Mrs Ann Collins, p 11; Submission 454, Kuring-gai Bat Conservation Society Inc.

⁴¹¹ Submission 44, Northern Beaches Council, pp 39–40; Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, pp 1–2; Submission 365, Mrs Ann Collins, p 11; Submission 367, Ms Leonie Cowan, p 1; Submission 388, Save Manly Dam Catchment Committee, pp 9–11.

⁴¹² Submission 46, Mr Malcolm Fisher, p 1; Submission 364, Baringa Bush Residents Group, p 3.

⁴¹³ Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, p 2.

⁴¹⁴ Submission 388, Save Manly Dam Catchment Committee, p 2.

⁴¹⁵ Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, pp 2, 5; Submission 285, Balgowlah North Public School P&C, p 2; Submission 388 Save Manly Dam Catchment Committee, p 9.

⁴¹⁶ Submission 388, Save Manly Dam Catchment Committee, p 15.

⁴¹⁷ Submission 46, Mr Malcolm Fisher, p 1. See also Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, pp 5–6; Submission 388, Save Manly Dam Catchment Committee, p 2.

- 6.20** Transport for NSW stated that land to be used for construction near the Wakehurst Parkway would be rehabilitated and revegetated after construction, resulting in adding 'about 4000 square metres of new public space to the Manly Dam Reserve'. Further, that the Projects 'would also provide new and replaced fauna crossing infrastructure along the Wakehurst Parkway'.⁴¹⁸

Impacts on local species, biodiversity and biodiversity offsets

- 6.21** Stakeholders raised threats to particular species living in and around Northern Beaches as possible negative consequences of Beaches Link.⁴¹⁹ The Baringa Bush Residents Group stated that some '23 endangered species will be impacted across the project'.⁴²⁰ Ms Louise Williams, representing the Group, highlighted that 'at least 40 threatened species will be affected or even, in our area, locally extinguished, as thousands of trees are felled, as our suburbs and creeks are dried up, as groundwater is drawn down and as Middle Harbour is dredged'.⁴²¹
- 6.22** Northern Beaches stakeholders argued against a biodiversity offsetting approach that allows for local negative biodiversity impacts to be offset by gains in other areas or through contribution to the Biodiversity Conservation Trust.
- 6.23** Evidence from Northern Beaches Council and its representatives noted 'current offsetting arrangements allow for any large development to create offsets through the biodiversity offsets trust'⁴²² and advocated for local biodiversity offsets within Northern Beaches 'such that the management of these species and vegetation communities are allocated to the same or equivalent threatened entities, and their ongoing conservation is funded'.⁴²³
- 6.24** Manly Warringah War Memorial State Park Advisory Committee Community Representatives proposed that Transport for NSW, Council and stakeholders should work together 'to examine the options to offsetting impacts adjacent to areas of direct and indirect impact' with the Manly Warringah War Memorial State Park.⁴²⁴
- 6.25** Mr David Gainsford, Deputy Secretary for Assessment and Systems Performance at the Department of Planning, Industry and Environment, explained that the assessment of biodiversity for Beaches Link had not yet been completed, but was underway at the time of giving evidence.⁴²⁵

⁴¹⁸ Submission 482, Transport for NSW, pp 35–36.

⁴¹⁹ See for example Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, pp 3, 6; Submission 388, Save Manly Dam Catchment Committee, p 3; Submission 410, Australasian Bat Society. Inc; Submission 454, Ku-ring-gai Bat Conservation Society Inc; Submission 466, STEP Inc, p 3; Submission 469, Friends of Manly Penguins, pp 1, 2.

⁴²⁰ Submission 364, Baringa Bush Residents Group, p 3.

⁴²¹ Evidence, Ms Williams, 17 September 2021, p 24

⁴²² Evidence, Mr Mentis, 13 September 2021, p 33.

⁴²³ Submission 44, Northern Beaches Council, p 37. See also Evidence, Mr Mentis, 13 September 2021, p 33.

⁴²⁴ Submission 244, Manly Warringah War Memorial State Park Advisory Committee Community Representatives, p 3.

⁴²⁵ Evidence, Mr Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment, 27 September 2021, p 11.

Temporary and permanent loss of green space

- 6.26** Stakeholders from the Northern Beaches raised concerns about the loss of green space both during construction and permanently, particularly at the Balgowlah Oval and Balgowlah Golf Course.
- 6.27** The Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association criticised what they characterised as 'un-announced change to the plans' that would see Balgowlah Oval used for construction and therefore unavailable until '2025 at the earliest'. The Association noted the 'school has no other viable options for field sports in the vicinity'.⁴²⁶ The Association supported 'maintaining access to Balgowlah Oval at all times during construction, with mitigative measures put in place to suppress noise, dust and vibration during school hours for the boys to use Balgowlah Oval safely'.⁴²⁷
- 6.28** Mr Phillip Devon, Manager of Transport Networks with the Northern Beaches Council, highlighted this issue and noted the 'net reduction in public open space due to the road connectivity that runs through the existing golf course'.⁴²⁸ However, while Northern Beaches Council noted use of the Balgowlah Oval for construction would 'pose significant issues for Council to relocate existing users' it acknowledged that the 'proposed design maximises the recreational space returned to the community, and earlier in the project timeline than was previously possible'.⁴²⁹
- 6.29** Northern Beaches Council and the Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association raised the possibility of working with Government for new sport and recreation facilities at Balgowlah Oval following construction.⁴³⁰
- 6.30** Transport for NSW acknowledged the Balgowlah Golf Course would no longer be usable as a golf course following construction and operation of Beaches Link. Transport for NSW committed to a process for 'the residual land to be developed as open space and recreation facilities that address the local community's current and future needs,' noting an area equivalent to 90 per cent of current open space would be returned 'as new and improved public open space and recreation facilities'. This process would include establishing a community working group 'with representative stakeholder groups and the community'.⁴³¹

⁴²⁶ Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 7. See also Submission 44, Northern Beaches Council, p 8; Submission 393, St Cecilia's Catholic School Advisory Committee, p 2.

⁴²⁷ Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 5.

⁴²⁸ Evidence, Mr Devon, 13 September 2021, p 33.

⁴²⁹ Submission 44, Northern Beaches Council, p 7.

⁴³⁰ Submission 44, Northern Beaches Council, p 8; Submission 129, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association, p 13.

⁴³¹ Submission 482, Transport for NSW, p 35.

Local traffic impacts once the Projects are operational

- 6.31** Stakeholders from the Northern Beaches expressed scepticism about travel time benefits related to Beaches Link.⁴³² Ms Ann Collins, of the Baringa Bush Residents Group, claimed areas that will be impacted by Beaches Link are 'already gridlocked on a Saturday morning or on a weekday trying to get around the shops' and that as a result of the Projects, 'congestion on the roads will be huge'.⁴³³
- 6.32** Baringa Bush Residents Group questioned 'what provisions have been made for a mass influx of cars' in the Northern Beaches and recommended a 'comprehensive study' on 'parking, local congestion and local amenity'.⁴³⁴ Ms Louise Williams, representing the Group, referred to 'increased congestion around the entries to the tunnel' in the EIS and emphasised the Group's desire for traffic impacts to be 'better understood and better studied so we know what is going to happen with the traffic around the tunnel portals'.⁴³⁵
- 6.33** Baringa Bush Community Garden Inc., Seaforth argued that the 'project fails to demonstrate the tunnel will reduce travel times, largely due to forecasts of additional congestion and slower local travel around the tunnel entrances and long-term trends linked to additional land releases and development'.⁴³⁶ It further claimed the 'EIS also reveals that local congestion will worsen, not only during construction ... but once the tunnel is operational, due to congestion on roads around tunnel entries and the creation of multiple new rat runs'.⁴³⁷
- 6.34** Northern Beaches Council outlined their desire for further work to be done 'to enable improvement of travel time created by the Beaches Link Project to be realised across the road network to support freight, public transport and general traffic movements across the Northern Beaches'.⁴³⁸ Council identified specific areas where it has identified needs for traffic management work, including:
- actions to address 'increased levels of traffic' around Balgowlah portal⁴³⁹
 - signage and 'traffic calming' needs around Seaforth portal⁴⁴⁰
 - grade separation and intersection upgrade in Brookvale and Dee Why⁴⁴¹

⁴³² See for example Evidence, Ms Ann Collins, Manly Dam Liaison Officer, Baringa Bush Residents Group, 17 September 2021, pp 27–28; Submission 193, Name suppressed, p 3; Submission 263, Name suppressed, p 2; Submission 345, Name suppressed, p 1; Submission 405, Name suppressed, p 2;

⁴³³ Evidence, Ms Ann Collins, Manly Dam Liaison Officer, Baringa Bush Residents Group, 17 September 2021, p 28

⁴³⁴ Submission 364, Baringa Bush Residents Group, p 11.

⁴³⁵ Evidence, Ms Williams, 17 September 2021, pp 28–29.

⁴³⁶ Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 2.

⁴³⁷ Submission 389, Baringa Bush Community Garden Inc., Seaforth, p 8.

⁴³⁸ Submission 44, Northern Beaches Council, p 17.

⁴³⁹ Submission 44, Northern Beaches Council, pp 17–18.

⁴⁴⁰ Submission 44, Northern Beaches Council, p 18.

