

REPORT ON PROCEEDINGS BEFORE

PUBLIC ACCOUNTABILITY COMMITTEE

IMPACT OF THE WESTCONNEX PROJECT

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At Macquarie Room, Parliament House, Sydney on Wednesday 7 November 2018

The Committee met at 10.00 am

PRESENT

Reverend the Hon. Fred Nile (Chair)

The Hon. Greg Donnelly
Ms Cate Faehrmann
The Hon. Shayne Mallard
The Hon. Shaoquett Moselmane
The Hon. Dr Peter Phelps
The Hon. Lynda Voltz

The CHAIR: Welcome to the fourth hearing of the Public Accountability Committee's inquiry into the impact of the WestConnex project. Before I commence, I acknowledge the Gadigal people of the Eora nation who are the traditional custodians of this land. I also pay respect to elders past and present of the Eora nation and extend that respect to other Aboriginal persons present. Today the Committee will hear from the Department of Planning and Environment, Environment Protection Authority [EPA], the Chair of the M4 East Air Quality Community Consultative Committee and Roads and Maritime Services. I will now make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind members of the media that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing. I urge witnesses to be careful about comments they may make to the media or to others after they have completed giving their evidence as such comments would not be protected by parliamentary privilege if another person decided to take defamation action. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 14 days. I remind everyone here today that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I request witnesses to focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Witnesses are advised that any messages should be delivered to the Committee members through the Committee staff.

To aid the audibility of this hearing I remind both Committee members and witnesses to speak into the microphones in front of them. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who may have a hearing difficulty. I ask everyone to turn their mobile phones to silent for the duration of this hearing. Finally, I welcome the people seated in the public gallery. I remind everyone in the audience that this hearing is not an open forum for comment from the floor. We are here to hear only from the witnesses. Audience interruptions can make it difficult for witnesses to communicate with the Committee and for Hansard to record these proceedings. I now welcome our first witnesses from the Department of Planning and Environment, Environment Protection Authority and the M4 East Air Quality Community Consultative Committee. I ask each witness to state his name and position titles and swear either an oath or affirmation. As Mr Snow and Mr Ray have already sworn an oath at an earlier hearing they do not need to do it again today.

MARCUS RAY, Deputy Secretary, Planning Services, Department of Planning and Environment, on former oath

GLENN SNOW, Director, Transport Assessments, Department of Planning and Environment, on former oath

DAVID GAINSFORD, Executive Director, Priority Projects Assessment, Department of Planning and Environment, affirmed and examined

MARK GIFFORD, Chief Environmental Regulator, Environment Protection Authority, affirmed and examined

STEPHEN LANCKEN, Independent Chair, M4 East Air Quality Community Consultative Committee, affirmed and examined

The CHAIR: Do any of you wish to make a short opening statement?

Mr RAY: I do not.

Mr GIFFORD: No.

The CHAIR: We will commence with questions from Opposition members.

The Hon. GREG DONNELLY: I thank you all for coming along this morning. My first questions will be directed to the Department of Planning and Environment and will focus on the new M5 tunnels, which are part of the WestConnex project. When were the M5 tunnels originally approved? Can we have a date for when this part of the project was originally approved?

Mr RAY: Yes, we can. The M5 tunnels were originally approved on 21 April 2016. That was the approval for the entire—I am sorry, are you talking about the new M5?

The Hon. GREG DONNELLY: Yes, the new M5.

Mr RAY: The new M5 was approved on 21 April 2016.

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

Mr SNOW: Yes.

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

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

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

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

The CHAIR: Will you take the question on notice?

Mr SNOW: Yes.

The Hon. GREG DONNELLY: Were any of the three of you involved in dealing with the matter of those modifications in terms of the processing side of the department?

Mr SNOW: Yes.

The Hon. GREG DONNELLY: Right, that was you, Mr Snow. With respect to those modifications, do you know how many there were?

Mr SNOW: I do not recall the number off the top of my head. There have been modifications to all projects.

The Hon. GREG DONNELLY: What can you recall in terms of your work on any of those modifications?

Mr SNOW: I do recall that there was a modification clarifying the settlement requirements for the new M5 to make them more robust.

The Hon. LYNDIA VOLTZ: What does "settlement requirement" mean?

The Hon. GREG DONNELLY: What does that mean?

Mr SNOW: That is in relation to any potential movement in the ground as a result of tunnelling. We improved the criteria in relation to that movement.

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

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

The Hon. LYNDA VOLTZ: Other than settlement?

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

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

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

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

The Hon. GREG DONNELLY: Okay. With respect to the modifications, I understand that there were modifications approved on 30 August 2017, 14 November 2017, 7 December 2017, 5 April 2018, 30 April 2018 and 20 August 2018. There has been a total of six modifications to the original approval. With respect to those modifications, could you provide, on notice, details about who made the applications for those modifications; what the details were of the modifications; why they were made; and what the impacts of the modifications are? As far as you know, are there any more modifications being currently looked at or that have been foreshadowed with respect to the tunnels?

Mr SNOW: I am not aware of any in relation to the new M5. But there has just been a recent modification exhibited for the M4-M5 project.

The Hon. GREG DONNELLY: What does that provide for?

Mr SNOW: The current modification for the M4-M5 project is in relation to the relocation of the Darley Road site and changes to the Haberfield construction sites.

The Hon. GREG DONNELLY: In terms of the matter of these modifications, are you aware of the arrangement of the Roads and Maritime Services [RMS] indemnifying the Sydney Motorway Corporation for any extra costs associated with the modifications on this project?

Mr SNOW: No, I am not.

The Hon. GREG DONNELLY: That has not been raised in any discussions with the department?

Mr SNOW: I have no knowledge of those discussions.

Mr RAY: I have no knowledge of those matters at all. It has not been raised with me.

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

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

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

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

The Hon. GREG DONNELLY: I ask a question with respect to the matter of the costs or costings associated with the modifications. If we take, for example, Mr Snow, you spoke about one of the modifications that you were involved in. Did the matter of the actual costs of those modifications incorporated in the discussions about this whole thing, when the department sits down and talks about it with you?

Mr SNOW: Often the modifications are administrative so there is generally not cost involved but the costs of modifications do not form part of the assessment of the modification.

The Hon. GREG DONNELLY: When the RMS speaks to you about the proposed modifications for a part of a project, the cost of those does not form part of the discussions with the department?

Mr SNOW: No.

Mr RAY: It is not a matter that we look at and that we are entitled to look at or asked to look at under the legislation.

The Hon. GREG DONNELLY: But you are quite certain that the issue of the dollars is not discussed in the negotiations with you?

Mr RAY: Certainly, it has never been discussed in any negotiation with me or in any interaction with me.

The Hon. GREG DONNELLY: And is that the case with you, Mr Snow?

Mr SNOW: Yes, it is.

The Hon. GREG DONNELLY: I will move across to the Environment Protection Authority [EPA], if I could. The WestConnex project obviously has component parts. It is a very significant project. In terms of procedural complaints mechanism for aggrieved individuals, be they businesses or residents, when the EPA was brought into the fold originally to talk about the WestConnex project, was an overarching complaints procedure discussed and settled about how across-the-board complaints would be dealt with?

Mr GIFFORD: The EPA has a standard methodology and approach to accepting and responding to community complaints about any matter that it regulates. For the M5 and associated WestConnex projects that is no different. A member of the public can call the EPA on its 24-hour telephone line to lodge a complaint or concern or report about an activity or an impact. Those matters are recorded and passed on to the operational staff who then respond to each one of those.

The Hon. GREG DONNELLY: Sorry, the operational staff of whom would receive that complaint?

Mr GIFFORD: The EPA's operational staff would receive that complaint and respond to that complaint. Over and above that mechanism, there is also a requirement in each of the project licences for the licensee to have a complaints recording mechanism and to provide the outcomes of that on a daily basis to the EPA as well.

The Hon. GREG DONNELLY: With respect to this project and inquiry, have you been reading the Committee transcript for the inquiry and its three days of evidence thus far?

Mr GIFFORD: I have not read all of it, but I have—

The Hon. GREG DONNELLY: Have you familiarised yourself with it?

Mr GIFFORD: Yes.

The Hon. GREG DONNELLY: Have you paid particular attention to the evidence from aggrieved citizens and businesses about their concerns about matters to do with noise and dust and related matters?

Mr GIFFORD: Yes, I have.

The Hon. GREG DONNELLY: Did you note that there was some serious concern—repeated and repeated and repeated—and frustration with individuals feeling that their complaints were going round and round the mulberry bush, if I could describe it that way? What would happen is that there were phone numbers to call—and I am not talking about the EPA for the moment here; I am talking about the Sydney Motorway Corporation, or it could have been one of the contractors associated—and people found that there were unsatisfactory responses to their complaints, be that in a timely fashion or substantive to the nature of the complaint. Did you observe that?

Mr GIFFORD: I am aware of that, yes.

The Hon. GREG DONNELLY: With respect to those complaints—they have been quite regular and we have picked up some through the inquiry but there are also those that came through by submission—what has been the process of the EPA in bringing all of those complaints together to assess the aggregate level of complaint with respect to this huge project? What measures have you taken in examining the level of complaint across this project?

Mr GIFFORD: For every complaint that the EPA receives we have a response to it.

The Hon. GREG DONNELLY: They are the EPA complaints?

Mr GIFFORD: They are the ones that come directly to the EPA through our Environment Line. Then, as I said, there are also requirements in the licences for the licensees to record complaints and provide those to the EPA as well.

The Hon. GREG DONNELLY: Thank you for that. That information is obviously collected and held somewhere. The EPA directs complaints and those that are accounted to you in the way you described, via the

licence obligations. Can you provide them in a scheduled way to this Committee in terms of the numbers? Do you account for them in that way?

Mr GIFFORD: Yes, we can.

The Hon. GREG DONNELLY: Do you have any of the information—

Mr GIFFORD: There will be some work associated with extracting all of that, but we can do it.

The Hon. GREG DONNELLY: I appreciate that, but do you have any information with you today about numbers of complaints?

Mr GIFFORD: In a general sense, yes.

The Hon. GREG DONNELLY: Could you please let us know what numbers you have with you and we will follow it up with specifics if we need to?

Mr GIFFORD: I am referring to complaints made to the EPA. There have been 388 complaints made to the EPA.

The Hon. GREG DONNELLY: Just to be clear, we are talking about the WestConnex project.

Mr GIFFORD: Yes.

The Hon. GREG DONNELLY: That is what we are talking about. We are not specifically talking about individual component parts but the overall project. Are those numbers you are giving us all of them?

Mr GIFFORD: That is correct, although I would qualify by saying that in respect of the licences that we have issued for those projects.

The Hon. GREG DONNELLY: So that we are all very clear about it, there are 300 and they are direct complaints?

Mr GIFFORD: There are 388.

The Hon. GREG DONNELLY: There are 388. Have they been direct complaints?

Mr GIFFORD: Yes.

The Hon. GREG DONNELLY: They are followed up through your normal procedures that you have in place?

Mr GIFFORD: That is correct.

The Hon. GREG DONNELLY: Which are preformed procedures. What about complaints that have come through via the licensing provisions?

Mr GIFFORD: We make an assessment of those as well. Often they are to do with the same matters that we are already aware of because we have that information come to us through the Environment Line mechanism and our own internal processes.

The Hon. GREG DONNELLY: So you are saying there can be some overlap?

Mr GIFFORD: With many of the complaints there is a lot of overlap.

The Hon. GREG DONNELLY: With respect to those that have come via the provisions within the licence, how many of those have there been?

Mr GIFFORD: I do not have that information with me today, but I can provide that.

The Hon. GREG DONNELLY: If you take that on notice. With respect to the provision of that information to you via the licence, does that licence apply specifically to individual contractors?

Mr GIFFORD: Yes, it does. The licence is issued to the contractor who is undertaking the work for the particular stage or project, as we would refer to it. In some cases that is an individual contractor, in other cases it is a joint venture.

The Hon. GREG DONNELLY: With respect to the level of specificity that they have to provide you via the licence provision, what do they have to tell you as part of this licence condition?

Mr GIFFORD: I can provide the Committee with the specifics, but in general terms it is the complaints received on the day, the nature of the complaint—

The Hon. GREG DONNELLY: They are meant to be logging these on a daily basis so they should be providing to you details of numbers on the day?

Mr GIFFORD: Yes, that is correct. The information of the complainant, so name and address, that kind of thing; the nature of the complaint; the types of activities that the complaint referred to; and the actions taken as a result of that—generally the kind of thing that we would require under each of those licences.

The Hon. GREG DONNELLY: For each of those licences, are you able to provide on notice the detail of what you have just described for the WestConnex umbrella project? I appreciate that will take some work, but we are looking to get a very clear picture because the evidence we have been provided with, and I accept it is from people who are complaining, but we are just wondering if this is the tip of the iceberg in terms of understanding the size and dimension of the concerns, particularly around noise and dust?

Mr GIFFORD: Yes. The matters that are reported to the EPA or that we require through the licence are those that are in the EPA's remit, of course, to do with other complaints and projects.

The Hon. GREG DONNELLY: That would be noise and dust?

Mr GIFFORD: Noise, dust, odour predominantly.

The Hon. GREG DONNELLY: With respect to work at night, where does that fit into the scheme of things? If a contractor was doing work late at night or early in the morning, would that fit within a breach that would be expected, or is that somewhere else?

Mr GIFFORD: There are licence conditions associated with hours of work during the day and outside of those hours as well. Those conditions reflect the conditions of the infrastructure approval. The licences specify the hours that construction activities can occur during the day and then set the requirements for approved outside-of-hours activities, and then outside of that there are processes through which the licensee can negotiate with the EPA about changes to those, if necessary, due to road closures or safety issues, or things of that type.

The Hon. GREG DONNELLY: One of the constant themes in the complaints that we have both in respect of oral evidence and submission is that a matter occurs, they need it attended to because it is, in real-time, right there, but they cannot get action taken. In other words, it is reported but there are no boots on the ground, so to speak, to immediately attend to dealing with the complaint. I have examples that have come in over the last 48 hours, knowing this hearing was on, and I am sure other members have received emails with attached audio and video clips of works being done, noise, dust, et cetera. People are saying it is still going on.

There have been three days of hearings. The complaints are there. People are complaining "It has now been put to the inquiry but we cannot get action taken to deal with these complaints in a timely fashion. We ring up and get the runaround or, in some instances, we do not hear back at all." I am not directing this to the EPA, I am talking about the complaints procedure for this huge project. Is the EPA satisfied that the addressing of complaints associated with these matters are being dealt with effectively and efficiently and in a timely fashion?

Mr GIFFORD: I am satisfied that the matters that we are aware of are dealt with effectively and efficiently. If they are not, I am quite willing to look into any of those matters personally to determine what may or may not have occurred. I would encourage any member of the public to contact the EPA if they are experiencing a lack of response from any of the contractors or companies undertaking the works as part of the overall projects.

Ms CATE FAEHRMANN: I have a question, first, to the EPA. This is in relation to your submission. This is a submission to the EIS for the M4-M5 Link. There was a planning request for EPA comment. This letter is dated 16 October 2017. This is when the EPA expressed serious concerns about the lack of detail in the EIS. Are you aware of that, Mr Gifford?

Mr GIFFORD: Not the specifics of that particular response you are referring to but, in a general sense, yes.

Ms CATE FAEHRMANN: It states in the letter that the EPA considers that the impacts of the project have not been fully quantified and the EPA cannot determine whether mitigation measures proposed are appropriate. Can you explain or elaborate why this was an issue? This was a letter signed by your "Regional Director, Metropolitan".

Mr GIFFORD: Not without looking at the detail of the response. What I would say is that that is not unusual for the EPA to raise concerns about information that has been provided to us through an EIS process for any matter that we assess and, as a result of that, we have correspondence and engagement with, in the first instance, the Department of Planning, and then work through what we feel is necessary and required in order for us to make a final assessment to go towards the determination.

Ms CATE FAEHRMANN: There was another correspondence sent to you, Mr Snow. This correspondence was the submissions and preferred infrastructure report [SPIR] and draft conditions of approval, again, by the "Regional Director, Metropolitan", dated 21 February 2018. It says that the EPA notes that the proponent has addressed some of the EPA's concerns in relation to water, air, noise and contamination to the SPIR, but reiterates its previous advice that all impact should be assessed in detail during the environmental impact assessment rather than under post-approval management plans. Several times the EPA has expressed concerns that not enough detail has been provided. Mr Gifford, surely you are aware of that?

Mr GIFFORD: Yes, but there are further stages in the development assessment process that follow that.

Ms CATE FAEHRMANN: Mr Snow, NSW Health also raised similar concerns about this part of the process, that not enough detail was provided. Are you aware of this submission?

Mr SNOW: I am aware they made a submission. I cannot recall the exact detail, though.

Ms CATE FAEHRMANN: They made a submission in relation to noise. Again, they are concerned about the cumulative impact of noise on people's health and that, again, not enough mitigation measures were provided in that early stage?

Mr SNOW: Following on from my EPA colleague, we consulted further with the EPA and Health on noise issues and the department also shared the concern about cumulative impacts.

Ms CATE FAEHRMANN: What does that consultation look like, when you say you consulted with Health and EPA?

Mr SNOW: It is generally meetings with those agencies.

Ms CATE FAEHRMANN: Several meetings?

Mr SNOW: Yes, there could be several meetings as we work through the issues.

Ms CATE FAEHRMANN: Who is in those meetings?

Mr SNOW: It would be me and my staff looking after those projects, depending on what issues are being discussed and representatives from the agencies.

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

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

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

Mr SNOW: WestConnex and other projects broadly.

Ms CATE FAEHRMANN: What other projects?

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

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

Mr GAINSFORD: May be if I could help to answer that question. The Department of Planning often considers State significant infrastructure projects, as Mr Snow is referring to. It is a common practice for those projects to be at a relatively conceptual level by the nature of the large linear projects and certainly our experience is with Light Rail and the Sydney Metro projects, and a number of projects that have across the department's desk over the years. The detail that we had for WestConnex was commensurate with those projects.

Ms CATE FAEHRMANN: They are essentially approved without the detail in terms of the impact on residents, which is what we have heard so much about during this inquiry. The impact on residents. The key departments in relation to health and environment are suggesting that they do not know enough detail to be able to mitigate the effects of impacts of this vast project, and it is still approved. Do you see an issue with that?

Mr GAINSFORD: I can add to what Mr Snow was talking about. There is also a process that occurs after we received that correspondence from the Environment Protection Authority [EPA].

Ms CATE FAEHRMANN: It is a continuing approval process.

Mr GAINSFORD: As an example, there are draft conditions that the department consults with those agencies about as well. We get feedback on those draft conditions. In the case of the M4-M5 there was a lot of attention paid to some of the issues that have been raised as part of the earlier stage of the WestConnex around cumulative issues, construction fatigue and there are conditions that address those matters directly.

Mr RAY: In relation to noise, for example.

Ms CATE FAEHRMANN: My colleague the Hon. Greg Donnelly said, we are still hearing from residents who say that they are still being subjected to noise years on. They are still communicating with the committee. Literally overnight the committee received another video from frustrated residents.

Mr RAY: I would also add that if any resident feels that the action is not being taken—

Ms CATE FAEHRMANN: Many, many.

Mr RAY: Absolutely. Obviously they can make a complaint to the EPA. The department is also ready to receive any complaint if they feel their concerns are not being addressed. What we did do and what I can say in relation to the M4-M5 is that we did, in fact, specifically consider the issues that had come up out of the first two major projects the M4 and the new M5. We put in a range of additional measures requiring not only a complaints mediator that sits above the top of the RMS/SMS internal complaints management system so that complaints could be mediated, but we also established a requirement for an independent acoustics adviser. We have attempted to address those in response—

Ms CATE FAEHRMANN: I have limited time. I am sorry to interrupt.

Mr RAY: No, that is fine.

Ms CATE FAEHRMANN: Mr Gifford, when did the EPA first become aware of the foul odours coming from the Alexandria landfill site? This is back in 2017, I believe.

Mr GIFFORD: I am not entirely sure of the exact date. I would have to take that on notice. But I can give you a general sense—

Ms CATE FAEHRMANN: You issued a prevention notice for the first time roughly 27 March 2017. I will help you out.

Mr GIFFORD: Yes, thank you.

Ms CATE FAEHRMANN: For how long did those odours last? How long did the residents experience those odours?

Mr GIFFORD: It went over several months. The EPA was responding to the complaints about those odours.

Ms CATE FAEHRMANN: Possibly three to four months. Is that correct?

Mr GIFFORD: Yes.

Ms CATE FAEHRMANN: You have heard about residents having to stay indoors, feeling nauseous?

Mr GIFFORD: Yes.

Ms CATE FAEHRMANN: School students having to be shut inside the school?

Mr GIFFORD: Yes.

Ms CATE FAEHRMANN: Parents not sending their kids to school because they were sick? Lots of different awful impacts from residents? I assume you received hundreds of complaints?

Mr GIFFORD: Correct.

Ms CATE FAEHRMANN: Why did it take so long for the EPA to act?

Mr GIFFORD: We acted immediately.

Ms CATE FAEHRMANN: Why could you not stop the odour?

Mr GIFFORD: There were challenges. We were working with the company to understand the source of the odour.

Ms CATE FAEHRMANN: You realised it was emanating from the landfill site, correct?

The Hon. Dr PETER PHELPS: Point of order: The witness is trying to answer the question and is continually being interrupted. He should be allowed to answer the question.

The CHAIR: Ms Cate Faehrmann is trying to ask her questions and answers.

Ms CATE FAEHRMANN: Is it correct it was emanating from the landfill site?

Mr GIFFORD: That was where we thought it was emanating from. We needed to prove that source.

Ms CATE FAEHRMANN: Why did you not issue a stop work order at any stage?

Mr GIFFORD: There was no need to issue a stop work order. We do not have a power to issue a stop work order as such.

Ms CATE FAEHRMANN: Is it correct that is because it is critical State significant infrastructure?

Mr GIFFORD: Yes, but also because we can deal with these issues through other means—

Ms CATE FAEHRMANN: Clearly you could not—

Mr GIFFORD: In terms of addressing the way the activity is being undertaken, the mitigations that are being put in place, the responses that are being made to any particular issues that arise post those mitigations. In this particular case there were periods of quite heavy wet weather during those months and the source and type of odour was changing. We undertook many inspections of the premises on-site, around the perimeter and in the area. We spoke to many of the residents to understand exactly what they were experiencing, when they were experiencing those odour impacts and how they were.

So in order to identify the source, pin it down and work out what was the nature of the activity that was occurring, that was leading to the source of that odour. As a result of all of that work we then launched a prosecution against the contractor, CPB Contractors, which is still in court at the moment, with a number of charges alleging that they undertook activities that caused odour impacts on residents. There are four charges against the company that pleaded guilty to those charges and we are awaiting a sentencing hearing.

The Hon. SHAYNE MALLARD: What were CPB Contractors doing?

Mr GIFFORD: CPB Contractors is the company that is undertaking the St Peters interchange project.

The Hon. SHAYNE MALLARD: To whom are they contracted?

Mr RAY: I think they are contracted to SMC.

The Hon. SHAYNE MALLARD: The committee was told the odour was coming from the tip. Is it more complex than that?

Mr GIFFORD: It is complex because on that site there is an historic landfill, that is correct. The nature of the activities, the stages it was at, the weather conditions and the former landfill elements all create and interact in ways that were creating the odour, in our view.

The Hon. SHAYNE MALLARD: Residents have told the committee there were good days and bad days. Is that correct?

Mr GIFFORD: That is correct.

The Hon. SHAYNE MALLARD: That was subject to what was going on in construction activity at the interchange?

Mr GIFFORD: Yes, we were raising the issues as they were coming to us through complaints by responding to them and engaging with the company. The company was also taking actions to address the odour but they did persist and the challenge was then to try to pin down exactly why that was happening.

The Hon. SHAYNE MALLARD: It is a very serious matter. We were told that a schoolteacher would not allow children in the playground on some days. That is pretty serious.

Mr RAY: Yes, it was. That was why we took the prosecution against the company.

The Hon. SHAYNE MALLARD: I am surprised that it took three to four months to resolve it.

Mr RAY: Odours are very challenging matters to resolve in any circumstance. This is a particularly complex one, but in any circumstance odours are challenging.

The Hon. SHAYNE MALLARD: When you advised the Department of Planning and Environment in terms of the conditions of the construction, did you not foresee that extracting putrefied waste that has been buried might have presented a serious issue with odour and health?

Mr RAY: I do not know the details, but my recollection is that those matters were raised at the time of the response from the EPA to the impact assessment process.

The Hon. Dr PETER PHELPS: Mr Lancken, you said you were the chair of another body other than the M4 East AQCCC.

Mr LANCKEN: The M4 East AQCCC; the new M5 has an AQCCC as well.

The Hon. Dr PETER PHELPS: Essentially, are they doing the same job?

Mr LANCKEN: Essentially.

The Hon. Dr PETER PHELPS: I want to raise issues that have been asked in relation to quality of air and air vents from the tunnels under the proposed roads. Is that your area of expertise?

Mr LANCKEN: No.

The Hon. Dr PETER PHELPS: Who is responsible for that?

Mr LANCKEN: I do not know. It would be better for the people from planning and the EPA to answer that question. I facilitate a process; I am not an expert on these issues.

The Hon. Dr PETER PHELPS: What does the air quality community consultative committee discuss, if it is not discussing the airflow out of proposed tunnels?

Mr LANCKEN: Sorry, that is a very broad question; I do not know what you mean. It discusses a number of things that are set out in the conditions of approval. Its remit is reinforced in the terms of reference of those committees, both of which you have available to you on websites.

The Hon. Dr PETER PHELPS: If a member of the community has a concern about the potential health effects of air to be emitted from exhaust chimneys or air vents under the proposed scheme for the M4-M5, would they come to your committee?

Mr LANCKEN: They might, but dealing with complaints is not my remit.

The Hon. Dr PETER PHELPS: Do you deal with the quality of air in the tunnel for drivers?

Mr LANCKEN: What do you mean by "do you deal with"? I have no control over the tunnel and the quality of air in the tunnels. We discuss those issues. It is a consultative committee.

The Hon. Dr PETER PHELPS: Yes, but I wonder what you consult about if you are not consulting about the quality of air.

Mr LANCKEN: We do consult about those issues.

The Hon. Dr PETER PHELPS: For the construction process only or prospectively into the future once the construction is completed?

Mr LANCKEN: Both.

The Hon. Dr PETER PHELPS: If someone were to raise with you technical concerns that the level of particulate matter coming out of the tunnel air vents, once the M4 and M5 are constructed, would be deleterious to their house or their local community, would your committee discuss that matter?

Mr LANCKEN: That person's individual complaint?

The Hon. Dr PETER PHELPS: Yes.

Mr LANCKEN: No.

The Hon. LYNDIA VOLTZ: It is a very strange community consultative committee then.

Mr LANCKEN: I do not understand the comment.

The Hon. SHAYNE MALLARD: What is the role of your committee then?

Mr LANCKEN: The proponent is obliged to monitor air quality for a period of 12 months prior to the tunnel being opened.

The Hon. Dr PETER PHELPS: So benchmark studies?