⁴⁴¹ Submission 44, Northern Beaches Council, p 18.

- reallocation of flows at multiple points in Frenchs Forest.⁴⁴²

6.35 Government agency representatives maintained the Projects would reduce traffic on local streets. Ms Camilla Drover, Deputy Secretary, Infrastructure and Place with Transport for NSW, described the Projects as increasing 'capacity and the movement of customers through the northern beaches' noting the 'most efficient way' to do this is to build underground, enabling 'express connectivity' while also reducing the impact on the surface environment.⁴⁴³

Committee comment

6.36 The Northern Beaches is an area with important local environmental assets. The Committee shares community concerns about environmental impacts generally, and at Burnt Bridge Creek, Manly Dam and Manly Warringah War Memorial Park specifically.

6.37 The Committee is concerned at evidence that assessments of environmental impacts in these areas has been inadequate. Comments from the Department of Planning, Industry and Environment that biodiversity assessments for Beaches Link were still underway indicate that planning processes for this project have not been as comprehensive as they should be. For a project as advanced as Beaches Link, such assessments should have been completed and made publicly available far earlier.

6.38 The Committee recognises that since it gathered evidence in 2021 further information regarding these locations has been provided by Transport for NSW. It is important that the results of these further investigations are meaningfully included in construction planning, such that environmental impacts are minimised. As such, the Committee recommends that the NSW Government ensure the results of environmental impact assessments at various Northern Beaches locations inform construction planning so that environmental impacts are minimised to the greatest extent possible.

Recommendation 18

That the NSW Government ensure the results of environmental impact assessments at various Northern Beaches locations inform construction planning so that environmental impacts are minimised to the greatest extent possible.

6.39 The Projects will result in open community space being lost in the Northern Beaches, both during construction and after completion. Stakeholders particularly noted losses at Balgowlah Oval and Balgowlah Golf Course. This is a negative outcome for locals, including school communities that rely on neighbouring open space for their sporting activities. The Committee acknowledges there has been some positive engagement between Transport for NSW and the local community on returning maximal space to the community. Nevertheless, the committee

⁴⁴² Submission 44, Northern Beaches Council, p 19.

⁴⁴³ Evidence, Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW, 27 September 2021, p 32. See also pp 22 and 28; Evidence Mr Doug Parris, Director, Project Development, Central River & Eastern Harbour City, Infrastructure and Place, Transport for NSW, 27 September 2021, p 33.

believes that more work needs to be done to ameliorate the impact of construction on local schools, particularly Balgowlah Boys High School.

- 6.40** The Committee notes the concerns of residents and Northern Beaches Council regarding local traffic impacts in the Northern Beaches once the Projects are operational. These are reasonable concerns considering the scale of the Projects.
- 6.41** Northern Beaches Council has identified specific areas in need of traffic management work. The Committee believes these are sensible measures on which the Government should meaningfully engage and work with Council and other local stakeholders. It is not enough to promote general traffic alleviation predictions related to the Projects. The Government needs to work to listen to and understand those with local expertise to deliver best outcomes. Therefore, the Committee recommends that the NSW Government engage and work with Northern Beaches Council and other stakeholders to deliver best outcomes around local traffic impacts of the Projects. As part of this the Government needs to listen to and understand those with local expertise.

Recommendation 19

That the NSW Government engage and work with Northern Beaches Council and other stakeholders to deliver best outcomes around local traffic impacts of the Projects.

Appendix 1 Submissions

No.	Author
1	Name suppressed
2	Mr Edward Re
3	Mr Michael Tarlinton
4	Mr Jon Duggan
5	Ms Jan Spencer
6	Name suppressed
7	Karen Morrison
8	Madeleine Ramsay
9	Caryn Musgrave
10	Ms Julie Hamilton
10a	Ms Julie Hamilton
11	Name suppressed
12	Name suppressed
13	Mr Afonso Duque-Portugal
14	Mrs Georgina Crawford
15	Dr Rachel Shepherd
16	Richard, Kevin, Ada and Frank Giovannini
17	1st Northbridge Sea Scouts
18	Ms Mary Curran
19	Name suppressed
20	Mr William Holliday
20a	Mr William Holliday
21	Mr Andrew Craig
22	Confidential
23	Name suppressed
24	Ms Ailish Doherty
25	Mr Christopher Bell
26	Lauren Drummond
27	Professor Pamela Bell
28	Mr Robert Spies
28a	Mr Robert Spies
29	Name suppressed

No.	Author
30	Mr Dionisios Vossos
31	Confidential
32	Name suppressed
33	Confidential
34	Dr David Thorp
35	Mr Brian Emanuel
36	Mr Ian Sharp
37	Name suppressed
38	Mr Peter Black
39	Ms Carole Pertwee
40	Artarmon Progress Association
41	Name suppressed
42	Mrs Deborah Gray
43	Mr Travis Schoenleber
44	Northern Beaches Council
45	Name suppressed
46	Mr Malcolm Fisher
46a	Mr Malcolm Fisher
47	Name suppressed
48	Ms Pauline Lee
49	Name suppressed
50	Name suppressed
51	Mr Robert Newman
52	Rozelle Public School Parents and Citizens Association
53	Name suppressed
54	Name suppressed
55	Mr David James
56	Ms Janet France
57	Mr Gregory Proudlock
58	Mr Victor Petersen
58a	Mr Victor Petersen
59	Confidential
60	Underwater Research Group of NSW
61	Mr David Palmer
62	Name suppressed

No.	Author
63	Confidential
64	Name suppressed
65	Name suppressed
66	Pieter Newtown
67	Name suppressed
68	Ms Liz Oliver
69	Professor Andrew Gonczi
70	Dr Frances Doull
71	Miss Sarah Bickford
72	Mr Todd Prado
73	Name suppressed
74	Name suppressed
75	Mr Eric Tierney
76	Name suppressed
77	Ms Angelika Treichler
78	Mrs Margaret Hamilton
79	Mr Paul Walter
80	Name suppressed
81	Mrs Robin Oxenbury
82	Confidential
83	Name suppressed
84	Confidential
85	Name suppressed
86	Name suppressed
87	Name suppressed
88	Name suppressed
89	Mr Neil Wiseman
90	Australian Marine Sciences Association Inc
91	Seaforth Public School P & C Association
92	Name suppressed
93	Mrs Tanya Maxwell
94	Name suppressed
95	Mr David McEwen
96	Ms Lynda Riley
97	Name suppressed

No.	Author
98	Name suppressed
99	Mr David Cleave
100	Ms Marita Macrae
101	Confidential
102	Mr Bill Colwell
103	Name suppressed
104	Confidential
105	Name suppressed
106	Mr Don Garrett
107	Mr Brian Mckean
108	Mr Steven Painter
109	Mr Blair Leslie
110	Name suppressed
111	Name suppressed
112	Mr Michael Hargreaves
113	Confidential
114	Name suppressed
115	Ms Mary Teteris
116	Mr Norman Masterson
117	Dr Fergus Fricke
118	Mr Ken Hopley
119	Royal Zoological Society of New South Wales
120	Confidential
121	Mr Martin Choy
122	Bicycle NSW
123	Name suppressed
124	Ben McKeown
125	Name suppressed
126	Professor Philip Laird
127	Name suppressed
128	Mr Michael Jacobsen
129	Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association
130	Mrs Carol Breislin
131	Name suppressed

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132	Mr Andrew Craig
133	Confidential
134	Miss Sarah Brennan
135	Mrs Lynette Lee
136	Name suppressed
137	Mr Michael Houston
138	Ms Edwina Laginestra
139	Name suppressed
140	Mrs Carol McAlea
141	Name suppressed
142	Ms Diana Weston
143	Name suppressed
144	Dr Jonathan Page
145	Name suppressed
146	Ms Eugenia (Genia) McCaffery
147	Name suppressed
148	Mr Johannes Hausoul
149	Name suppressed
150	Name suppressed
151	Mr Terry le Roux
152	Dr Maria Byrne
153	Mr Chris Tran
154	Mrs Ann Bolton
155	The Hon David Kirby
156	Mrs Anne Marie Lock
157	Mr Craig Baxter
158	Miss Elowyn Williams Roldan
159	Mr Lewis Kaplan
160	Mr Matt and Anna Walton
161	Mr Richard Ware
162	Heidi Roland Kenn
163	Name suppressed
164	Name suppressed
165	Name suppressed
166	Ms Sue Martin

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167	Name suppressed
168	Name suppressed
169	Mr Ian Martin
170	Name suppressed
171	Mr Thomas Threlfall
172	Mrs Trudi Elliott
173	Mr Jamie Parker MP
174	Name suppressed
175	Name suppressed
176	Mr Jeffrey Stark
177	Edward Precinct
178	Mr Ralph Fallows
179	Mrs Jemma Armstrong
180	Name suppressed
181	Mr Donald Robertson
182	Confidential
183	Name suppressed
184	Name suppressed
184a	Name suppressed
185	Name suppressed
186	Name suppressed
187	Greater Manly Residents Forum
188	Balgowlah Residents Group
189	Miss Gem Collinson
190	Name suppressed
191	Robert Mills
192	Name suppressed
193	Name suppressed
194	Confidential
195	Ms Catherine Turner
196	Name suppressed
197	Name suppressed
198	Name suppressed
199	Mrs Kristelle Foot
200	Professor Arthur Shulman

No.	Author
201	Mr Michael Wright
202	Mr David Murray
203	Ms Lee Purches
204	Name suppressed
205	Name suppressed
206	Jennifer Ward
207	Name suppressed
208	Name suppressed
209	Name suppressed
210	Name suppressed
211	Name suppressed
212	Asthma Australia & Lung Foundation Australia
213	Name suppressed
214	Mrs Grace Cooke
215	Name suppressed
216	Garigal Landcare
217	Mr Rudy Gyzen
218	Mr Michael Waite
219	Name suppressed
220	Ms Sally Gyzen
221	Matthew Barnes
222	Ms Karen Wetsteyn
223	Mr Stephen Gray
224	Name suppressed
225	Name suppressed
226	Name suppressed
227	Name suppressed
228	Name suppressed
229	Name suppressed
230	Mr Peter Egan
231	Name suppressed
232	Mr Vince Lee
233	Name suppressed
234	Confidential
235	Mr Cian Byrne

No.	Author
236	Name suppressed
237	Mrs Susan Wright
238	Name suppressed
239	Name suppressed
240	Mosman Council
241	Name suppressed
242	Name suppressed
243	Name suppressed
244	Manly Warringah War Memorial State Park Advisory Committee Community Representatives
245	Mrs Jennifer Stuart
246	Name suppressed
247	Ms Suzie Gold
248	Mrs Kristin De Laine
249	Name suppressed
250	Western Harbour Tunnel Action Group
251	Mr Peter Rowed
252	Mr Michael Pickles
253	Name suppressed
254	Mrs Marjan van der Burg
255	North Sydney Community Independent Councillors
256	Mrs Ainslie Birrell
257	David Dobbin
258	Mrs Meredith Casbier
259	Mr Ben Cooper
260	Name suppressed
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283	Name suppressed
284	Name suppressed
285	Balgowlah North Public School P&C
286	Name suppressed
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294	Name suppressed
295	Name suppressed
296	Name suppressed
297	Name suppressed
298	Name suppressed
299	Name suppressed
299a	Name suppressed
299b	Name suppressed
300	Dr Liz Rickman
301	Mrs Charlotte Hunter
301a	Mrs Charlotte Hunter

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305	Mrs Marcela Gonzalez
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307	Wollstonecraft Precinct
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310	Name suppressed
311	Name suppressed
312	Name suppressed
313	Name suppressed
314	Name suppressed
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No.	Author
337	Name suppressed
338	Name suppressed
339	Name suppressed
340	Name suppressed
341	Name suppressed
342	Name suppressed
343	Name suppressed
344	Northern Suburbs Netball Association
345	Name suppressed
346	Name suppressed
347	Name suppressed
348	Name suppressed
349	Ms Rebecca Woods
350	Mr Sri Venkat
351	Mrs Danielle Stitt
352	Name suppressed
353	Ms Deborah Corrigall
354	Mrs Ailis Merrigan
355	Mrs Prema Green
356	Mrs Carolyn Fallows
357	Mrs Lee Lee
358	Mr David Watt
359	Carla Lynam
360	Name suppressed
361	Ms Sue-Ellen Smith
362	Name suppressed
363	Mr John Oswick
364	Baringa Bush Resident Group
365	Mrs Ann Collins
366	Ms Josephine Morehead
367	Ms Leonie Cowan
368	Mr John Meakins
369	Ms June Lunsmann
370	Name suppressed
371	Name suppressed

No.	Author
372	Name suppressed
373	Name suppressed
374	Name suppressed
375	Name suppressed
376	Name suppressed
377	Name suppressed
378	Name suppressed
379	Name suppressed
380	Name suppressed
381	Anzac Park Public School P & C Association
381a	Anzac Park Public School P & C Association
382	Confidential
383	Alice Klettner
384	Saving Sydney's Trees
385	Mr Sean O'Halloran
386	Name suppressed
387	Ms Prudence Wawn
388	Save Manly Dam Catchment Committee
389	Baringa Bush Community Garden Inc., Seaforth
390	Mr Ron McLaren
391	Name suppressed
392	Mr David Moser
393	St Cecilia's Catholic school Advisory Committee
394	Rozelle Against WestConnex
395	Mrs Kerrie Alexander
396	Waverton Precinct
397	Ms Paloma Llamazares
398	Ms Victoria Rands
399	Parramatta River Catchment Group
400	Willoughby City Council
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402	Dr Ana Bugnot
403	Name suppressed
404	Dr Sid French
405	Name suppressed

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406	Mrs Judith Kerr
407	Name suppressed
408	Mr Bruce Donald
409	Name suppressed
410	Australasian Bat Society. Inc
411	Confidential
412	Mr Michael Merrigan
413	Name suppressed
414	Name suppressed
415	Mr John MacNaughton
416	Ms Leanne Williams
417	Mr Brett Etherington
418	Confidential
419	Mr James Bernes
420	Name suppressed
421	Mr Francis Breen
422	Mrs Helen Gilbert
423	Confidential
424	Parks Precinct
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426	Name suppressed
427	Mr John Gray
428	Mr Mark O'Sullivan
429	Mrs Katie Caban
430	Name suppressed
431	Name suppressed
432	Miss Danielle Shaw
433	Ms Penelope Figgis
434	Name suppressed
435	Name suppressed
436	Philippa Cave and Paul Hayes
437	Mr Ted Nye
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437b	Mr Ted Nye
438	Name suppressed

No.	Author
438a	Name suppressed
439	Audit Office of New South Wales
440	Name suppressed
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442	Name suppressed
443	Louis Thevenin
444	Name suppressed
445	Ms Louise Williams
446	Mr David Mitchell
447	Mr David Henry
448	Dr Bill Ryall
448a	Dr Bill Ryall
449	Ms Barvara Hush
450	Name suppressed
451	Name suppressed
452	Name suppressed
453	Name suppressed
454	Ku-ring-gai Bat Conservation Society Inc.
455	Name suppressed
456	Name suppressed
457	Flat Rock Gully Residents Action Group
458	Name suppressed
459	Name suppressed
460	Name suppressed
461	Name suppressed
462	Name suppressed
463	Name suppressed
464	Name suppressed
465	Action for Public Transport (NSW) Inc
466	STEP Inc
467	Naremburn Progress Association
468	Sydney Water
469	Friends of Manly Penguins
470	Cammeray Public School P&C
471	Willoughby Environmental Protection Association (WEPA)

No.	Author
471a	Willoughby Environmental Protection Association (WEPA)
472	Save Flat Rock Gully and Middle Harbour
473	Northbridge Public School Parents & Citizens Association
474	Cammeraygal High School P&C
475	Metropolitan Local Aboriginal Land Council
476	Willoughby South Progress Association
477	Northbridge Progress Association
478	Committee for North Sydney
479	Bay Precinct
480	Mr Ethan Whitty-Pike
481	Mr Patric Hobsbawn
482	Transport for NSW
483	Inner West Council
484	Dr Brigitte Sommer
485	Name suppressed
486	Confidential
487	Mr Rob McKay
488	Mr Drew Truslove
489	Mrs Helen Ludgate
490	Confidential
491	Mr John Hooper
492	Ms Mary-Jane Morgan
493	Mr Murray Jones
494	Ms Karin Kolbe
495	Ms Gisela Moser
496	Ms Carolyn Allen
497	Mr Ken Wilson
498	Name suppressed
499	Name suppressed
500	Name suppressed
501	Name suppressed
502	Ms Helena George
503	Ms Nerissa Levy
504	Ms Gillian Andrews
505	Name suppressed

No.	Author
506	Shona McKenzie
507	Ms Diane Willman
508	Ms Clara Williams Roldan
509	Name suppressed
510	Name suppressed
511	Ms Sandra Ellison
512	Mrs Danielle Moore
513	Ms Brigitta Merchant
514	Milson Precinct
515	Ms Rebecca and Mark Newtown Power
516	Ms Elizabeth Boyd
517	Mr Justin Davies
518	Ms Zali Steggall OAM MP
519	Mr Godfrey Santer
520	Dr Judy Lambert
521	Ms Michele Hacking
522	Mr William Colwell
523	Name suppressed
524	Dr Conny Harris
525	Mr Ian Crowley
526	Mr John Berry
526a	Mr John Berry
527	Mrs Barbara Saville
528	Mrs Adrienne Kabos
529	Mr Peter Vail
530	Inge Walter
531	Mrs Ann Newcomb
532	Ms Miranda Korzy
533	Ms Sharon Hunter
534	Mr Keith Pike
535	Ms Catherine Whitty
536	Ms Alison Taylor
537	Miss Bevin Aston
538	Ms Flora Johnson, Jamie Guignon, Benjamin Guignon and Jack Guignon
539	Mrs Ann Sharp