Mr LANCKEN: They are benchmark studies. The proponent is also obliged to measure air quality for two years after the tunnel is opened at the very same air quality monitoring stations. In relation to the question, one of the roles of the community consultative committee is to examine the results of that air quality monitoring pre- and post-construction. Certainly, the impacts of any air quality degradation are matters about which the community was consulted. If there was degradation, that is where they would see it, because they would have the preoperational and post-operational air quality data.

The Hon. SHAYNE MALLARD: Are you publishing that data?

Mr LANCKEN: The proponent in those cases, I think, was SMC. The proponent is obliged to publish that data live on its website.

The Hon. Dr PETER PHELPS: Yes, they put it live on their website. The complaint is the complexity of the site is such that ordinary members of the public are not able to adequately assess the data that is being provided.

Mr GAINSFORD: I can perhaps add to the answer. The approvals for each one of the WestConnex projects has a range of air quality requirements, both in terms of monitoring and feedback from the community. Both in-tunnel and external requirements need to be met; there are some limits that have been set. Also, there is a range of monitoring requirements that are established as part of those approvals. The air-quality community consultative committee has a role in verifying that those conditions are being met and also has a role in looking at the monitoring locations.

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

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

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

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

The Hon. Dr PETER PHELPS: I have no problem with that; I think it is an excellent suggestion to get benchmark studies up, because the argument that has been raised relates to the potential impact once the tunnel is opened. If you have benchmarking studies that indicate lower levels of particulate matter after the introduction then that will largely dissipate any legitimate criticisms of air quality. Whether that occurs or not is a different matter, which leads to my next question. I presume I am asking the EPA or the Department of Planning and Environment: Have any of the assessments being done on the dissipation, particularly of particulate matter, via the proposed exhaust vents led to a concentration within those areas, or is it likely, given the height of those exhaust vents, that dissipation will have a negligible effect on particulate matter levels at ground level? Do you have any information on those levels?

Mr GAINSFORD: Yes, certainly the modelling results from each one of the infrastructure approvals for WestConnex is a result of a detailed assessment at point sources right around the ventilation facilities for each one of those projects. You are right in drawing the conclusion that the conclusion of those modelling results is that there is a negligible impact from those vents.

The Hon. Dr PETER PHELPS: Are those modelling results available?

Mr GAINSFORD: Yes, through the impact assessment process, all those modelling results are available.

The Hon. Dr PETER PHELPS: Was that modelling done by the proponent or the department?

Mr GAINSFORD: That modelling result is part of the environmental impact statement, so it is done by the proponent. I can add that there is a series of checks that the department goes through as part of the process. We seek advice from the Advisory Committee on Tunnel Air Quality. We also seek advice from NSW Health and the EPA. We also employ our own independent consultant to review the modelling results and to verify that those results are accurate.

The Hon. Dr PETER PHELPS: What is the view of your independent consultant?

Mr GAINSFORD: The view of the independent consultant for each one of those approvals has been that the modelling has been accurate.

The Hon. Dr PETER PHELPS: This is quite important: The assessment of the department, based on the proponent's submission and your own independent assessment of that is that the level of pollution, in particular particulate matter, in the surrounding area will be lower than currently exists?

Mr GAINSFORD: It is not possible for me to say that in all point sources, because obviously there are a number of locations that the air quality modelling considers.

The Hon. Dr PETER PHELPS: I will make it easier for you. The argument that has been used to criticise this is that at the current time you have a level of particulate matter from surface traffic but that is spread out over a wide area. Therefore, individual concentrations in particular areas, while undesirable—of course, a lot of these residents do not like cars and trucks at all—are spread out over a wide area. Whereas with the creation of these exhaust vents what you will have is, particularly within 250 metres of the exhaust vents, significantly higher levels of particulate matter because you are concentrating the entire length of the carriageway, which would have normal dissipation at ground level and putting it up a chimney. Therefore, within 250 metres of those areas there will be higher levels of pollutant in the community.

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

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

Mr GAINSFORD: It obviously varies between projects and locations.

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

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

The Hon. Dr PETER PHELPS: Given that there is to be, as you said, a "negligible" increase but an increase in certain areas, is there an argument in that instance for the introduction of scrubbers or some form of technology to reduce the level of pollutants?

Mr GAINSFORD: The department has based its assessment on the basis of independent advice and the expert advice that we have received—that is, on the basis of the proposals that have been put to us, which do not include those types of scrubbers and those types of facilities but to protect against future technological advances and issues that may occur if the modelling is not actually seen as being accurate. There is also a condition which is part of each one of those infrastructure approvals, which requires the ability to actually retrofit those tunnels.

The Hon. Dr PETER PHELPS: So they could be retrofitted if the modelling does not coincide with the observed post-construction emissions regime?

Mr GAINSFORD: That is correct.

The Hon. SHAYNE MALLARD: Is the ability to retrofit unique to these tunnels or have they all been built that way?

Mr GAINSFORD: It is something that we have actually put as a requirement on tunnels I think since the NorthConnex assessment.

Mr SNOW: It goes back to the Lane Cove Tunnel.

The Hon. Dr PETER PHELPS: Probably since the original M5?

The Hon. LYNDA VOLTZ: No. I think you will find it is from the M5 East and, please correct me if I am wrong, after 2011 one was actually fitted, was it not?

Mr GAINSFORD: There was a trial that was done—and, again, I am not an expert in air quality—on the M4 East, that is correct. Sorry, the M5 East.

The Hon. LYNDA VOLTZ: And it was removed? Is that correct?

Mr GAINSFORD: That is my understanding.

The Hon. SHAYNE MALLARD: Mr Gifford, the Government has announced that there will be an annual licence for stacks. I am obviously interested in how that will impact on this project but across the board how is the EPA going to be operationally managing that process?

Mr GIFFORD: That is correct: The Government has announced that the EPA will be the regulator of ventilation systems from tunnels. We are currently working through how that will work in practice and what the requirements will be for each of the motorway operators with respect to the license requirements. In a general sense it will follow, I guess, the logic that has just been outlined by my planning colleague: The stacks have requirements in the development consent to meet specific standards and concentrations. The modelling determined what that should be, and the ongoing monitoring will determine whether or not that is being met. That is what the EPA will be looking at.

The Hon. SHAYNE MALLARD: This is on the WestConnex and then historically because it is retrospective.

Mr GIFFORD: It will be retrospective as well. So it will be current tunnels that have ventilation facilities with stacks—so it is the ventilation facility and the stack—that is being licenced and regulated by the EPA and future ones as well.

The Hon. SHAYNE MALLARD: What would you do if it is shown to be not complying?

Mr GIFFORD: We would approach it in the way that we approach these issues with any other regulated entity—that is, to understand the nature of what is occurring, why it occurred, and require the operator to provide us with the evidence of that. We would assess that evidence and then make a determination about the action we would take with respect to that. That might be requiring them to undertake certain activities in different ways or it might be to undertake what we call a "pollution reduction" program, which is a sort of benchmark study to determine what has happened, why it is happening, and then what retrofitting or mitigation strategies might be needed post that.

The Hon. SHAYNE MALLARD: Is that a transparent process that the public can participate in?

Mr GIFFORD: Yes. Any change to an environment protection licence condition that has not been subject to consultation through a development consent-type process we are required to make publicly available and invite public submissions to it. The public can, and do, provide us with submissions to our environment protection licences at any time. Environment protection licences can be varied at any time, after assessment by the EPA, and then on occasion we do proactively seek that engagement as well.

The Hon. SHAYNE MALLARD: I put it to you that the public will be looking to the EPA as the honest policeman on the beat on this one. The public are very concerned about emissions from stacks—that goes back many years, not just this project—so that will put a lot of pressure onto your organisation to be transparent and consultative.

Mr GIFFORD: I am quite aware of those expectations and we are planning for that.

Mr RAY: Dr Phelps, I can answer one of your earlier questions. You asked how many monitoring stations have been established on the M4 East. The answer is, six. They are at Haberfield Public School; Ramsay Street, Haberfield; Concord Oval, Concord; St Lukes Park, Concord; Powells Creek, Homebush; and Allen Street, North Strathfield.

The Hon. Dr PETER PHELPS: Presumably there will be similar stations on the M5?

Mr RAY: Yes.

The Hon. Dr PETER PHELPS: And comparable numbers of six or so? Or is that to be determined?

Mr GAINSFORD: There would usually be at least location next to each ventilation outlet.

The Hon. Dr PETER PHELPS: Mr Gifford, just to confirm, the Rozelle air quality monitoring station is up and running?

Mr GIFFORD: That is my understanding. The EPA does not run the statewide ambient air monitoring network, the Office of Environment and Heritage does, but it is my understanding that that particular station is up and running.

The Hon. Dr PETER PHELPS: And that is currently showing all air quality in the very good range, bar particulate matter in the good range. Sorry, I should not have asked you that question as I am looking at it.

Mr GIFFORD: That would be my expectation as we know from the quite extensive ambient air quality monitoring network in New South Wales, particularly in the Greater Sydney Metropolitan Area, that air quality in Sydney is generally good to very good.

The CHAIR: Mr Gifford, you gave the number of complaints as 388?

Mr GIFFORD: I did.

The CHAIR: Can you provide the Committee with the categories of those complaints or do you have them now?

Mr GIFFORD: Only in a general sense, but I can do that on notice as well. I think they are largely noise, dust and there was a significant number associated with an odour issue at the M5 East—St Peters interchange.

The CHAIR: I was after the number of complaints in each of the categories?

Mr GIFFORD: I will have to take that on notice.

The CHAIR: Is there any liaison between you and the consultative committee if there are complaints about air quality? Mr Lancken, do you get that detail from Mr Gifford?

Mr LANCKEN: Details of complaints, not at this stage. That may occur when the tunnels are opened but not at this stage.

The CHAIR: So you are not getting complaints?

Mr LANCKEN: It is not my role to take complaints. It is my role to conduct the committee in accordance with the conditions of approval and the terms of reference that have been published.

The CHAIR: If there are complaints about air quality, would they not be referred to you?

Mr LANCKEN: No. They are referred to the EPA, is my understanding.

The CHAIR: I meant to get from you the community response or involvement. How does the community get involved if it is a community consultative committee? How do you consult with the community then?

Mr LANCKEN: There are members of the community appointed to that committee and they consult in relation to the outcomes of the air quality monitoring that come from the monitoring stations that the proponent is obliged to put in place.

The CHAIR: Nothing is coming directly to your committee?

Mr LANCKEN: Not at this stage, no, not complaints. They would go to the EPA, as I understand it.

The CHAIR: Do they consult with you?

Mr LANCKEN: The EPA?

The CHAIR: Yes.

Mr LANCKEN: They do not have an obligation to consult with me.

The CHAIR: They do not consult with you or give you any information?

Mr GIFFORD: Could I add to that?

The CHAIR: I am trying to work out how the liaison works between the EPA and the committee.

Mr LANCKEN: No, there is no obligation for the EPA to be part of my committee.

Mr GIFFORD: EPA staff do attend the consultative committees and are there to answer community questions provided by us and have provided presentations to the community as well, both in terms of Mr Lancken's committee, but also others, like the one operated by the Inner West Council.

The CHAIR: The consultation occurs through the EPA members being present at the committee meeting?

Mr GIFFORD: From the EPA perspective, that is just one avenue of consultation. We consult directly with complainants, committee members, who provide reports to the EPA directly. We engage through the established community consultative committees and in any other way that the community would wish us to be present and provide advice, respond to issues. We endeavour to be as open and transparent as we can and work with the community and individuals through these projects and any other that we are involved in.

The CHAIR: How many EPA staff would be at the meeting, would you have at least one or two?

Mr GIFFORD: At least one, sometimes more.

The CHAIR: You have to liaise on the meeting dates as well so you know exactly when the committee is meeting?

Mr GIFFORD: Correct. We know when the meetings are occurring.

The CHAIR: We have always had questions about the exhaust vents and their locations, are there still efforts made not to locate those vents near schools where children may be in large numbers?

Mr GAINSFORD: Largely the location of ventilation facilities is a matter for RMS, as part of their proposal. Typically, as I understand it, RMS look to locate ventilation facilities as close as possible to the portals of those tunnels, but I know they also take into account the surrounding land uses as well.

Mr RAY: But importantly, the assessment of the impacts of those ventilation facilities through the process of the planning assessment. Obviously we are keen to ensure that the air quality that comes from those ventilation facilities is ticked off by Health and the independent air quality committee and our own independent peer reviewer, as acceptable and meeting health standards, whether they are located 500 metres from a school or a kilometre from a school.

The CHAIR: You are saying RMS have the responsibility to locate those stacks. Do they have to get advice or approval from some other body, such as the EPA?

Mr GAINSFORD: I am not sure in terms of what the RMS's process is for the exact location of those ventilation facilities. Perhaps they do have conversations with NSW Health and others.

The CHAIR: You are not involved in discussing it with RMS?

Mr GAINSFORD: No, I am not.

The CHAIR: They do not ask you for feedback?

Mr GAINSFORD: Not at the point where they are developing the proposal and in terms of where the ventilation facilities are, no.

The CHAIR: Have you had the opportunity to look at where the stacks have been located or will be located, and do you have any view on that as to whether they are suitable locations?

Mr GAINSFORD: Yes. As Mr Ray was saying, certainly as part of the impact assessment process we definitely consider the location of those ventilation facilities and we would go through the process of getting that independent advice to verify that those facilities are not having the detrimental impacts on any of those receivers, be they schools or residents.

The CHAIR: And RMS would take notice of your views? Or do they act pretty well independently?

Mr GAINSFORD: No. Ultimately, to be able to start constructing their project they need to get an infrastructure approval for those projects. So, yes, we are definitely an important step in the process.

The CHAIR: There have been some discussions about the length of the new tunnels that are being built. I think one is a kilometre long. What is the length of the longest tunnel?

Mr GAINSFORD: Off the top of my head, I know some of the tunnels—I think the M4 to M5 tunnel is 7.6 kilometres long.

The CHAIR: How long?

Mr GAINSFORD: From memory, 7.6 kilometres. Some of the tunnels are quite lengthy.

Mr RAY: The new M5 would be about as long as that as well. The M4 East is shorter.

The CHAIR: My question then is: Has the length of those tunnels created special problems? I do not know what the solution would have been, if there were shorter tunnels. Has the length created problems with air pollution, the number of stacks needed, and so on?

Mr RAY: No. The assessment has shown that the standards—whether it is for dust or air or what have you—are within the acceptable health limits. That is the ultimate finding of the assessment. The independent advice from the EPA, Health, the Chief Scientist and Engineer's chaired air quality committee, and our own independent reviewer, is that on the modelling those standards will be met.

The CHAIR: Because construction has been undertaken, were there lengthy discussions about another option to have above-ground roadways, rather than tunnels? Were tunnels always the first option?

Mr RAY: I am not aware of any discussion to put an elevated roadway as an alternative. When the original concept for WestConnex was proposed there was a cut and cover proposal, or a cut and half-cover proposal, if I can call it that, which would have the motorway in a slot.

The Hon. SHAYNE MALLARD: Like South Dowling Street.

Mr RAY: Which would be partly open to the air.

The Hon. LYNDA VOLTZ: No, it is Parramatta Road.

Mr RAY: On Parramatta Road, but that was not proceeded with.

The Hon. SHAYNE MALLARD: No, but like South Dowling Street.

Mr RAY: Certainly, by the time any application came to the department, it has always been a question of a tunnel, because obviously that creates a lot less disruption. The construction then is focused on the portals and any other entry point, so it is much more limited than would be an above-ground or a sunken tunnel.

The Hon. LYNDA VOLTZ: Mr Snow, as you completed the transport assessments, the original EIS for the M5 section of WestConnex showed that once the tolls are placed on the tunnels that would reduce the number of cars using that section of WestConnex, even with the new tunnels. That is correct, is it not?

Mr SNOW: I was not directly involved with the new M5 assessment, but I can advise that the tolling forms part of the traffic modelling that forms part of the EIS.

The Hon. LYNDA VOLTZ: That is right. What does tolling do to the traffic that uses the motorways when they are first installed?

Mr SNOW: I am not a traffic modeller, so I cannot directly answer that question.

The Hon. LYNDA VOLTZ: That was not part of the assessment process?

Mr SNOW: Yes. It incorporates the toll as part of the traffic model.

The Hon. LYNDA VOLTZ: So, did it show that there would be an impact on surrounding streets around motorways as part of the traffic assessment? Or is that not a part of the process?

Mr SNOW: Are you talking about the new M5?

The Hon. LYNDA VOLTZ: The new M5 and the M4 East.

Mr SNOW: As I say, I cannot answer directly in relation to the M5. I was involved with the M4-M5 project and the project does identify changes in traffic in surface streets.

The Hon. LYNDA VOLTZ: And that was an increase?

Mr SNOW: It changes, depending on where the location of the street is

Mr RAY: Sometimes it is an increase.

The Hon. LYNDA VOLTZ: And what about the impacts of part of the construction on surrounding suburbs and increases? Is that part of the assessment as well?

Mr SNOW: Yes, it is.

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

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

The Hon. LYNDA VOLTZ: If you could, because I am surprised that for what is a major shopping precinct in that region of Sydney one of the two access roads has been reduced, causing bank-ups. Mr Gifford, you said that at the time of the EIS process the EPA raised issues about undertaking construction on a former brick pit that was landfill. Is that correct?

Mr GIFFORD: That is my recollection, yes.

The Hon. LYNDA VOLTZ: That would be because a capped landfill, once you disrupt the cap it creates a number of risks, does it not?

Mr GIFFORD: And challenges, yes.

The Hon. LYNDA VOLTZ: So odour would not be unexpected from that site.

Mr GIFFORD: That is correct.

The Hon. LYNDA VOLTZ: Do you know if the public was informed of that at the time?

Mr GIFFORD: I do not know the answer to that, but the planning process, the EIS process, the EPA's response to the EIS and the response to submissions from the public and the proponent were all publicly available.

The Hon. LYNDA VOLTZ: You have representatives of the EPA on the community consultative committee.

Mr GIFFORD: No.

The Hon. LYNDA VOLTZ: You attend.

Mr GIFFORD: Yes.

The Hon. LYNDA VOLTZ: The way the community consultative committee is effectively working is to funnel the information that they are receiving from the proponent to community organisations such as the Inner West Council and community representative groups. Would that be correct?

Mr GIFFORD: That is my understanding.

The Hon. LYNDA VOLTZ: They have shown in their last minutes that there has been a gradual increase in some levels of pollutants for the first six months. Are you aware of that finding?

Mr GIFFORD: Are you referring to air pollutants?

The Hon. LYNDA VOLTZ: Yes.

Mr GIFFORD: Yes.

The Hon. LYNDA VOLTZ: And that would be NO₂, would it?

Mr GIFFORD: That is my recollection, yes.

The Hon. LYNDA VOLTZ: And NO₂ essentially is a by-product of vehicles.

Mr GIFFORD: Correct.

The Hon. LYNDA VOLTZ: Did that surprise you that there had been an increase?

Mr GIFFORD: It depends on the monitoring. Monitoring is, by its very nature, a highly technical and specialised activity. Whilst I would not discourage these communities or other members of the public from undertaking their own monitoring, the determination of the results of that monitoring can be quite different depending upon how the monitoring has been undertaken—the types of monitors that have been used, the situations in which they have been used, the topography, the meteorology at the time, all of those things need to be taken into consideration. I would characterise that kind of monitoring as being indicative of the need to consider the ambient air quality monitoring that is undertaken against the national standards in association with the Australian standards that is undertaken by the Office of Environment and Heritage across Sydney, because that monitoring meets the kinds of conditions I just outlined.

The Hon. LYNDA VOLTZ: Can I just be clear? Are you confident in the monitoring that is happening? That six months of monitoring that showed the gradual increase, are you saying that is best practice or are you saying that there are different practices and some will pick up different types?

Mr GIFFORD: I understood you were referring to monitoring undertaken by community members.

The Hon. LYNDA VOLTZ: No, the monitoring that has been provided as part of the community consultative committee.

Mr GIFFORD: Is that monitoring results from the monitoring stations that were established by the licensees or by the operators?

The Hon. LYNDA VOLTZ: That is correct, by the licensees.

Mr GIFFORD: I do not recall exactly—and perhaps my Planning colleagues may know—the requirements for the monitoring that has been established and undertaken by the proponents of the project. My comments about the standards apply though. There are national standards for monitoring, and to have confidence in the data from that monitoring it must meet those national standards.

The Hon. LYNDA VOLTZ: The monitoring that will have been undertaken by Mr Lancken's organisation would have been meeting the national standard. Is that correct?

Mr LANCKEN: I need to correct that. I do not conduct monitoring—my organisation does not conduct monitoring.

The Hon. LYNDA VOLTZ: No, I understand that; it is the proponent and they feed the data to you as part of the community consultative undertakings.

Mr LANCKEN: Through an independent organisation that manages the monitoring stations, is my understanding.

The Hon. LYNDA VOLTZ: That is right, and then you, as part of receiving that information, hold meetings with organisations and community consultations where that data is discussed. Is that correct?

Mr LANCKEN: That data is discussed, yes.

The Hon. LYNDA VOLTZ: In the last set of minutes of your organisation it showed that there had been a gradual increase in some levels of pollutants in the first six months. Is that correct?

Mr LANCKEN: That was a question that was raised at the last meeting, yes.

The Hon. LYNDA VOLTZ: Mr Gifford, you also, I assume, still monitor the Turrella stack of the M5 East, the existing stack—it is an EPA role?

Mr GIFFORD: No, the EPA does not have a role in currently operating motorways for the ventilation facilities.

The Hon. LYNDA VOLTZ: Who is monitoring those at the moment?

Mr RAY: The Department of Planning is monitoring those as well under a similar condition; the RMS is responsible for producing the monitoring and it goes through the same process.

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

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

The Hon. GREG DONNELLY: Just returning to Mr Gifford. With respect to the ability to establish the extent of the complaints with the project—we have got the direct complaints to the EPA and then we have got the complaints that come via obligations under the licence to the various entities, contractors et cetera—is there any other route in which complaints might end up to the EPA in regard to the WestConnex project, or would that cover off how you would get the complete picture about the numbers of complaints? These are complaints about noise, dust, dirt, odour et cetera.

Mr GIFFORD: The complaints we receive would be through our Environment Line and the licence conditions. We might well receive complaints from other agencies or other forums or when we attend the community consultative meetings as well.

The Hon. GREG DONNELLY: How do we get a complete picture then of what has been the level of complaints? That is what we are trying to establish here. Can we go to the EPA and say, "We want the complete details of the complaints", and get that from you?

Mr GIFFORD: You can, from all of those complaints that the EPA is aware of, yes.

The Hon. GREG DONNELLY: With respect to the contractors, in other words, via the licence condition, are those entities fulfilling their obligation in terms of providing the information that is required to the EPA in terms of those complaints?

Mr GIFFORD: That is my understanding, yes.

The Hon. GREG DONNELLY: To the best of your knowledge?

Mr GIFFORD: Yes.

The Hon. GREG DONNELLY: So to the best of your knowledge, each and every one of those that have been issued under a licence are meeting their obligations and it has not been drawn to your attention or you have not observed that any of these entities are not fulfilling their obligations. Is that what your evidence is?

Mr GIFFORD: With respect to the complaints from—

The Hon. GREG DONNELLY: Yes.

Mr GIFFORD: That is correct. To the best of my knowledge, that is correct.

The Hon. GREG DONNELLY: Do they normally submit these on a monthly, fortnightly or a bi-monthly basis?

Mr GIFFORD: Daily.

The Hon. GREG DONNELLY: If they have been submitting them daily over the course of this project, there is obviously some pretty comprehensive data about that, is there not, held by the EPA? Surely, that is something that is studied and looked at and reflected on. Is that the case?

Mr GIFFORD: That is the case, yes.

The Hon. GREG DONNELLY: What is the reportage on the examination of this material that is coming in from the licensees?

Mr GIFFORD: We do not publicly report on the information that we receive through that mechanism.

The Hon. GREG DONNELLY: But do you have any information here today about what the quantities of complaints on noise are, for example, in percentages or numbers?

Mr GIFFORD: Through that mechanism I do not know. I would have to take that on notice.

The Hon. GREG DONNELLY: What can you tell us about then? We know 388 complaints are coming to you direct.

Mr GIFFORD: Correct.

The Hon. GREG DONNELLY: There might be a few that dribble in from other government agencies.

Mr GIFFORD: Yes. Others that are coming in.

The Hon. GREG DONNELLY: Others that are coming in. We want to know about the content of those. Surely there are reports coming to you, or you are having drawn to your attention the content of the complaints. Is there reportage to you directly about this?

Mr GIFFORD: Yes, as I have said, they report to us.

The Hon. GREG DONNELLY: What can you tell us?

Mr GIFFORD: That the nature of those complaints are, as I said before, to do with noise, dust, construction related activities, truck movement.

The Hon. GREG DONNELLY: What do you do once you have looked at these and reviewed these, what is the response of the EPA?

Mr GIFFORD: Again, as I have previously said, we assess those complaints, we respond to them perhaps not individually those ones, but in a general sense we do.

The Hon. GREG DONNELLY: I put it to you, to say that people are mightily cheesed off is an extreme under-estimation of what is going on here. I will not name the individual but we all got an email that came through at 12.29 this morning. It says, "Dear honourable members, please see video attached taken at 11.00 p.m. from our home. Our next-door neighbours were offered alternative accommodation. We were not. Even though we have been offered alternative accommodation on previous occasions when night works were further away from us presently. The house is vibrating. Please make WestConnex accountable." And there is the attached clip.

It is extraordinary that these complaints are coming through to members of the Legislative Council. We talked about these in the preceding hearings. This is the fourth day of hearings for this inquiry and the best that we can find out is that it is business as usual. The complaints come in, but the issue is dealing with the matters in real time or as close as possible. This person, this happened at 11.00 p.m. last night. Where is, to use the phrase, the police man or woman on the beat to deal with a matter like that at 11.00 p.m. in the evening?

Mr GIFFORD: If we receive a complaint we respond to the complaint. We also respond to them after hours. If we receive it we respond to it.

The Hon. GREG DONNELLY: I have not had a chance to speak to this person since I received this email. But you are saying that this person could contact your complaints line, the EPA complaints line? They are complaining to you down the telephone of all this going on, "Hear this", put the phone out, what would the EPA do?

Mr GIFFORD: We would assess whether or not there is something that the activity could do to mitigate that impact.

The Hon. GREG DONNELLY: Would that happen there and then?

Mr GIFFORD: Generally speaking, yes.

The Hon. GREG DONNELLY: What are the numbers of people on the ground available to respond to complaints associated with the WestConnex project in terms of employed by the EPA?

Mr GIFFORD: The EPA has a team that deals with the infrastructure projects. There are a number of staff in that team. That team is available to respond to complaints. After hours we run a roster system for response to complaints received through the environment line.

The Hon. GREG DONNELLY: Dealing with complaints like this one I just mentioned, would that be an example typically if you had a complainant saying, "Listen, there is this noise going on, the house is vibrating". Would that be an instance where you send someone out to have a look at what is going on?

Mr GIFFORD: Given the circumstances you just described, most likely, yes.