No.	Author
540	Mr David Gray
541	Name suppressed
542	1st Sailors Bay Sea Scouts
543	Gavin Partridge and Ruth Sugden
544	Mrs Ann Gray
545	Confidential
546	Mr Graham Williams
547	Mrs Annie Williams
548	Ms Holly King
549	Ms Kristina Dodds
550	Ms Mary Cahill
551	Ms Anita Tymkiw
552	Pete Kasby and Emily Klineberg
553	Mr Ian Hindley
554	Ms A Hodge
555	Name suppressed
556	Mr Timothy Ryan
557	Mrs Anne-Marie Pickard
558	Mrs Claire Whitehead
559	Ms Kirstine Murray
560	Diane Thakur
561	Mr Kevin Collins
562	Name suppressed
563	Ms Jan Knight
564	Confidential
565	Ms Alison Garland
566	Name suppressed
567	Mr Stephen McNulty
568	Mr Rohan Newcomb
569	Ms Linda Curnow
570	Confidential
571	Mr Manfred Fussi
572	Mr Adrian Spragg
573	Ruth Martin
574	Larissa Penn, John Berry and Kristina Dodds

No.	Author
575	Stop the Tunnels
575a	Stop the Tunnels
576	Davie Macdonald
577	Dr Wayne Davies
578	Australian Labor Party, Balmain Branch
579	North Sydney Combined Precincts Committee

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 13 September 2021 Via videoconference	Mrs Larissa Penn	Convenor, Stop the Tunnels
	Miss Sally Brogan	Project Governance, Stop the Tunnels
	Dr Noel Child	Technical Expert, Stop the Tunnels
	Ms Kristina Dodds	Community and Schools, Stop the Tunnels
	Cr Rochelle Porteous	Mayor, Inner West Council
	Mr Kendall Banfield	Senior Transport Planner, Inner West Council
	Cr Gail Giles-Gidney	Mayor, Willoughby City Council
	Mr Andrew Gillies	Strategic Transport Planner, Willoughby City Council
	Mr Joseph Hill	Director, City Strategy, North Sydney Council
	Mr Marcelo Occhiuzzi	Manager, Strategic Planning, North Sydney Council
	Mr Craig Covich	Director, Environment and Planning, Mosman Council
	Mr Phillip Devon	Manager, Transport Networks, Northern Beaches Council
	Mr Yianni Mentis	Executive Manager, Environment and Climate Change, Northern Beaches Council
Mr Ian Grey	Chair, Waverton Precinct and Co-Convenor, North Sydney Combined Precincts Committee	
Mr Steve Miles	Chair, Parks Precinct and Member, North Sydney Combined Precincts Committee	

Date	Name	Position and Organisation
	Mr Paul Walter	Chair, Bay Precinct and Member, North Sydney Combined Precincts Committee
Friday 17 September 2021 Via videoconference	Professor Maria Byrne	Member, Australian Marine Sciences Association
	Dr Pat Hutchings	Member, Australian Marine Sciences Association
	Dr Bill Ryall	Director, Ryall Environment
	Ms Michele Goldman	Chief Executive Officer, Asthma Australia
	Mr Mark Brooke	Chief Executive Officer, Lung Foundation Australia
	Mr Ian Bridge	Environmental scientist, private citizen
	Mr John Moratelli	President, Willoughby Environmental Protection Association
	Dr Meredith Foley	Member of Executive Committee, Willoughby Environmental Protection Association
	Mr Rhys Williams	Tunnel Co-ordinator, Anzac Park Public School Parents & Citizens Association
	Ms Georgina Taylor	Technical Support, Anzac Park Public School Parents & Citizens Association
	Ms Louise Williams	Public Officer, Baringa Bush Residents
	Ms Ann Collins	Manly Dam Liaison Officer, Baringa Bush Residents Group
	Mr Colin Cardwell	President, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association

Date	Name	Position and Organisation
	Ms Sandy Hoy	Special Projects, Northern Beaches Secondary College
	Miss Gabi Brown	Facebook Administrator, Rozelle Against WestConnex
	Mr Bill Holiday	Committee Member, Rozelle Against WestConnex
	Mr Ben Prag	Member, Rozelle Public School Parents & Citizens Association
	Mr Robert Kelly	Convenor, Western Harbour Tunnel Action Group
Monday 27 September 2021 Via videoconference	Mr Simon Draper	Chief Executive, Infrastructure NSW
	Mr David Gainsford	Deputy Secretary, Assessment and Systems Performance, Department of Planning, Industry and Environment
	Mr Glenn Snow	Director, Transport Assets, Department of Planning, Industry and Environment
	Mr Stephen Beaman	Executive Director, Regulatory Operations, NSW Environment Protection Authority
	Ms Jacinta Hanemann	Acting Director, Regulatory Operations, NSW Environment Protection Authority
	Ms Camilla Drover	Deputy Secretary, Infrastructure & Place, Transport for NSW
	Mr Doug Parris	Director, Project Development, Central River & Eastern Harbour City, Infrastructure & Place, Transport for NSW

Appendix 3 Minutes

Minutes no. 9

Wednesday 24 March 2021

Public Works Committee

Room 1043, Parliament House, 4.31 pm

1. Members present

Mr Mookhey, *Chair*

Mr Banasiak, *Deputy Chair*

Ms Boyd

Mr Farraway

Mr Khan

Mr Mallard

Ms Moriarty

2. Previous minutes

Resolved, on the motion of Mr Banasiak: That draft minutes no. 8 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 19 March 2021 – Email from Mr Mookhey, Mr Banasiak and Ms Moriarty requesting a meeting of the committee to consider a self reference - Inquiry into Western Harbour Tunnel and Beaches Link Project

4. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

1. That the Public Works Committee inquire into and report on the impact of the Western Harbour Tunnel and Beaches Link Project, including each of its constituent parts being the Warringah freeway upgrade, the Western Harbour Tunnel and the Beaches Link, including:
 - (a) the adequacy of the business case for the project, including the cost benefits ratio,
 - (b) the adequacy of the consideration of alternative options,
 - (c) the cost of the project, including the reasons for overruns,
 - (d) the consideration of the governance and structure of the project including the use of a 'development partner' model,
 - (e) the extent to which the project is meeting the original goals of the project,
 - (f) the consultation methods and effectiveness, both with affected communities and stakeholders,
 - (g) the extent to which changes in population growth, work and travel patterns due to the Covid-19 pandemic have impacted on the original cost benefit ratio,
 - (h) whether the NSW Government should publish the base-case financial model and benefit cost ratio for the for the project and its component parts,
 - (i) whether the project is subject to the appropriate levels of transparency and accountability that would be expected of a project delivered by a public sector body,
 - (j) the impact on the environment, including marine ecosystems,
 - (k) the adequacy of processes for assessing and responding to noise, vibration and other impacts on residents, during construction and operationally,
 - (l) the impact of the project on nearby public sites, including Yurulbin Point and Dawn Fraser Baths, and
 - (m) any other related matter.

Resolved, on the motion of Ms Moriarty: That the committee adopt the terms of reference as drafted.

5. Conduct of the inquiry into the impact of the Western Harbour Tunnel and Beaches Link Project

5.1 Closing date for submissions

Resolved, on the motion of Mr Banasiak: That the closing date for submissions be Friday 18 June 2021.

5.1 Stakeholder list

Resolved, on the motion of Ms Boyd: That the secretariat circulate to members the Chair's proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

5.2 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder letters and a media release distributed to all media outlets in New South Wales.

5.3 Hearing dates

Resolved, on the motion of Ms Moriarty: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

6. Adjournment

The committee adjourned at 4.34 pm, *Sine die*.

Madeleine Dowd
Committee Clerk

Minutes no. 11

Monday 13 September 2021
Public Works Committee
Via videoconference, 9.19 am

1. Members present

Mr Mookhey, *Chair*
Ms Boyd
Mr Fang (*substituting for Mr Khan*)
Mr Farraway
Mr Graham (*participating*)
Mr Mallard
Ms Moriarty

2. Apologies

Mr Banasiak, *Deputy Chair*

3. Previous minutes

Resolved, on the motion of Ms Boyd: That draft minutes no. 10 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 17 June 2021 – Email from Ms Diane Staats, private citizen to secretariat, seeking an extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 18 June 2021 – Email from Dr Beth Mott, Project Officer at Powerful Owl to secretariat, seeking an extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 22 June 2021 – Email from Ms Diane Staats, private citizen to secretariat, seeking a further extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 23 June 2021 – Email from Dr Jonathon Page, private citizen to secretariat, relating to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link - noting complaint about construction noise from Cammeray Golf Course.
- 25 June 2021 – Emails from Ms Anju Sharma, Acting Manager, Government Services, Office of the Secretary, Transport for NSW to secretariat, seeking extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 30 June 2021 – Email from Ms Annamaria Ferragina, private citizen to secretariat, seeking to make a late submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 10 July 2021 – Email from Mr Jeremy Dawkins, Convenor of Committee for North Sydney, to secretariat, expressing interest in being witness at public hearing for inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 18 July 2021 – Email from Mr Ted Nye, private citizen to secretariat, background information and summary of supplementary submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 21 July 2021 – Email from Mr Ted Nye, private citizen to secretariat, relating to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link - information on Northconnex Road Tunnel.
- 27 July 2021 – Email from Mr Rhys Williams, Tunnel Co-ordinator, Anzac Park Public School P & C Association to secretariat, expressing interest in being a witness at public hearing for the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 23 August 2021 – Email from Mr William Holliday, private citizen to secretariat, lodging supplementary submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 25 August 2021 – Email from Mr Ted Nye, private citizen to the committee, relating to witness invitations for hearings for the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 2 September 2021 – Email from Ms Lisa McClymont, Executive Assistant to the CEO, City of Sydney Council, declining invitation to appear as witness at public hearing for the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.