The Hon. GREG DONNELLY: Why would it not be a far better way to deal with the complaints which are manifest on the project that it is made clear to the public that the complaints be lodged directly with the EPA and nobody else? In other words, these attempts to ring up WestConnex and the attempts to make contact with a contractor, of which there is plenty of evidence the citizens caught up by the project are trying to do and it is driving people around the twist. Why would this project not simply have a straightforward mechanism whereby if there is complaint about a matter the place to ring is to go directly to the EPA and the EPA will look at it, make an assessment and deal with it. Why would that not be a better way to deal with the complaints associated with this project?

Mr GIFFORD: The EPA is quite happy to receive any complaints through the environment line. We do so, we advertise it and make it available.

The Hon. GREG DONNELLY: The point is, with respect to the people out there they have mixed information about where to lodge their complaints. I cannot believe you say you have 388 complaints that have come directly to you. We are going to find out about how many of these other complaints pursuant to the licence provision you are getting.

Mr GIFFORD: Yes.

The Hon. GREG DONNELLY: I would suspect that they would go into the thousands. Is that a fair assessment, there would be thousands of complaints coming to you via that line?

Mr GIFFORD: I do not know how many.

The Hon. GREG DONNELLY: You do not know. You could not give a rough number about the complaints that have come in? You are getting this information presented to you, you are seeing it and you cannot not give an approximate number?

Mr GIFFORD: I do not receive it personally and I do not have the details of the numbers.

The Hon. GREG DONNELLY: This is the chief agency in the State responsible for environmental matters?

Mr GIFFORD: As I said, we receive those complaints and we assess them. I do not personally receive them.

Ms CATE FAEHRMANN: Going back to the six air quality monitoring sites you referred to as part of the M4 East, who is responsible for the area quality monitoring sites?

Mr GAINSFORD: RMS. RMS is responsible for setting those monitoring sites up.

Ms CATE FAEHRMANN: Who owns them and monitors the data? What is the company that undertakes the work?

Mr GAINSFORD: You would have to ask RMS in terms whether they have contracted out the responsibility for those monitoring stations.

Ms CATE FAEHRMANN: I understand that it is the proponent who pays for the air quality monitoring, not RMS, is that correct? It is SMC and the contractors?

Mr GAINSFORD: In terms of the infrastructure approval, RMS are the owners of that infrastructure approval. Those requirements under the infrastructure approval in terms of conditions are RMS.

Ms CATE FAEHRMANN: Those companies are contracted by the proponent. The company undertaking the air quality monitoring is contracted by the proponent, is that correct?

Mr GAINSFORD: I am not aware of the contracting relationships.

Ms CATE FAEHRMANN: Mr Lancken, is that correct?

Mr LANCKEN: As far as I know, that is correct, yes.

Ms CATE FAEHRMANN: Did you say before that they are independent?

Mr LANCKEN: It is a company, as I understand it, that is independent.

Ms CATE FAEHRMANN: The company is called, do you have the name? Ecotech, is that correct?

Mr LANCKEN: Not off the top of my head. I could take it on notice.

Ms CATE FAEHRMANN: When you said to the Committee the company is independent but it is contracted by the proponents; does that sound like independence to you, Mr Lancken?

Mr LANCKEN: That is not for me to judge.

Ms CATE FAEHRMANN: That is what you said to the Committee.

Mr LANCKEN: That is what the conditions require.

Ms CATE FAEHRMANN: That is what you said to the Committee. You said it was independent monitoring. Does it sound independent to you if the proponent is paying for them to undertake the air quality monitoring?

Mr LANCKEN: I use the word "independent" because that is what they were called. Their independence is a matter for other people, not for me.

Ms CATE FAEHRMANN: They were called that by?

Mr LANCKEN: The conditions of approval.

Ms CATE FAEHRMANN: The conditions of approval said that independent air quality monitoring must take place?

Mr LANCKEN: Yes, that is as I understand it.

Ms CATE FAEHRMANN: Therefore, do you think independent air quality monitoring is taking place?

Mr LANCKEN: That is not for me to judge.

Ms CATE FAEHRMANN: You are the chair of the air quality committee?

Mr LANCKEN: Yes, I am.

Ms CATE FAEHRMANN: What does independent air quality monitoring look like to you?

Mr LANCKEN: I know what it looks like in terms of the conditions of approval. I am not an expert on air quality.

Ms CATE FAEHRMANN: The Committee has received evidence of basically air pollution at various monitoring stations. The community has examined some of the data. I am sure you are aware of it: Haberfield school where nitrogen dioxide levels are alarmingly high. Does the committee discuss that?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: How do they alert the community to that high level of pollution?

Mr LANCKEN: How does who alert the community?

Ms CATE FAEHRMANN: Every day in my inbox I get an email from the Office of Environment and Heritage, which is air quality monitoring data. First, Mr Ray, why is not the EPA doing it? Why has not the EPA been chosen to monitor these air monitoring sites, do you think? Is there any reason why the EPA cannot do it?

Mr GIFFORD: The EPA does not do ambient air quality monitoring. The Office of Environment and Heritage does ambient air quality monitoring.

Ms CATE FAEHRMANN: Sorry, my fault. Why would the Office of Environment and Heritage not undertake that monitoring instead of the proponent?

Mr RAY: The requirement is specific to the project and the department has no power to impose the requirement on the Office of Environment and Heritage. It only has the power to impose the requirement on the proponent.

Ms CATE FAEHRMANN: So you cannot impose the requirement for the OEH to undertake that monitoring, as opposed to its preferred private supplier of air quality monitoring?

Mr RAY: We have no legal power to do that but we could look at that as an option in the future—whether they would be prepared to actually do that.

Ms CATE FAEHRMANN: Mr Lancken, when high levels of pollution appear on these monitoring stations, how is the community notified that day when those levels appear?

Mr LANCKEN: My understanding is that the website has that data live. It is available on the website.

Ms CATE FAEHRMANN: Is Haberfield Public School alerted to the fact that there are high levels of nitrogen dioxide when they appear?

Mr LANCKEN: I do not know.

Ms CATE FAEHRMANN: You are the chair of the committee that has been established to reassure the community that air quality is being considered—this is the consultative committee—and you do not know how the school is notified if the pollution levels are high?

Mr LANCKEN: It is not my job to reassure the community; it is the EPA's job.

Ms CATE FAEHRMANN: It is whose job?

Mr LANCKEN: It must be the Government's job; not mine. The monitoring is—

Ms CATE FAEHRMANN: Referring to your committee, a couple of things. How many meetings have EPA representatives attended?

Mr LANCKEN: I am not sure. I do not think they have attended any, but I can check that.

Ms CATE FAEHRMANN: You do not think they have attended any. Is that correct?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: I think the minutes say that. Mr Gifford?

Mr GIFFORD: I think I might have confused the committees before.

Ms CATE FAEHRMANN: More than confused, possibly.

Mr GIFFORD: Yes. The EPA has—

Ms CATE FAEHRMANN: Not attended any.

Mr GIFFORD: Not the air quality consultative committee, but it has attended the RMS consultative committee and the inner west consultative committee.

Ms CATE FAEHRMANN: Let us stick to this one, just in terms of limited time. Mr Lancken, have EPA representatives been invited?

Mr LANCKEN: I understand that they have not been invited.

Ms CATE FAEHRMANN: Why have they not been invited?

Mr LANCKEN: I do not know.

Ms CATE FAEHRMANN: Is it your role to invite them?

Mr LANCKEN: No.

Ms CATE FAEHRMANN: Whose role is it to ask EPA representatives to attend committee meetings?

Mr LANCKEN: The proponent was asked by the committee to invite them.

Ms CATE FAEHRMANN: Mr Lancken, is it correct that you received seven applications for the M4 community representatives from the eastern ventilation facility area but appointed only two?

Mr LANCKEN: No.

Ms CATE FAEHRMANN: The Committee has been told that—

Mr LANCKEN: There were three appointed from the east.

Ms CATE FAEHRMANN: We have been told that a third representative was not appointed. When was the third representative appointed?

Mr LANCKEN: There are three representatives appointed from the east.

Ms CATE FAEHRMANN: When was the third representative appointed?

Mr LANCKEN: When the committee was established.

Ms CATE FAEHRMANN: Another accusation about how the committee is running is that the names of the community representatives have been kept quiet. Is that correct?

Mr LANCKEN: They have not been published. That is correct.

Ms CATE FAEHRMANN: Why are they not being published?

Mr LANCKEN: Because people are entitled to their privacy.

Ms CATE FAEHRMANN: Have these community representatives asked for their names to not be published?

Mr LANCKEN: I am not sure whether they have been asked; that is my assumption.

Ms CATE FAEHRMANN: Would a community representative not be there for members of the community to get in touch with in relation to their concerns?

Mr LANCKEN: I assume so.

Ms CATE FAEHRMANN: We have heard from witnesses, community members, who do not know who the community members are on these committees because your committee will not publish their names. Do you see that as a concern?

Mr LANCKEN: My name is published—

Ms CATE FAEHRMANN: These are members of the community on a committee. Their names do not need to be kept private, surely. Have they requested that?

Mr LANCKEN: That has been my assumption. I will check in with them at the next meeting, if you like. Someone has requested that and I will.

Ms CATE FAEHRMANN: At the next meeting you will ask the community representatives if they do not mind if their names are published so that community members can get in touch with their community representatives?

Mr LANCKEN: Yes, I will.

The CHAIR: I have some other questions to follow up on those ones. The question that went through mind was: do the community representatives want to have that on their plate—people ringing them with complaints and so on?

Mr LANCKEN: That is my question as well. That was the protocol that was agreed upon at the very first meeting. It was my suggestion but I have not had any concerns raised with me at all between the last meeting and now. I will raise it again with the committee at the next meeting.

The CHAIR: From your point of view, you assume all the complaints are going to the EPA and not to your committee?

Mr LANCKEN: I have not received any complaints. My details are not private.

Ms CATE FAEHRMANN: The EPA is not attending your meeting.

Mr LANCKEN: That is correct. I have not received any complaints.

The CHAIR: You have not received any complaints? The question is: is the public aware of the committee and that they can make a complaint to it?

Mr LANCKEN: The committee is not a complaint-receiving organisation; it is a consultative committee.

The Hon. GREG DONNELLY: Although it is not clear what people are being consulted on.

Ms CATE FAEHRMANN: The terms of reference state that, "The AQCCC's role is to provide input prior to and during the operation of the M4 East. The AQCCC is also required to provide advice on ... complaints relating to air quality, and dissemination of monitoring results." It does say that in your terms of reference. You have said the whole time that you have got nothing to do with complaints, but it says that you do in your terms of reference.

Mr LANCKEN: The community members would bring complaints to the committee. It is not a complaint-receiving organisation; I chair a committee.

The CHAIR: So you leave it to the individual committee members to raise the complaints at your committee meeting?

Mr LANCKEN: Yes.

The CHAIR: And does that happen?

Mr LANCKEN: Yes.

The CHAIR: But if nobody knows who is on the committee how do they get any feedback?

Mr LANCKEN: Sorry?

The CHAIR: If nobody knows who is on the committee—it is a secret—how would the public know to contact them?

Mr LANCKEN: I do not think it is a secret, Chair. The committee members were chosen to be on the committee because they outreach to the community. There are people such as chairs of chambers of commerce and people who are involved in community organisations. They outreach to the community. I know they do that and spend their time doing that and I appreciate it.

The CHAIR: So they would be hearing those complaints at those other meetings and then be bringing them back to your committee?

Mr LANCKEN: Yes. And they carry out that role diligently, in terms of interacting with the community.

The CHAIR: Do you publish a report on the complaints they have received?

Mr LANCKEN: The notes are published after every meeting.

The CHAIR: Are they public?

Mr LANCKEN: Yes. They are on the website.

The CHAIR: Do you appoint the committee members or are they nominated by organisations?

Mr LANCKEN: There was an outreach program that was conducted by the proponent and I was provided with a list of name, from which I chose.

The CHAIR: You selected from that list of names the people to invite?

Mr LANCKEN: Yes. And details were provided by the people who wanted to be a member of the committee.

The CHAIR: Who appointed you as chairman?

Mr LANCKEN: SMC in relation to the M4 East and the asset trustee in relation to the new M5.

The Hon. LYNDIA VOLTZ: And it also appointed the committee representatives. Is that correct?

Mr LANCKEN: It reached out to get community representatives and provided me with a list of the applications and I chose.

The Hon. LYNDIA VOLTZ: So you chose them from a list that was provided to you by the proponents?

Mr LANCKEN: That is correct.

Ms CATE FAEHRMANN: You rejected some too did you not—active members of WestConnex groups?

Mr LANCKEN: Yes.

The CHAIR: I am just trying to get an answer to the question of who appointed you?

Mr LANCKEN: In relation to the M4 East it was SMC and in relation to the new M4 it was the asset trustee.

The CHAIR: The proponent did. Did it advertise for people to apply to be chairman?

Mr LANCKEN: I do not know whether it was advertised.

The CHAIR: How did it know about you?

Mr LANCKEN: I do not know.

The Hon. LYNDIA VOLTZ: Did you make an application?

Mr LANCKEN: I was asked to put in a proposal, yes.

The Hon. LYNDIA VOLTZ: Who asked you?

Mr LANCKEN: Those two organisations.

The Hon. LYNDIA VOLTZ: A person just called you up and asked you?

Mr LANCKEN: I cannot remember.

Ms CATE FAEHRMANN: But you had no experience in air quality?

Mr LANCKEN: No, I am not an air quality expert. I conduct meetings.

Mr GAINSFORD: The conditions of approval, which are the same for each one of the tunnel projects as part of WestConnex, do require the proponent to go through a nomination process for an independent chair, but, ultimately, it has to be approved by the department. So the department actually had a role in approving the chair.

The CHAIR: So that is all the way down that procedure that should be followed.