Sent:

- 18 June 2021 – Email to Ms Diane Staats, private citizen, approving request for an extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 18 June 2021 – Email to Dr Beth Mott, Project Officer at Powerful Owl, approving request for an extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 22 June 2021 – Email to Ms Diane Staats, private citizen, approving a further extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 29 June 2021 – Email to Ms Anju Sharma, Acting Manager, Government Services, Office of the Secretary, Transport for NSW, approving extension to make a submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.
- 1 July 2021 – Email to Ms Annamaria Ferragina, private citizen, authorising late submission to the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.

- 24 August 2021 – Email to Ms Anju Sharma, Acting Manager, Government Services, Office of the Secretary, Transport for NSW, upcoming hearings for the inquiry into the Impact of the Western Harbour Tunnel and Beaches Link.

Resolved, on the motion of Mr Faraway: That the committee keep the correspondence from Mr Ted Nye, regarding information on the NorthConnex Road Tunnel, dated 21 July 2021, confidential, as per the request of the author, as it contains identifying and/or sensitive information.

5. Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link

5.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 2-5, 7-10a, 13-18, 20, 20a, 21, 24-27, 28, 28a, 30, 34-36, 38-40, 42-44, 46, 46a, 48, 51, 52, 55-57, 58, 58a, 60, 61, 66, 68-72, 75, 77, 78, 90, 91, 93, 95, 96, 99, 100, 102, 106-109, 112, 115-119, 121, 122, 124, 126, 128-130, 132, 134, 135, 138, 140, 142, 144, 146, 148, 151-162, 166, 169, 171, 172, 176, 177, 178-179, 181, 187-189, 191, 195, 199, 201-203, 206, 212, 214, 216-218, 220-223, 230, 235, 237, 239, 240, 244, 245, 247, 248, 250, 251, 253-257, 259, 300, 301, 301a, 304, 305-307, 344, 353-359, 361, 363-368, 381, 383-385, 387-390, 392-400, 402, 404, 408, 410, 412, 415-417, 419, 421, 422, 424, 425, 427-429, 432, 433, 436, 437, 439, 443, 445, 446, 448, 448a, 449, 454, 457, 465-471, 471a, 472, 474-479, 480-484, 487-489, 491-497, 502-504, 506-508, 511-540, 542-544, 546-554, 556-559, 560, 561, 563, 565, 567-569, 571-576.

The committee noted submissions 28 and 58 were previously published as name suppressed but are now public at the request of the author.

5.2 Partially confidential submissions

Resolved, on the motion of Ms Moriarty: That the committee keep the following information confidential, as per the request of the author: sensitive information in submissions nos. 186, 369 and 447.

5.3 Name suppressed submissions

Resolved, on the motion of Ms Moriarty: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 1, 6, 11, 12, 19, 22, 23, 29, 31-33, 37, 41, 45, 47, 49, 50, 53, 54, 62, 64, 65, 67, 73, 74, 76, 80, 83, 85, 87, 88, 94, 97, 98, 103, 105, 110, 111, 114, 123, 125, 127, 131, 136, 139, 141, 143, 145, 147, 149, 150, 163-165, 167, 168, 170, 173-175, 184-186, 190, 192, 193, 196-197, 203, 204, 205, 207-211, 213, 215, 219, 224-229, 231-233, 236, 238, 239, 241-243, 246, 249, 260-268, 270-273, 275, 276, 278, 280, 282-284, 286-299b, 302, 310-319, 321-343, 345-348, 352, 360, 362, 370-380, 386, 391, 401, 405, 407, 409, 413, 414, 420, 426, 430, 431, 434, 435, 438, 440-442, 444, 450, 451-453, 455, 458-463, 485, 498-501, 505, 509, 510, 523, 541, 555, 562, 566.

5.4 Confidential submissions

Resolved, on the motion of Ms Moriarty: That the committee keep submission nos 22, 31, 33, 59, 63, 82, 84, 101, 113, 120, 133, 182, 194, 234, 303, 308, 309, 382, 411, 418, 423, 486 490, 545, 564, 570 confidential, as per the request of the author.

The committee noted submissions 22, 31 and 33 were previously published as name suppressed but are now confidential at the request of the author.

5.5 Attachments to submissions

Resolved, on the motion of Ms Boyd: That the committee authorise the publication of attachments to submission nos. 177, 400, 439, 471a and 560.

5.6 Pro formas

Resolved, on the motion of Mr Mallard: That the committee authorise:

- the following text be published on the inquiry webpage: The committee received several and differing pro formas to the inquiry. The committee decided to publish one example of each pro forma and any of its variations;
- the publication as 'other documents' one example of each pro forma which is identical to the template and publish any pro formas with variations from the template.

5.7 Live streaming and recording of hearing

Resolved, on the motion of Ms Moriarty: That the committee agrees the hearings on 13, 17 and 27 September:

- be live streamed via the Parliament's YouTube channel
- be recorded and the recordings be uploaded on the NSW Parliament's YouTube page and a link be published on the inquiry webpage as soon as practicable after the hearing subject to any comments or concerns from the secretariat or the committee after the hearing.

5.8 Photo of committee for social media

Resolved, on the motion of Ms Moriarty: That the secretariat take a screenshot of the committee during its deliberative before the hearing on 13, 17 and 27 September for the purposes of publishing on social media.

5.9 Deputy chair

The Chair called for nominations for Deputy Chair for the duration of the public hearing on 13 September 2021.

Ms Boyd moved: That Ms Moriarty be elected Deputy Chair for the duration of the public hearing on 13 September.

There being no further nominations, the Chair declared Ms Moriarty elected Deputy Chair.

5.10 Public hearing

The committee proceeded to take evidence in public at 9.34am.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mrs Larissa Penn, Convenor, Stop the Tunnels
- Miss Sally Brogan, Project Governance, Stop the Tunnels
- Dr Noel Child, Technical Expert, Stop the Tunnels
- Ms Kristina Dodds, Community and Schools, Stop the Tunnels

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Rochelle Porteous, Mayor, Inner West Council
- Mr Kendall Banfield, Senior Transport Planner, Inner West Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Gail Giles-Gidney, Mayor, Willoughby City Council
- Mr Andrew Gillies, Strategic Transport Planner, Willoughby City Council
- Mr Joseph Hill, Director, City Strategy, North Sydney Council
- Mr Marcelo Occhiuzzi, Manager, Strategic Planning, North Sydney Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Craig Covich, Director, Environment and Planning, Mosman Council
- Mr Phillip Devon, Manager, Transport Networks, Northern Beaches Council
- Mr Yianni Mentis, Executive Manager, Environment and Climate Change, Northern Beaches Council

Mr Covich tendered the following documents:

- Correspondence - Mosman Council and the Department of Planning, Industry and Environment - Environmental Impact Statements on the Western Harbour Tunnel and Beaches Link.
- Letter - Mr Craig Covich, Director Environment and Planning, Mosman Council - Position on the Western Harbour Tunnel and Beaches Link projects

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Ian Grey, Chair, Waverton Precinct and Co-Convenor, North Sydney Combined Precincts Committee
- Mr Steve Miles, Chair, Parks Precinct and Member, North Sydney Combined Precincts Committee
- Mr Paul Walter, Chair, Bay Precinct and Member, North Sydney Combined Precincts Committee

Mr Walter tendered the following document:

- Presentation - Mr Paul Walter, Chair, Bay Precinct - Proposed tunnels and motorway extension.

The evidence concluded and the witnesses withdrew.

The hearing concluded at 1.44 pm.

The public and media withdrew.

5.11 Tended documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during the public hearing:

- Correspondence - Mosman Council and the Department of Planning, Industry and Environment - Environmental Impact Statements on the Western Harbour Tunnel and Beaches Link.
- Letter - Mr Craig Covich, Director Environment and Planning, Mosman Council - Position on the Western Harbour Tunnel and Beaches Link projects
- Presentation - Mr Paul Walter, Chair, Bay Precinct - Proposed tunnels and motorway extension.