Mr GAINSFORD: Within the conditions of approval, that is correct. It also talks to who the membership of the committee is. It talks about needing to have three representatives for each local community. There is a process that is defined by the conditions.

The CHAIR: How did the proponent find the suitable chairman?

Mr GAINSFORD: I think as Mr Lancken has talked about, there is an outreach process that is involving people nominating for the committee and then Mr Lancken had a process of making the determination as to who should represent the community.

The CHAIR: There was a notice in the local newspapers about the appointment or establishment of the committee?

Mr LANCKEN: As I understand it, there was. There were advertisements and—I may not have this completely right—there was an electronic mail process. There was some doorknocking, I think, as well, but that was not something that I was involved in, the outreach to find members of the committee.

The CHAIR: But you became aware of the committee and the committee needing a chairman, and you applied then to be chairman?

Mr LANCKEN: Yes, I was asked to put in an application.

The CHAIR: Who asked you to put the application?

Mr LANCKEN: The individual person I cannot recall.

The CHAIR: So it is not the company.

The Hon. LYNDIA VOLTZ: Yes, the company asked him.

Ms CATE FAEHRMANN: Could you put it on notice, if you cannot recall?

Mr LANCKEN: It would have been the Sydney Motorway Corporation [SMC] or the Asset Trustee.

Ms CATE FAEHRMANN: Could you find out and put it on notice, if you cannot recall now who requested you?

Mr LANCKEN: The person? Sure.

The CHAIR: I think the question is whether they were connected with the company.

The Hon. LYNDA VOLTZ: They were the company. They were the proponents—

The Hon. GREG DONNELLY: It was the Sydney Motorway Corporation. The proponent rang him and said, "Would you like to be the chair?"

Ms CATE FAEHRMANN: Yes.

The CHAIR: That is what I am asking. Who did contact him? He did not say that.

The Hon. LYNDA VOLTZ: But that is what he said: the proponent.

Ms CATE FAEHRMANN: That is the SMC?

The Hon. LYNDA VOLTZ: Perhaps you could clarify through Mr—

Mr LANCKEN: They asked me to put in a proposal to chair these committees, and I did.

The Hon. LYNDA VOLTZ: And that was the proponent, was it not?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: And they pay for you to chair these two committees. Is that correct?

Mr LANCKEN: Yes, they do.

Ms CATE FAEHRMANN: How much do they pay you?

Mr LANCKEN: That is commercial in confidence, I think.

Ms CATE FAEHRMANN: Do the—

The Hon. GREG DONNELLY: Hang on, it is not commercial in confidence.

Mr LANCKEN: If the Committee wanted me to do it, I am happy to provide the details of what I get paid on a confidential basis to the Committee.

Ms CATE FAEHRMANN: Yes, please.

The Hon. LYNDA VOLTZ: You said chamber of commerce—

Mr LANCKEN: If the request is made I will do it.

Ms CATE FAEHRMANN: The request is made.

Mr LANCKEN: Yes, okay.

The Hon. LYNDA VOLTZ: You said the chamber of commerce were representatives.

Mr LANCKEN: Yes, as an example. A chairman of one of the chambers of commerce is a member of the committee.

The Hon. LYNDA VOLTZ: And that is a community representative, you said.

Mr LANCKEN: Yes.

The Hon. LYNDA VOLTZ: So one of the three positions was a chamber of commerce representative.

Mr LANCKEN: On one of the committees, yes.

The Hon. SHAYNE MALLARD: But that was an applicant who applied to be a community representative?

Mr LANCKEN: Yes, everybody had to apply to be on it.

The Hon. SHAYNE MALLARD: So if it happens also to be a chamber of commerce president, that is another community organisation.

The Hon. Dr PETER PHELPS: It is not selected because of that.

The Hon. LYNDA VOLTZ: No, and he raised that he had chamber of commerce as community representatives.

The CHAIR: Has there been any discussion whether your committee should be given the extra requirement of considering the M5 air quality as well?

Mr LANCKEN: It is a separate committee. As I said when I started, Mr Chair, I also chair the New M5 Air Quality Community Consultative Committee [AQCCC].

The CHAIR: So you were involved with the M5?

Mr LANCKEN: Yes.

The Hon. SHAYNE MALLARD: Not the old one, though.

Mr LANCKEN: Not the old one, the New M5.

The CHAIR: The new one. For a separate committee or your committee?

Mr LANCKEN: Separate committee. There are two committees. There is one for the New M5 and there is one for the M4 East.

The CHAIR: Good. You are on the M4 East. Who chairs the M5 one?

Mr LANCKEN: I do, Mr Chair.

The CHAIR: You chair both of them?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: These independent committees.

The CHAIR: Is the membership the same on both?

Mr LANCKEN: No, it is different.

The CHAIR: No, it is different, depending on the location, where they live.

Mr LANCKEN: The members are chosen for their geographical locations.

The CHAIR: That is understandable.

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

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

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

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

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

Mr GAINSFORD: That is correct.

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

Mr GAINSFORD: That is my understanding, yes.

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

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

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

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

The Hon. Dr PETER PHELPS: But your general view is that they have never done so.

Mr GAINSFORD: Not that I am aware of, no.

The Hon. Dr PETER PHELPS: And that it is quite normal for proponents to pay for what is essentially the measurement of externalities from any project.

Mr GAINSFORD: Yes.

The Hon. Dr PETER PHELPS: So, for example, if someone was proposing a development in relation to waterways, they would be expected to pay for independent water monitoring quality for sediment and heavy metals and things of that nature. Would that be correct?

Mr GAINSFORD: Particularly if it was being set up for the project, yes.

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

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

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

Mr RAY: I would take it on notice.

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

Ms CATE FAEHRMANN: By the proponent, though.

The Hon. Dr PETER PHELPS: —by the proponents, unless, of course, some people think that governments, and effectively taxpayers, should pay for independent externality assessment. And apparently some are.

The Hon. SHAYNE MALLARD: Who would be monitoring and making sure that the finished landscaping on the WestConnex project, particularly the M5 component where a lot of trees have been removed to build it, is an improved landscaping outcome?

Mr GAINSFORD: There is a series of conditions, again, as part of the infrastructure approval for the New M5 that talk to looking at open space and landscaping requirements. We also involve the Government Architect in some of those discussions. There is actually an urban design review panel that has been established to look at some of those plans as they are being developed, which are chaired by the Government Architect. A part of that process is then to ensure that the outcomes that have been discussed, both in the impact assessment and also as part of the assessment that the department has undertaken, are coming to fruition. Yes, the department monitors and has carriage of that.

The Hon. SHAYNE MALLARD: Is it down to the detail? Are we getting an increase in tree coverage after this project, particularly M4—sorry, M4 is on my mind because it is another issue—but the M5 component—

Mr GAINSFORD: The New M5?

The Hon. SHAYNE MALLARD: —where a lot of trees have been taken out.

Mr GAINSFORD: Certainly one of the objectives is to increase the number of trees as a result of the project and acknowledging the number of trees that are taken out as a part of these projects to plant as many in an offsetting sense as can be.

The Hon. SHAYNE MALLARD: Just to be clear, these are trees that were planted when the first project was built and have been removed. I am not aware of trees being cleared, in the M5 component anyway, that are old-growth trees or forests or whatever you would like to call it. These are landscaping jobs that have been done. What about other areas, the St Peters area? I did ask that question, I think, at the last hearing but I do not think you were part of the panel.

Mr GAINSFORD: No, I was not.

The Hon. SHAYNE MALLARD: I was asking what state the open space would be left in that has been transferred, if it is being transferred, back to local government.

Mr GAINSFORD: The St Peters Interchange provides an opportunity to provide some open space back to the community. Certainly from our assessment and the work that is currently also being done as part of the

detailed landscape plans, focusing on that area in the northern part of the St Peters Interchange and that being adjacent to Sydney Park has been the priority of the department to ensure that that area, as we would describe it, is very useable open space. Effectively, as part of the approval conditions, we have looked at the connectivity between Sydney Park and that part—the future open space and St Peters Interchange in terms of requirements of land bridges and various improvements in terms of connectivity. There is a good opportunity there, particularly, we think, in that northern part of the St Peters Interchange to add to the open space in the area.

The Hon. SHAYNE MALLARD: Was building underground considered, as you are doing with the Rozelle interchange?

Mr GAINSFORD: That would be a matter for RMS. I know that the St Peters Interchange is pushed down, to some extent. There are bits of the St Peters Interchange where there are tunnel sections that go through that area. The matters of the design of that interchange would be for RMS.

The Hon. SHAYNE MALLARD: I was a councillor for the area. I know there were a lot of contaminants under the ground. What do they call it, plume?

Mr RAY: Ultimately, there may be a number of reasons why a particular design was chosen. The department has been very keen throughout all of the various WestConnex projects to actually get more and more useable public open space as a result. I think we have actually seen some quite considerable improvement in that through the projects. A lot of work was put in in relation to the M4 East to ensure that the land there could be returned to local communities through their local council. I think things were a little bit better with the M5 at St Peters and obviously the result at Rozelle where there is almost 10 hectares is much better and a much better result.

The Hon. SHAYNE MALLARD: Is it the intention to transfer—I guess with the co-operation of the councils—those open spaces to local government authorities?

Mr RAY: Generally that is the case, provided they are happy to receive them, yes.

The Hon. SHAYNE MALLARD: We had the Lord Mayor here a few weeks ago. I do not know that she would be too happy to take the St Peters one. Good luck with that.

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

Mr GAINSFORD: That is correct, yes.

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

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

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

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

The Hon. LYNDA VOLTZ: Was it heavily contaminated?

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

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

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

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

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

The Hon. Dr PETER PHELPS: Mr Gifford, in relation to complaints received by the EPA, would you be able to take on notice the number of complaints from individuals? Say, for example, you have 800 complaints and 750 of them come from one person and 50 come from others, if you could look at the number of complaints from individuals as opposed to the total quantum of complaints and provide that?

Mr GIFFORD: Certainly.

Ms CATE FAEHRMANN: Mr Lancken, have you recently been appointed as the community complaints mediator for stage 3? Is that correct?

Mr LANCKEN: That is correct.

Ms CATE FAEHRMANN: Do you hold any other positions for WestConnex?

Mr LANCKEN: I chair the WestConnex community reference groups for the west, central and south.

Ms CATE FAEHRMANN: You chair those three groups?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: The AQCCC for M4 East, the new M5, is that correct?

Mr LANCKEN: Yes.

Ms CATE FAEHRMANN: And now you are the community complaints mediator?

Mr LANCKEN: That is correct.

Ms CATE FAEHRMANN: Could you table to the Committee your salary for all of those positions, please?

Mr LANCKEN: I am happy commercially in confidence to table my proposals to each of those people who engaged me.

The Hon. SHAYNE MALLARD: What is the relevance of what someone is being paid.

Ms CATE FAEHRMANN: One other question in relation to the committee.

The CHAIR: It is up to the witness to answer the question.

Ms CATE FAEHRMANN: I understand that representatives of the M4 East were provided with a protocol on Monday, is that correct, a 27-page protocol in relation to air quality? Are you aware of that?

Mr LANCKEN: That was last Monday week, yes.

Ms CATE FAEHRMANN: Yes. How much time were the volunteer members of the committee given to respond to that?

Mr LANCKEN: I asked for responses by the end of the week and said to them if they required anymore time they should say that, and somebody has asked for some more time.

Ms CATE FAEHRMANN: Do you think that maybe volunteers on the committee do require a fair bit of time and would need to consult for something like that with other experts?

Mr LANCKEN: That is why I put that in my email to them.

Ms CATE FAEHRMANN: Would you perhaps just allow them more time in the first place?

Mr LANCKEN: Sorry?

Ms CATE FAEHRMANN: Instead of giving them, I think it was five nights, is that correct?

Mr LANCKEN: I could choose any number, and I will leave it open for people so they have got plenty of opportunity to make comments.

The CHAIR: You must be very busy with these three different bodies you are involved in?

Mr LANCKEN: It is part of my business, Chair. I am a professional mediator. I conduct meetings professionally.

The CHAIR: You have a company that you chair, a company that you run?

Mr LANCKEN: Yes, I have a business that I run, Chair. That is what I do.

The CHAIR: You have been appointed as an individual or as representing your company?

Mr LANCKEN: The commercial arrangement is through my company, but the company is effectively me, Chair.

The Hon. LYNDIA VOLTZ: With the community complaints mediation, how many complaints have you received?

Mr LANCKEN: None.

The CHAIR: They do not receive complaints.

Mr LANCKEN: Different facility. That relates to the mainline tunnel and construction has barely started so there have not been any complaints.

The Hon. LYNDA VOLTZ: Say that again? You spoke quickly.

Mr LANCKEN: That relates to the mainline tunnel and construction has barely begun and I have not received any complaints.

Mr GAINSFORD: This is in regard to the M4-M5 project.

Mr RAY: It is a new position required by the conditions of the M4, M5. There is not an equivalent role for the earlier stages. This is one of the improvements that has been made under the conditions.

The CHAIR: That consultative committee is restricted to air quality, so they would not be—

Mr LANCKEN: The AQCCs relate to air quality only, Chair, yes.

The CHAIR: The rest of the community with complaints would not be fed into your committee then?

Mr LANCKEN: Not in relation to those committees. Those committees are not complaint-receiving bodies. Those complaints would go to the proponent or to the contractor or to the EPA.

The Hon. GREG DONNELLY: With respect to the EPA and the Department of Planning and Environment and the WestConnex project, what is the ongoing discourse and the process of looking at what the level of complaints associated with this project? The EPA is drawing on the complaints through the means we have heard earlier today. Are you talking to the Department of Planning and Environment about that and reviewing it and proposing ways of enhancing and improving the whole thing?