6. Adjournment

The committee adjourned at 1.53 pm until Friday 17 September 2021, 9.15 am, via WebEx (second hearing for Western Harbour Tunnel and Beaches Link)

Emily Treeby
Committee Clerk

Minutes no. 12

Friday 17 September 2021

Public Works Committee

Via videoconference, 9.19 am

1. Members present

Mr Mookhey, *Chair*

Ms Boyd

Mr Farraway

Mr Franklin (*substituting for Mr Khan*)

Mr Mallard

Ms Moriarty (until 12 pm)

Mr Veitch (*participating from 11.15 am until 12pm; substituting for Ms Moriarty from 12pm*)

2. Apologies

Mr Banasiak, *Deputy Chair*

3. Previous minutes

Resolved, on the motion of Ms Boyd: That draft minutes no. 11 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 7 September 2021 – Letter from Mr Simon Draper, Chief Executive, Infrastructure NSW, to secretariat, declining invitation to appear at hearing for the Impact of the Western Harbour Tunnel and Beaches Link inquiry on 27 September 2021.
- 8 September 2021 – Letter from Hon Shayne Mallard, Government Whip in Legislative Council, to secretariat, substitution of Mr Khan for Mr Fang for hearing on hearing for the Impact of the Western Harbour Tunnel and Beaches Link inquiry on 13 September 2021.
- 8 September 2021 – Letter from Hon Shayne Mallard, Government Whip in Legislative Council, to secretariat, substitution of Mr Khan for Mr Franklin for hearing on hearing for the Impact of the Western Harbour Tunnel and Beaches Link inquiry on 17 September 2021.
- 9 September 2021 – Email from Mr Ted Nye, private citizen to secretariat, information on a request to access information under the *Government Information (Public Access) Act 2009* from Transport for NSW heard in the NSW Civil & Administrative Tribunal, with attachments.
- 9 September 2021 – Email from Opposition Whip's Office, to secretariat, notification of participating member Hon John Graham for Western Harbour Tunnel and Beaches link inquiry hearings on 13, 17 and 27 September.
- 11 September 2021 – Email from Ms Alina Burdajewicz, private citizen to secretariat, stating an objection to the Western Harbour Tunnels and Beaches Link.
- 14 September 2021 – Email from Mr Ian Bridge, private citizen to secretariat, noting his expertise and his paper on crystalline silica and environmental risk associated with exposures to this substance.

Sent:

- 14 September 2021 – Email to Mr Simon Draper, Chief Executive, Infrastructure NSW, reinviting Infrastructure NSW to appear at hearing for the Impact of the Western Harbour Tunnel and Beaches Link inquiry on 27 September 2021.

Resolved, on the motion of Mr Farraway: That the committee keep the correspondence from Mr Ted Nye, regarding information on a request to access information under the *Government Information (Public Access) Act 2009* from Transport for NSW heard in the NSW Civil & Administrative Tribunal, and its attachments, dated 9 September 2021, confidential, as per the request of the author, as it contains identifying and/or sensitive information.

5. Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link

5.1 Deputy chair

The Chair called for nominations for Deputy Chair for the duration of the public hearing on 17 September 2021.

Ms Moriarty moved: That Ms Boyd be elected Deputy Chair for the duration of the public hearing on 17 September.

There being no further nominations, the Chair declared Ms Boyd elected Deputy Chair.

5.2 Public hearing

The committee proceeded to take evidence in public at 9.34 am.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Professor Maria Byrne, Member, Australian Marine Sciences Association
- Dr Pat Hutchings, Member, Australian Marine Sciences Association
- Dr Bill Ryall, Director, Ryall Environmental

Dr Pat Hutchings tendered the following documents:

- Academic article – Assessment of human induced change and biological risk posed by contaminants in estuarine/harbour sediments: Sydney Harbour/estuary (Australia), by G.F. Birch.
- Academic article – Sydney Harbour: A review of anthropogenic impacts on the biodiversity and ecosystem function of one of the world's largest natural harbours, by M. Mayer-Pint et al.
- Academic article – Sydney Harbour: Its diverse biodiversity, by Pat A. Hutchings et al.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Michele Goldman, Chief Executive Officer, Asthma Australia
- Mr Mark Brooke, Chief Executive Officer, Lung Foundation Australia
- Mr Ian Bridge, Environmental scientist, private citizen

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr John Moratelli, President, Willoughby Environmental Protection Association
- Ms Meredith Foley, Member, Executive Committee, Willoughby Environmental Protection Association,
- Mr Rhys Williams, Tunnel Co-ordinator, Anzac Park Public School Parents & Citizens Association
- Ms Georgina Taylor, Technical Support, Anzac Park Public School Parents & Citizens Association.

Mr Moratelli tendered the following document:

- Supplementary information on rail options, Flat Rock Gully and Cammeray Golf Course, and the Environmental Impact Statement by the Department of Planning, Industry and Environment.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Louise Williams, Public Officer, Baringa Bush Residents Group
- Ms Ann Collins, Manly Dam Liaison Officer, Baringa Bush Residents Group
- Mr Colin Cardwell, President, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association

- Ms Sandy Hoy, Special Projects, Northern Beaches Secondary College Balgowlah Boys Campus Parents & Citizens Association

Ms Williams tendered the following document:

- Information on independent assessments of serious risks to sensitive groundwater, freshwater and marine waters posed by the proposed Beaches Link tunnel.

Mr Cardwell tendered the following document:

- Mitigation and Offset presentation for Balgowlah Boys Campus.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Miss Gabi Brown, Facebook Administrator, Rozelle Against WestConnex
- Mr Bill Holliday, Committee Member, Rozelle Against WestConnex
- Mr Ben Prag, Member, Rozelle Public School Parents & Citizens Association
- Mr Robert Kelly, Convenor, Western Harbour Tunnel Action Group

Mr Prag tendered the following document:

- Information on Western Harbour Tunnel impacts on air quality for Rozelle Public School.

The evidence concluded and the witnesses withdrew.

The hearing concluded at 1.28 pm.

The public and media withdrew.

5.3 Tendered documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during the public hearing:

- Academic article – Assessment of human induced change and biological risk posed by contaminants in estuarine/harbour sediments: Sydney Harbour/estuary (Australia), by G.F. Birch.
- Academic article – Sydney Harbour: A review of anthropogenic impacts on the biodiversity and ecosystem function of one of the world's largest natural harbours, by M. Mayer-Pint et al.
- Academic article – Sydney Harbour: its diverse biodiversity, by Pat A. Hutchings et al.
- Supplementary information on rail options, Flat Rock Gully and Cammeray Golf Course, and the Environmental Impact Statement by the Department of Planning, Industry and Environment.
- Information on independent assessments of serious risks to sensitive groundwater, freshwater and marine waters posed by the proposed Beaches Link tunnel.
- Mitigation and Offset presentation for Balgowlah Boys Campus.
- Information on Western Harbour Tunnel impacts on air quality for Rozelle Public School.

6. Adjournment

The committee adjourned at 1.30 pm until Monday 27 September 2021, 12.15 pm, via WebEx (Western Harbour Tunnel and Beaches Link hearing)

Emily Treeby
Committee Clerk

Minutes no. 13

Monday 27 September 2021
Public Works Committee
Via videoconference, 12.16 am

1. Members present

Mr Mookhey, *Chair*
 Ms Boyd
 Mr Farraway
 Mr Graham (*participating*)
 Mr Khan
 Mr Mallard
 Ms Moriarty

2. Apologies

Mr Banasiak, *Deputy Chair*

3. Previous minutes

Resolved, on the motion of Ms Boyd: That draft minutes no. 12 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 16 September 2021 – Email from Ms Liz Crosby, Senior Executive Assistant to CEO Mr Draper, Infrastructure NSW, to secretariat, confirmation of acceptance of witness invitation for hearing on 27 September 2021 for the inquiry into the Impact of the Western Harbour Tunnel and Beaches link.
- 16 September 2021 – Email from Ms Larissa Penn, Convenor, Stop the Tunnels, to Chair and committee members, expression of interest to give further evidence for the Impact of the Western Harbour Tunnel and Beaches Link inquiry and invitation to the committee to visit Flat Rock Gully and surrounds.
- 18 September 2021 – Email from Dr Pat Hutchings, Member, Australian Marine Sciences Association, to secretariat, providing report 'Our Harbour Our Asset' by Sydney Institute of Marine Science for publication for the Impact of the Western Harbour Tunnel and Beaches Link inquiry.
- 20 September 2021 – Email from Mr Murray Coleman OAM, Head of Development Projects, Macquarie Capital, to secretariat, declining invitation to Harbour West Partners Consortium to appear at hearing on 27 September 2021 for Impact of the Western Harbour Tunnel and Beaches Link inquiry.
- 21 September 2021 – Email from Ms Julie Glasheen, Executive Assistant, Laing O'Rourke, to secretariat, declining invitation appear at hearing on 27 September 2021 for Impact of the Western Harbour Tunnel and Beaches inquiry.
- 22 September 2021 – Email from Mr Rod Bruce, Head of Public Relations and External Communications, Bechtel Infrastructure, to secretariat, declining invitation appear at hearing on 27 September 2021 for Impact of the Western Harbour Tunnel and Beaches Link inquiry.

Resolved, on the motion of Mr Farraway: That the committee authorise the publication of the report 'Our Harbour Our Asset' by Sydney Institute of Marine Science, as correspondence from the Australian Marine Sciences Association, dated 18 September.

5. Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link**5.1 Public submissions**

The committee noted following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 577, 578 and 579.

5.2 Name suppressed submissions

Resolved, on the motion of Ms Moriarty: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission no. 438a.

5.3 Attachment to submission 575a

Resolved, on the motion of Mr Khan: That the committee:

- authorise the publication of submission no 575a
- keep the following information confidential, as per the recommendation of the secretariat: the link to appendix B in submission 575a.

5.4 Deputy chair

The Chair called for nominations for Deputy Chair for the duration of the public hearing on 27 September 2021.

Ms Moriarty moved: That Ms Boyd be elected Deputy Chair for the duration of the public hearing on 27 September.

There being no further nominations, the Chair declared Ms Boyd elected Deputy Chair.

5.5 Public hearing

The committee proceeded to take evidence in public at 12.33 pm.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr Simon Draper, Chief Executive, Infrastructure NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Gainsford, Deputy Secretary, Assessment and Systems Performance, Department of Planning Industry and Environment
- Mr Glenn Snow, Director, Transport Assets, Department of Planning, Industry and Environment
- Mr Stephen Beaman, Executive Director, Regulatory Operations, NSW Environmental Protection Authority
- Ms Jacinta Hanemann, Acting Director, Regulatory Operations, NSW Environmental Protection Authority

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Camilla Drover, Deputy Secretary, Infrastructure & Place, Transport for NSW
- Mr Doug Parris, Director, Project Development, Central River & Eastern Harbour City, Infrastructure & Place, Transport for NSW

The evidence concluded and the witnesses withdrew.

The hearing concluded at 4.30 pm.

The public and media withdrew.

6. Adjournment

The committee adjourned at 4.34 pm until Thursday 30 September 2021, 10.30 am, via WebEx (Office of Sport inquiry – private briefing)

Emily Treeby
Committee Clerk

Draft minutes no. 20

Wednesday 30 November 2022
Public Works Committee
Via videoconference, 2.35 pm

1. Members present

Mr Mookhey, *Chair*
Mr Amato
Ms Boyd
Mr Graham (participating)
Mr Mallard
Ms Moriarty
Mr Poulos

2. Apologies

Mr Banasiak, *Deputy Chair*

3. Previous minutes

Resolved, on the motion of Ms Boyd: That draft minutes nos. 13 and 19 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 5 October 2021 – Letter from Julie Lee, Paul Berkemeier, Roderick Simpson, Paul Walter, to committee, North Sydney Combined Precincts Committee – Movement and Place Review.
- 4 November 2021 – Email from Mr Mark Brooke, Chief Executive Officer Lung Foundation, to secretariat, regarding correction to transcript of hearing on 17 September 2021 on the inquiry into the impact of the Western Harbour Tunnel and Beaches Link.
- 11 November 2021 – Email from John Moratelli, President, Willoughby Environmental Protection Association, to secretariat, regarding supplementary questions from hearing on 17 September 2021 on the inquiry into the impact of the Western Harbour Tunnel and Beaches Link.
- 19 November 2021 – Email from John Moratelli, President, Willoughby Environmental Protection Association, to secretariat, regarding answers to questions on notice taken for the inquiry into the impact of the Western Harbour Tunnel and Beaches Link by the NSW Environment Protection Authority.
- 10 October 2022 – Letter from Mr Barrie Smith to the Chair in response to the Office of Sport inquiry report.
- 10 October 2022 – Letter from Mr Bruce Farrar to the Chair in response to the Office of Sport inquiry report.
- 12 October 2022 – Letter from Ms Alexandra Townsend to the Chair in response to the Office of Sport inquiry report.
- 18 October 2022 – Letter from Ms Berni Saunders to the Chair in response to correspondence published in response to the Office of Sport inquiry report.
- 18 October 2022 – Letter from Mrs Maggie Dawkins to the Chair in response to correspondence published in response to the Office of Sport inquiry report.
- 18 October 2022 – Letter from Ms Hannah Brooks to the Chair in response to correspondence published in response to the Office of Sport inquiry report.

- 26 October 2022 – Further email from Mrs Maggie Dawkins to the Chair regarding correspondence published on the inquiry webpage from Mr Barrie Smith in response to the Office of Sport inquiry report.

Sent

- 5 October 2022 – Letter from Chair to Chief Commissioner, NSW Independent Commission Against Corruption, forwarding the Office of Sport inquiry report.
- 5 October 2022 - Letter from Chair to Commissioner, NSW Police Force, forwarding the Office of Sport inquiry report.

5. Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link

5.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 381a and 437b.

5.2 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to supplementary questions from Australian Marine Sciences Association, received 18 October 2021.
- answers to questions on notice from Joseph Hill, Director City Strategy, North Sydney Council
North Sydney Council, received 21 October 2021.
- answers to questions on notice from Ian Arnott, Planning Manager, Planning and Infrastructure Willoughby Council, 26 October 2021.
- answers to supplementary questions from Joseph Hill, Director City Strategy, North Sydney Council, received 26 October 2021.
- answers to supplementary questions from Craig Sawyer, Executive Manager, Transport and Civil Infrastructure Northern Beaches Council, received 26 October 2021.
- answers to supplementary questions from Mosman Council, received 26 October 2021.
- answers to supplementary questions from Stop the Tunnels, received 27 October 2021.
- answers to supplementary questions from Baringa Bush Residents Group, received 27 October 2021.
- answers to supplementary questions from Asthma Australia and Lung Foundation, received 28 October 2021.
- answers to supplementary questions from Northern Beaches Secondary College P+C Association, received 29 October 2021.
- answers to supplementary questions from Anzac Park Public School P+C Association, received 29 October 2021.
- answers to supplementary questions from Rozelle against WestConnex, received 29 October 2021.
- answers to supplementary questions from John Moratelli, President, Willoughby Environmental Protection Association, Willoughby Environmental Protection Association, received 1 November 2021.
- answers to questions on notice from John Moratelli, President, Willoughby Environmental Protection Association, Willoughby Environmental Protection Association, received 1 November 2021.
- answers to supplementary questions from Steve Beaman, Executive Director Regulatory Operations, NSW Environment Protection Authority, received 2 November 2021.
- answers to questions on notice from Steve Beaman, Executive Director Regulatory Operations, NSW Environment Protection Authority, received 2 November 2021.
- answers to supplementary questions from Glenn Snow and David Gainsford, Assessment & Systems Performance, Department of Planning, Industry and Environment, received 2 November 2021.
- answers to questions on notice from Glenn Snow and David Gainsford, Assessment & Systems Performance, Department of Planning, Industry and Environment, received 2 November 2021.
- answers to questions on notice from Transport for NSW, received 9 November 2021.

- answers to supplementary questions from Transport for NSW, received 9 November 2021.
- answers to supplementary questions from Infrastructure NSW, received 9 November 2021.
- addition to answers to questions on notice from Willoughby Environmental Protection Association, received 11 November 2021.

5.3 Consideration of Chair's draft report

The Chair submitted his draft report entitled The Impact of the Western Harbour Tunnel and Beaches Link, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Moriarty: That the following paragraph be inserted after paragraph 1.22:

At the Budget Estimates hearing for Portfolio Committee No. 6 – Transport in September 2022, the Hon Rob Stokes MP, Minister for Infrastructure, stated the following in response to questions from the Hon John Graham MLC:

The Hon. JOHN GRAHAM: ... You said this on the public record:

We do have a bit of time to make the investment decision, as we can't build the Beaches Link until the Warringah Freeway upgrades and the Western Harbour Tunnel are done. The timing is probably 2027/28 until those projects are completed.

...

The Hon. JOHN GRAHAM: I agree with all that. Do you accept this project's been paused? That's a fair characterisation when we're talking about it in public?

Mr ROB STOKES: Yes, I think that's an absolutely fair characterisation on the basis of advice.

[FOOTNOTE: Evidence, Inquiry into Budget Estimates 2022, Hon Rob Stokes MP, Minister for Infrastructure, 6 September 2022, pp 33-34.]

Mr Mallard moved, in globo, that:

- paragraph 2.87 be omitted, and the following new paragraph be inserted instead: 'The committee notes concerns regarding public transport alternatives.'
- paragraph 2.88 be omitted, and the following new paragraph be inserted instead: 'The committee notes the long-term proposal to complete the WSH & NBL through both election commitments and work completed by various infrastructure transport planning agencies.'
- paragraph 2.89 be omitted, and the following new paragraph be inserted instead: 'A holistic approach to transport planning must always include consideration of improving public and active transport options.'
- Finding 1 be amended by omitting 'failed to consider public transport as an alternative to motorways for the Western Harbour Tunnel and Beaches Link Projects, resulting in a lack of confidence in the community that the best outcomes have been achieved.' and inserting instead 'has implemented the most significant investment in holistic transport infrastructure in the history of NSW. This has included record investments in all aspects of public transport combined with record investment in motorways to complete the stalled Sydney metropolitan motorway and public transport networks including proposed for the Northern Beaches.'

Question put.

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Mallard moved in globo:

- That paragraph 2.90 be amended by omitting 'If public servants were indeed prevented from assessing non-motorway options for the Projects, then the community is unable to receive accurate information on which to judge Government decisions.'
- That paragraph 2.91 be omitted.

Question put and negatived.

Mr Mallard moved: That paragraph 2.93 be amended by omitting 'The Committee finds that it is disingenuous to label road tunnels with no dedicated bus lanes as including dedicated bus infrastructure.'

Question put and negatived.

Resolved, on the motion of Ms Moriarty: That paragraph 2.93 be amended by omitting 'disingenuous' and inserting instead 'incorrect'.

Resolved, on the motion of Mr Mallard:

- That paragraph 2.94 be amended by omitting 'be true to their claims and include' and inserting instead 'assess including'.
- That Recommendation 2 be amended by omitting 'include' and inserting instead 'assess including'.