Mr GIFFORD: There is regular and formal engagement between the EPA and the Department of Planning and Environment. Those meetings are conducted regularly. There are exchanges around all aspects of the project.

The Hon. GREG DONNELLY: What about enhancement of the complaints procedure?

The CHAIR: Should there be consultative committees established with community representatives for different areas to work under the EPA? We have just got this odd one that is floating around that we have been talking about.

Mr GIFFORD: From the way that the complaints managing process is established for the EPA, we can receive complaints from anyone. We do not need to have a consultative committee in place to do that. That could be something that we could investigate if it was deemed to be necessary.

Ms CATE FAEHRMANN: Does the EPA have anything to do with the independent complaints mediator? Is that your fifth or sixth title?

Mr LANCKEN: The title is community complaints mediator. Was the question addressed to me?

Ms CATE FAEHRMANN: I am sorry, I was looking at Mr Gifford to ascertain the relationship between the EPA and your position.

Mr GIFFORD: We have no relationship.

Mr GAINSFORD: May be I can assist with that. Again the conditions of approval for M4-M5 establish the role of the community complaints mediator. This is something we have actually established for the Sydney Metro Chatswood to Sydenham project as well, the second project for which we have established this. The role of the community complaints mediator is in relation to complaints that have been raised by the public that they feel have not been satisfactorily dealt with by both the proponent and the contractor. It is an opportunity to refer those matters to a third party.

Ms CATE FAEHRMANN: Not through the EPA?

Mr GAINSFORD: It does not stop people from doing that but it also provides another opportunity for people to raise those complaints.

The Hon. GREG DONNELLY: Do you see that is where the confusion is? People just do not know where to go and, at a single point, lodge a complaint and get it dealt with in a timely fashion. That is what is coming through time and time again in three hearings, plus today. The impression you are giving seems to be a

sense of "Well, it is working okay." The impression is "steady as she goes; it seems to be working." That is just not true at all.

Mr RAY: Can I just say that I think we have recognised that improvements could be made which is why we have made changes and why we have required a 24-hour public liaison officer, so someone to be available 24 hours a day. It is why we have the imposed requirement for an acoustic adviser and why we have brought in the requirement for the community complaints mediator in the most recent approval.

The CHAIR: We thank you for your attendance and the information you have provided. Questions on notice are now to be returned within 14 days, not 21 days to help the Committee produce its report.

(The witnesses withdrew)

(Luncheon adjournment)

KEN KANOFSKI, Chief Executive, Roads and Maritime Services, on former oath

CAMILLA DROVER, Executive Director, Motorways Division, Roads and Maritime Services, on former oath

The CHAIR: I now welcome our next witnesses from Roads and Maritime Services. I remind everyone that no matter what they think about what is said, people in the audience should listen to the debate quietly. Applause or any other gestures are not permitted. If people have something to say to those who are seated next to them they should do it quietly. There should be no audible conversation. Photographs and filming are not permitted, apart from the media photographers who have been authorised to do so. No signs or other props are to be utilised during the debate. We have now two witnesses from Roads and Maritime Services, Mr Ken Kanofski and Ms Camilla Drover. As you have previously appeared before the Committee under oath you are not required to be sworn again. Do either of you wish to make a short statement?

Mr KANOFSKI: Yes, I would. I would like to thank the Committee for inviting Camilla Drover, Executive Director, Motorways Division, and me to return to this hearing. We welcome the opportunity to meet with you again and answer additional questions. Building major infrastructure in the inner city is very challenging. Property acquisitions and construction do impact people's lives; we acknowledge this and we work very hard to minimise these impacts. Sydney is a rapidly growing city. Motorway projects and major public transport projects are both required to ensure we keep Sydney moving and facilitate Sydney's long-term economic and population growth.

I would now like to take the opportunity to respond briefly to a number of points that have been raised through the inquiry. Questions and concerns were raised during the hearing about the willingness of Roads and Maritime Services [RMS] to engage with local community over various WestConnex issues. I would like to reiterate that RMS welcomes community involvement and input in our projects. Our WestConnex community engagement teams have held 2,075 face-to-face meetings with residents, businesses and stakeholders. We have held more than 180 community information sessions, forums and street meetings with residents, businesses and stakeholders. We have carried out 3,496 doorknock events and responded to 17,472 phone calls. The WestConnex website currently hosts 2,277 documents comprising more than 50,000 pages of information.

A number of issues around governance of the project were also raised during the hearing. Infrastructure NSW has completed 36 reviews on different aspects of WestConnex, with four more underway. Additionally, we have been subject to reviews by Infrastructure Australia as well as State and Commonwealth Auditors-General. The project has a high-level interdepartmental steering committee and full project governance. The project has a responsible Minister and is subject to regular reporting to government and has been subject to regular scrutiny by this Parliament. RMS, as the responsible agency, is subject to the Government Information (Public Access) Act and the full range of normal government processes.

The inquiry has heard evidence on air quality. The key question on air quality is what is the quality of the air in the tunnel and the area surrounding the ventilation facilities? The air quality standards which WestConnex will meet are equivalent to the best in the world. They are set by the Department of Planning and Environment and the Environment Protection Authority [EPA] based on the recommendation by an independent air quality committee chaired by the Chief Engineer and Scientist. The vent facility standards will be enforced by the EPA under strict environmental protection licences. Removing traffic from surface roads into tunnels improves air quality along these roads, with little or no impact on air quality close to ventilation facilities. This is because ventilation facilities effectively disperse these emissions.

We have heard people say that work on WestConnex should stop and that Stage 3 should not proceed. Without Stage 3 the benefit in terms of reducing congestion, saving time, freeing up local roads and delivering on our commitments regarding green space will not be realised. Of course, contractually, stopping Stage 3 of WestConnex would also be enormously expensive for the taxpayers of New South Wales. WestConnex is designed as an integrated system for motorways; it is a central part of a broader plan for Sydney. Motorway connections as part of an integrated transport network will provide critical support to a growing global city like Sydney.

To limit the impact of property acquisition, two-thirds of WestConnex will be built underground and existing road reservations are being used where possible. Where property acquisitions have been required, property owners have been notified at the earliest opportunity. In the vast majority of cases—83 per cent—the purchase of the property has been settled by agreement, not by compulsory acquisition. We appreciate the highly sensitive nature of property acquisition and for this reason there are significant checks, balances and legal requirements governing this process. Where properties are compulsorily acquired, the value is determined by the Valuer General or by the Land and Environment Court, not by Roads and Maritime Services.

The inquiry has heard testimony from parents of several schools and I would like to take this opportunity to address several issues with regard to the Haberfield school. We regularly liaise with Haberfield Public School and local residents on a range of matters including air quality. In accordance with the M4 East conditions of approval, ambient air quality monitoring is being carried out at six locations along the M4 East corridor including at Haberfield Public School. The monitoring station at the school has been in place since April 2018. The purpose of the M4 East ambient air quality monitoring is to record data for 12 months before the tunnel is open to traffic and for at least two years after opening.

Ambient air quality data recorded at the Haberfield station is generally below National Environment Protection (Ambient Air Quality) Measure goals. Some exceedances of those goals have been recorded by the monitoring station generally where there have been bushfires or hazard reduction burns in bushland surrounding Sydney. Data from the WestConnex ambient air quality monitoring stations is published on the WestConnex website. We continue to work closely with Sydney Motorway Corporation's M4 East contractor and the Haberfield school community on issues such as increased traffic on local roads, as well as noise, dust and vibration from construction. Ms Drover and I are now happy to take questions.

The CHAIR: We will commence with Labor Opposition members.

The Hon. GREG DONNELLY: Thank you both for coming along again to present to the inquiry. Could I start with the issue you just mentioned about matters to do with complaint? This morning we had witnesses here from the Department of Planning and Environment and the Environment Protection Authority. The figures they gave were this at this stage: With respect to direct complaints to the EPA—and these complaints are essentially around the issue of noise, dust, odour and vibration—they have received 388 direct complaints. The other way the EPA receives complaints is in two parts. The smaller component part is another department or agency might directly report to them and raise a matter to do with the WestConnex project, but that does not appear likely to be a particularly large number.

The other area of receiving complaints appears to be what might be the largest one whereby with respect to, primarily, the contractors associated with the project itself, they are required, as was explained to us this morning, on a daily basis to submit what is, in effect, a complaints report—in other words, complaints made to the contractor from individuals in the community, presumably residents or businesses or as the case may be, about the individual complaint, and that is done on a rolling 24-hour basis. We were not able to get the figures this morning associated with that cohort of complaints and the EPA has gone off to put that together for us, but does that accord with RMS's understanding about how complaints are captured associated with the WestConnex project?

Mr KANOFSKI: I will let Ms Drover answer in detail, but yes, essentially the complaint process is driven by a combination of our normal way of doing business and setting up processes for people to complain, but also in these cases is set out in the planning approval. But I will let Ms Drover go into detail.

The Hon. GREG DONNELLY: We have limited time but I am just trying to find out if that is essentially a clear description of how the complaints for this project are going to be drawn in.

Ms DROVER: I can probably add to that though. People can contact the WestConnex hotline, which is available 24/7 and is manned 24/7. Particularly when there are night works underway, that call centre will contact the contractor directly, even if it is at one o'clock in the morning, and lodge those complaints with the contractor. That is one avenue. They come into the call centre, they are triaged; they either go directly to the design and construct [D and C] contractor or they may go to Sydney Motorway Corporation [SMC] or they may come to RMS, for example, if it is a property matter. The community can also turn up to the community information centres. There is one of those at the St Peters Interchange, there is also one for the M4 East and we are establishing one for the M4-M5 Link. People can go directly to the Environment Protection Authority [EPA], as you have outlined, and they can also go to their local members, I suppose. We do hope that they come via the hotline. Additionally, there are the community reference groups and there are three of those across the WestConnex project. They are not really for complaints but they are an avenue for the community to engage on the project.

The Hon. GREG DONNELLY: The point that we are examining and supporting in detail is the element of frustration in the community of knowing where directly—given that there is a suite of possibilities, if I could describe it that way—to make a complaint and to have that complaint dealt with in a timely fashion because there are, as you have described, different avenues through which complaints can be lodged. Even over the course of the past 24 to 48 hours, Committee members have received emails from constituents, even with uploaded files of audio and video, of matters occurring last evening at 11 o'clock and people saying, "How do we get this address now?" In other words, this is happening right in front of their eyes. They need someone to intervene and to deal with it right now. This is part of the great frustration. There seems to be a lot of concern in the community that there just is not a way in which you can put through your complaint and get it attended to. I accept there might be

a need to triage because not everything may require instant, on-the-spot attention, but certainly there are matters that require instant and immediate attention. In the community there is a lack of clear understanding about how to go to a central point and get that attended to.

Ms DROVER: We would see that a central point as that hotline. Additionally, for the M4-M5 Link—

The Hon. GREG DONNELLY: How is that communicated to the community when there are these different ideas about where, basically, to report a complaint, given that they are getting bits of information on different places about where to ring up?

Ms DROVER: That information is available on the website. It is also on all our community collaterals, our fact sheets, information sheets, et cetera. Going forward, the Department of Planning and Environment [DPE] with the new conditions of approval for stage 3 of WestConnex—the M4-M5 Link and the Rozelle Interchange—have also stipulated that we have to have public liaison officers who have to be at every construction site and major worksite throughout the project as an easy point of contact for the community. But I think most people will not want to go down to site; they will want to have a one-stop shop and that is that hotline.

Mr KANOFSKI: If I could add to that, I think the hotline is the preferred methodology in the sense that it is staffed 24/7 and it has a capacity to deal with issues on the spot and to contact the D and C provider. That is why that number is on the website and that is why that number is on the collateral. That is the most efficient method for having it dealt with. What we need to balance, though, is not saying to people, "That is the only way you can complain", because clearly we do not want to stop or impinge on people's right to complain direct to a regulatory authority such as the EPA because they absolutely should have that right and should avail themselves of it if they wish. But the hotline design is the thing that is designed to try to deal with that by triage obviously, because as you quite rightly pointed out, not every issue requires immediate attention, but some do.

The Hon. GREG DONNELLY: I wonder whether you received an email about 12.20 last night. This was a constituent and the video had this work being done. They had not been told about this particular work. It was obviously particularly noisy work. The house was vibrating and they were clearly greatly unsettled by this. These are not infrequent examples that are coming forward. For a project that has been going for a period you would think there would be a refinement in the way in which these matters are dealt with. There just seem to be far too many examples of this going on.

Mr KANOFSKI: In terms of the video you received last night, I mean obviously—

The Hon. GREG DONNELLY: No, of course you have not seen it. I understand that.

Mr KANOFSKI: We have not seen it. We are very happy to take it on notice and investigate the circumstances.

The Hon. GREG DONNELLY: But that is all too late, Mr Kanofski. That is the very point. People need immediate attention.

Mr KANOFSKI: That is the intention of the hotline—to be able to give people immediate attention. That is what it is designed to do and that is why it has the capacity to deal directly with site with the D and C contractor if they receive a complaint that is—

The Hon. GREG DONNELLY: With respect to Roads and Maritime Services [RMS], are you collecting data or is the RMS, the entity organisation, collecting data on complaints?

Ms DROVER: Yes, because we are responsible for the hotline and the centre.

The Hon. GREG DONNELLY: Are they published?

Ms DROVER: I would have to take that on notice.

The Hon. GREG DONNELLY: Surely you would know.

Ms DROVER: We also have to—

The Hon. GREG DONNELLY: Hang on. Surely you would know whether the complaints that you are collecting are being published.

Ms DROVER: I would point out that some of the information in the complaints would be sensitive and personal information that may not necessitate being published. We also—

The Hon. GREG DONNELLY: What information do you have on complaints? Can you give us any ballpark figures on types of complaints around dust, types of complaints about noise, et cetera?