Mr Mallard moved in globo:

- That paragraph 2.95 be omitted.
- That paragraph 2.96 be omitted.
- That paragraph 2.97 be amended by omitting 'not proceed. Stakeholders provided extensive evidence of the risks and costs associated with Beaches Link to the community and environment, as well as criticism of the purported benefits of the project. Many indicated they believed the costs would outweigh the benefits. Infrastructure NSW has recommended the timing, need and sequence for Beaches Link be reconsidered. The Government has not provided any convincing evidence to the contrary in the form of a business case or benefit-cost ratio that justifies proceeding with Beaches Link.' and inserting instead 'still proceed at an appropriate time in the economic and construction cycle.'
- That Recommendation 3 be amended by omitting 'That the NSW Government not proceed with Beaches Link.' and the following new recommendation be inserted instead: 'That the NSW Government should still proceed with the Beaches Link at an appropriate time in the economic and construction cycle'.

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Mallard moved in globo:

- That paragraph 2.103 be amended by omitting 'The committee believes that it would be inappropriate for the Government to enter into further contracts, particularly without improved transparency, so close to a general election. The New South Wales community deserves to be fully informed about such substantial investments being made on its behalf. Hence the committee recommends that no further contracts regarding the Western Harbour Tunnel be signed by the current government, and that prior to the March 2023 election, the government publicly release the strategic business case and funding model for the Western Harbour Tunnel.' and inserting instead 'However the committee acknowledges the role of government until the caretaker period prior to the election and the role of the government to fulfil electoral, cabinet and legal obligations up to

that time. This includes proceeding in an orderly manner with infrastructure projects such as the WSHL & NBL.'

- That Recommendation 4 be omitted.
- That Recommendation 5 be amended by omitting 'prior to the March 2023 state election.'

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Ms Boyd: That Recommendation 5 be amended by omitting 'strategic' and inserting instead 'final'.

Mr Mallard moved, in globo, that:

- paragraph 2.105 be omitted.
- paragraph 2.106 be amended by omitting 'been a failure. It has caused delays to Western Harbour Tunnel construction, it has resulted in compensation payouts to bidders, and it has risked damage to the New South Wales Government's reputation among the construction industry.' and inserting instead 'played a major role in delivering the State's record public infrastructure programme. The committee notes that ensuring best value for taxpayers, the development partner model has not proceeded which is a business model option in the project.'
- Finding 2 be amended by omitting 'for the Western Harbour Tunnel has been a failure. The failure of the model has caused delays to the tunnel's construction, has resulted in compensation payouts to bidders, and has risked damage to the New South Wales Government's reputation among the construction industry.' and inserting instead 'has delivered record public investment in both motorways and public transport for NSW taxpayers that otherwise would have entailed much higher public borrowings, debt and risk effectively delaying and jeopardising the record growth of public infrastructure in NSW. At all times the government must act in the best interests of the taxpayers of NSW including achieving value for money.'

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Mallard moved in globo:

- That paragraph 2.108 be amended by omitting 'To not have this information available represents poor planning and/or a lack of transparency on the Government's behalf.'
- That paragraph 2.109 be amended by omitting 'it is a late measure to address a problem of the Government's own creation. Hence'.

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Mallard moved in globo:

- That paragraph 2.115 be amended by omitting 'The Committee is not satisfied by these explanations. Hence we recommend that the government investigate and publicly report on the possible conflict of interest whereby a private firm has both provided advice regarding environmental impact statements and benefitted from work associated with the Warringah Freeway Upgrade.'
- That Recommendation 8 be omitted.

The Committee divided.

Ayes: Mr Amato, Mr Mallard, Mr Poulos

Noes: Ms Boyd, Mr Mookhey, Ms Moriarty

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Mallard: That paragraph 2.116 be amended by inserting at the end: 'The committee notes that the NSW Labor Opposition have announced their opposition to the Beaches Link as an election commitment.'

Resolved, on the motion of Ms Moriarty: That paragraph 3.90 be amended by inserting after 'in the EIS' after 'at both Sydney Harbour and Middle Harbour'.

Mr Mallard moved in globo:

- That paragraph 3.119 be amended by omitting ', ahead of March 2023,'.
- That Recommendation 12 be amended by omitting ', ahead of March 2023,'.

Question put and negatived.

Ms Moriarty moved in globo:

- That the following new paragraphs be inserted after paragraph 4.20:

Rozelle Parklands Working Group

The Rozelle Parklands is approximately 10 hectares of public parkland and open space. Transport for NSW's Rozelle Interchange project prepared an Urban Design and Landscape Plan for the site.' [FOOTNOTE: Transport for NSW, *Terms of Reference – Rozelle Parklands Working Group* (November 2020), p 1 <https://roads-waterways.transport.nsw.gov.au/projects/01documents/rozelle-parklands/rozelle-parklands-terms-of-reference-rozelle-parklands-working-group.pdf>.]

The Plan included provision for two sports fields and four multi-purpose courts within the Rozelle Parklands precinct ..., the Rozelle Parklands Working Group was established to determine the Rozelle Parklands' 'optimal end state to ensure that all perspectives are being considered'. [FOOTNOTE: Transport for NSW, *Rozelle Parklands Working Group* (25 January 2022), <https://roads-waterways.transport.nsw.gov.au/projects/rozelle-parklands/index.html>.]

An article in the Sydney Morning Herald reported the following about the Rozelle Parklands Plan:

The state government ditched several key elements of the Rozelle Parklands project recommended by its own expert working group, including an all-weather sporting field, tennis courts and street parking, leading to accusations the inner west has been short-changed.

...

The group – which was convened by Transport for NSW and reported to the transport minister – recommended a synthetic playing field to host year-round soccer, five-a-side soccer, Ultimate Frisbee, touch football and OzTag.

It recommended four multipurpose courts – two for tennis and two for basketball and netball – but only two will be built. The report also called for existing bike paths to be removed for car parking along the Lilyfield Road boundary.

[FOOTNOTE: Michael Koziol, "'Short-changed': Key sporting facilities scrapped from Rozelle Parklands plan', *Sydney Morning Herald*, 18 November 2022, <https://www.smh.com.au/national/nsw/short-changed-key-sporting-facilities-scrapped-from-rozelle-parklands-plan-20221116-p5byyg.html>.]

- That the following new recommendation, and associated committee comment, be inserted after paragraph 4.23:

Recommendation 14

That the NSW Government reinstate the original recommendations of the expert working group on the Rozelle Parklands.

The Committee divided.

Ayes: Ms Boyd, Mr Mookhey, Ms Moriarty

Noes: Mr Amato, Mr Mallard, Mr Poulos

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

Resolved, on the motion of Ms Boyd: That:

- The draft report as amended be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- The report to be tabled Monday 5 December 2022.
- The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

6. Adjournment

The committee adjourned at 3.29 pm, *sine die*.

Emily Treeby

Committee Clerk

Appendix 4 Dissenting statement

The Hon Shayne Mallard MLC, Liberal Party

The Hon Peter Poulos MLC, Liberal Party

The Hon Lou Amato MLC, Liberal Party

The NSW Liberal Nationals government members of the inquiry welcome the opportunity the inquiry provided to genuinely further consult communities and examine issues regarding the new Western Harbour Tunnel and Northern Beaches Link. The feedback from community groups and other stakeholders is valuable and informative. We thank them for participating.

However, given the inquiry chairman is also the Labor Opposition Shadow Treasurer with a party policy to cancel the Northern Beaches Link and a record of opposing all transport infrastructure projects developed by the Liberal Nationals government and he has in fact used his casting vote on every vote to defeat nearly all government amendments to balance the report recommendations and committee comments, this report must be considered politically biased on the eve of a state election.

We note the government announcements subsequent to this inquiry concluding and taking on board the genuine community feedback. The decision to deep bore the harbour crossing will go a long way to addressing the legitimate concerns expressed in the report regarding harbour contaminants and environmental threats.

The government notes the record investment in transport infrastructure across the state including public transport to the northern beaches and rejects the findings that public transport options were not considered in developing the two projects.

Specifically, the government members moved to delete or amend the two politically biased findings and specifically the following biased recommendations:

1. Recommendation 3. That the Northern Beaches Link not proceed. - This is clearly Labor party election policy that aligns with their record of opposing each and every major transport infrastructure project in NSW since the Liberal National government was elected in 2011.
2. Recommendation 4. The government members rejected as a political overlay and sought to amend noting the caretaker provisions and good governance measures in place.

The government proposed more balanced findings to replace the two Labor findings were defeated on the casting vote of the Labor chair and are:

1. That the NSW Government has implemented the most significant investment in holistic transport infrastructure in the history of NSW. This has included record investments in all aspects of public transport, combined with record investment in motorways to complete the stalled Sydney metropolitan motorway and public transport networks including proposed for the Northern Beaches.
2. That the Transport for NSW development partner model has delivered record public investment in both motorways and public transport for NSW taxpayers that otherwise would have entailed much higher public borrowings, debt and risk effectively delaying and

jeopardising the record growth of public infrastructure in NSW. At all times the government must act in the best interests of the taxpayers of NSW including achieving value for money.

Finally, the government rejects the last-minute inclusion of the Rozelle Interchange parkland as outside the terms of reference and not relevant to this inquiry and yet another illustration of the political bias of the report.