Ms DROVER: I know that most of the complaints for this month have been associated with noise.

The Hon. GREG DONNELLY: Do we have an approximate number?

Ms DROVER: We do have a full breakdown. We can provide that to you on notice.

The Hon. GREG DONNELLY: Do have it there with you?

Ms DROVER: No, I do not have the full breakdown.

The Hon. GREG DONNELLY: Do you have any information in front of you that deals with numbers of complaints?

Ms DROVER: No, I do not.

The Hon. GREG DONNELLY: None at all?

The CHAIR: Take that on notice then.

Ms DROVER: I am happy to take that on notice.

The Hon. GREG DONNELLY: The RMS is collecting complaints. The EPA is collecting complaints; it described it this morning. The EPA is collecting complaints via what is the breach of licence condition provisions, which deal with certain matters, which facilitates the contractor. Are you getting those contractor complaints as well as the EPA by the way? Where are your complaints emanating from—just the hotline?

Ms DROVER: Yes, from the community. And just to add to that—

The Hon. GREG DONNELLY: Who is pulling together all the complaints then? This is the problem, you see. We have the EPA, we have the Department of Planning and Environment, and we have you. You are all collecting elements of complaint. There is presumably some crossover or overlap with respect to this as well. Where do we get to the bottom of the complaints associated with this project? Who pulls it all together?

Ms DROVER: The vast majority of complaints would come via the hotline and be registered in our system. They would be the complaints that go to either the D and C contractors, Sydney Motorway Corporation [SMC] or ourselves. To add, we do have to comply with DPE's requirements for response times for all the complaints and we do comply with those requirements. If the community go direct to the EPA, we may not have visibility of those complaints, but the vast majority—

The Hon. GREG DONNELLY: There are 388 of those; we know that. What is not clear at this stage—and the EPA has gone off to put this together for us—are the complaints arising from the contractors breaching provisions within the contract which they themselves are required to report, as I understand was described this morning. Does that make sense to you?

Mr KANOFSKI: Sorry, I am not sure I understand the question.

The Hon. GREG DONNELLY: The question is the EPA is receiving, on a 24-hour basis, information about complaints that the contractors are receiving from complainants.

Mr KANOFSKI: Yes, that is normal practice.

The Hon. GREG DONNELLY: That would be normal practice.

Mr KANOFSKI: Yes, it is not—

The Hon. GREG DONNELLY: Where does that sit with the 24-hour hotline complaints? Is that separate or a repetition of it?

Ms DROVER: If complaints come into the hotline, they are obviously in the hotline system. If they come in via another avenue to the D and C contractor, the D and C contractor is still required to report them to the EPA.

The Hon. GREG DONNELLY: Right.

Ms DROVER: Just to note, the hotline does capture both inquiries and complaints. Some are not always complaints; they are just general inquiries about information.

The Hon. GREG DONNELLY: No, we are talking about complaints. We are interested in hearing complaints. The troubling thing is that with a project of this size, which has been going on for so long, and with further key parts of it still to come, we have these complaints being captured across a range of domains. You have the EPA, you have the department and you have RMS. How does one get their head around the totality, the universe of the complaints associated with this project? How do you pull it all together?

Ms DROVER: That is in the system, the Consultation Manager system, that holds all the complaints. If I can just add to that, stage 3 of WestConnex—the M4-M5 Link and the Rozelle Interchange—what we are actually trying to do is mitigate the complaints. If you look at the planning conditions that DPE have stipulated, and given noise—

The Hon. GREG DONNELLY: I will move on. That is to come in the future. I do not wish to repetitive as I have limited time. With respect to the M4 East, how many vehicles that are expected to use, or do use the M4 widened part of WestConnex, will use the M4 East? Do we have some sense of the numbers of vehicles or the percentage of vehicles that use the widened M4 that will ultimately use the M4 East?

Mr KANOFSKI: I do not have that with me. I do not whether Ms Drover does. I am certainly happy to provide you with estimates. The planning approval process would have been supported by traffic modelling that would actually provide the estimates of those. I do not have it.

Ms DROVER: No. I will take that on notice.

The Hon. GREG DONNELLY: I am looking for what is contained within those documents in terms of what was modelled and what was quoted. On the same issue of the M4 East—once again you might need to take this on notice—at what point on a person's journey will they reach the toll cap?

Mr KANOFSKI: On the M4 East, you do not reach the toll cap if you exit or if you start at the beginning of the widened section and you go to Haberfield, essentially. From memory, the toll in current dollars is \$7.97.

Ms DROVER: No. The toll cap is \$8.95.

Mr KANOFSKI: Yes, sorry. That is the toll cap so you do not reach the toll cap.

Ms DROVER: Yes.

Mr KANOFSKI: If you take that journey, you do not reach the toll cap because the toll, off the top of my head, is \$7.97 for that journey. Obviously, the cap is \$8.95 and so you have not reached the cap.

Ms DROVER: Yes. You have to travel about 16 kilometres or just over 16 kilometres before you reach the toll cap.

The Hon. GREG DONNELLY: Okay, 16 kilometres.

Ms DROVER: Sixteen and a half kilometres, I think it is, before you reach the toll cap.

Mr KANOFSKI: Obviously, when stage 3 opens, if you are travelling east from the widened section, you would reach the toll cap before you reached Rozelle. Between the current exits, which will be the City West Link and Parramatta Road, Haberfield, the exit at that point, you will not reach the cap. If you continue your journey and you go—in fact, once you go beyond that point, you will reach the cap before the next exit.

The Hon. GREG DONNELLY: That leads me to my next question. If you are travelling from Parramatta—and if you need to take this on notice, please do so, bearing in mind that 16.5 kilometres is the figure that has just been given and bearing in mind the cap—would that take a person to the Rozelle interchange?

Mr KANOFSKI: No. You would reach the cap between Haberfield and the Rozelle interchange.

The Hon. GREG DONNELLY: Okay. What about the St Peters interchange?

Mr KANOFSKI: Certainly, if you are travelling on that road. Once you have capped out, you have capped out. Once you have got—I do not know the precise point—to those two interchanges, somewhere between those, you will hit the cap and then you pay no more, no matter where you exit.

The Hon. SHAYNE MALLARD: In one continuous journey.

Mr KANOFSKI: In one continuous journey.

The Hon. SHAYNE MALLARD: Not per day.

Ms DROVER: You have got to go about two kilometres on the M4 and M5 link and then you are capped out. Then the length of the M4-M5 link is about nine kilometres.

The Hon. GREG DONNELLY: Thank you. I will move to the next area on which I would like to ask some questions, which is the Sydney Gateway project. We understand from previous evidence and documents in the public domain that the Sydney Gateway will cost between \$2 and \$2.6 billion. That is what we understand.

Mr KANOFSKI: Correct.

The Hon. GREG DONNELLY: It will not have a toll. There will be no toll associated with that.

Mr KANOFSKI: That is correct.

The Hon. GREG DONNELLY: Why then does the \$500 million M4 widening have a toll until 2060 but the \$2.6 billion Sydney Gateway has no toll? What the clear and precise explanation for that?

Mr KANOFSKI: The first thing to say is, obviously, tolling is a decision of Government. But the second thing I would say is that the WestConnex project was subject to a tolling regime that was outlined in the business case which is designed to make a contribution towards funding the entire project. The tolling model and the funding model for the WestConnex project as a whole put in place a distance-based toll with a flag fall and with a cap from the start of the WestConnex project to the end of the WestConnex project, which incorporates the three sections and it also incorporates the Rozelle interchange and an upgrade to King Georges Road.

The Hon. GREG DONNELLY: Putting it in simple terms, the M4 widened section effectively will generate a revenue stream through to 2060 that is going to be used to subsidise the project. Is that the simplest way to put it?

Mr KANOFSKI: How I would put it is that it was a scheme tolling regime designed to make a contribution towards funding the whole of the scheme. I think it is fair to say that on any toll road different sections of the toll road recover more or less money. We do not go on any—

The Hon. GREG DONNELLY: This is through to 2060.

Mr KANOFSKI: The tolling regime for the entire program goes to 2060, that is correct. I think if you go to any toll road, the tolling regime is not evaluated on a segment-by-segment basis of saying, "This segment from here to here is making more money than that segment from there to there." Generally speaking, the history of toll roads has been that when governments both here and elsewhere in Australia put together toll road regimes, they have a tolling regime for that scheme or that program, and that is what has happened with WestConnex.

The Hon. GREG DONNELLY: Okay. I just want to confirm that the WestConnex toll cap in 2018 figures is \$8.95.

Ms DROVER: That is correct in 2018 dollars.

The Hon. GREG DONNELLY: I will return to the rest of my questioning later.

Ms CATE FAEHRMANN: On the subject of compulsory acquisitions, we have heard from quite a few residents and have received quite a few submissions about this issue. Quite a few of the submissions go into a lot of detail about how much the approach by Roads and Maritime Services [RMS] in particular has affected them. People have put submissions in front of me that refer to bullying. I have submissions in front of me that say, "I watched while one of our neighbours lost her mind. She was crying all the time." I have a submission that talks about generally the appalling behaviour by the RMS. What is your response in the first instance? I am sure you are aware of how many complaints you have received about your RMS staff in relation to the compulsory acquisition process and how they treated residents during this time.

Mr KANOFSKI: Could I start by saying that having your home compulsorily acquired is probably one of the most stressful things that can happen to a home owner. We absolutely accept that that is the case. It is important that we try to manage the process as well, and as professionally, as it can be managed. The Government has put in place a range of reforms that were aimed at attempting to improve the way that works. Some of those reforms go to making sure there is a single point of acquisition so that the home owner does not have to deal with different people at different times. They get to deal with an individual person who then deals with all the other kinds of processes. There was obviously an increase in the amount of solatium or disadvantage payment effectively as well as mandatory negotiation periods, and those sorts of things, put in place. The thing I would say is that any individual complaint against any RMS employee at any time is taken incredibly seriously by our organisation.

Ms CATE FAEHRMANN: What happens? What does "taken incredibly seriously" mean to RMS? What have you done?

Mr KANOFSKI: It depends on the nature of the complaint. We would investigate that complaint. If we think it is either (a) serious enough or (b) it has not been resolved, we may well independently investigate it. There is a range of processes that we would have generally. This does not apply just to property acquisition. I mean, RMS is a—

Ms CATE FAEHRMANN: Let us stick with property acquisition for the purposes of this Committee.

Mr KANOFSKI: I think the policy is important in the sense that RMS is a large organisation that does a great number of relatively complex things.

Ms CATE FAEHRMANN: Sure. We will just keep coming back to some specific examples if you like, Mr Kanofski.

The CHAIR: Let the witness finish his sentence.

Mr KANOFSKI: And if there are complaints they are taken seriously and they are investigated. These are difficult transactions and we absolutely acknowledge that. These are very difficult times for the home owners.

Ms CATE FAEHRMANN: Thank you, I have limited time, as you are well aware, on this Committee. What would the reason be for a security guard to accompany RMS employees to knock on doors in relation to compulsory acquisitions?

Mr KANOFSKI: There was a decision made—

Ms CATE FAEHRMANN: Particularly male RMS employees accompanied by a security guard knocking on the door.

Mr KANOFSKI: There was a decision made in one instance at an operational level with regard to security.

Ms CATE FAEHRMANN: Do you know what suburb that was?

Mr KANOFSKI: I do not know, I will have to take it on notice. I do recall there was a time when that operational decision got made. It was made based on a risk assessment of the level of potential angst that may have been associated with that. That is very much not normal practice. I am happy to take this on notice. Ms Drover may know more on this issue. That happened once to my knowledge.

Ms CATE FAEHRMANN: If you can take that on notice. What I have before me is a woman was at home by herself. A male RMS employee—this is in June 2016—accompanied by security guards, plural, knocked on her door to tell her her property was going to be compulsorily acquired. I believe she is a nurse with her husband. I cannot imagine why such a situation would be required by RMS and how intimidating that would have been for her.

Mr KANOFSKI: As I said, I am happy to take the specifics on notice and I am happy to take it on notice because it is very much not normal practice. As I said, an operational decision was made, I think, in one circumstance.

Ms DROVER: Yes, it was associated with the new M5 project.

Ms CATE FAEHRMANN: As I said, we have received quite a number of submissions and heard from witnesses about the appalling behaviour of RMS in relation to compulsory acquisition. She does say that basically the house was acquired. In the settlement it was agreed that "in September 2017 we would become tenants and pay rent for our former home". A rental price was agreed at \$550 per week. "Just prior to commencement of rental payments the acquisitions officer contacted my husband and we were informed that the RMS were increasing the rent to \$600 per week, a increase of \$200 per month". Does that sound reasonable to you?

Mr KANOFSKI: We would have to take the detail of that on notice.

Ms CATE FAEHRMANN: This is consistent with a number of submissions we have received.

Mr KANOFSKI: What I would say, the government policy on compulsory acquisitions—or voluntary acquisitions by the way—is where we have acquired somebody's property and that transaction occurs before we need that property. If they want to stay in the property and we have an ability to let them stay in the property because we do not need it quite yet, we do allow them to rent it back at market rent. Those market rents are assessed.

Ms CATE FAEHRMANN: Can you explain the word "voluntary" when you said "voluntary acquisitions" then?

Mr KANOFSKI: I will correct whether it is by agreement or compulsory. Whether it is an acquisition by agreement or whether it is a compulsory acquisition then the policy about rental is the same, which is where we can accommodate it we do, but it is at market rent.

Ms CATE FAEHRMANN: Do you think it is quite a heartless decision to put a family through all of this and they have agreed to \$550 per week and for some reason RMS comes back and says, "Hang on, we have made a mistake we are going to up it by \$50 a week"?

Mr KANOFSKI: I think what I have said is I will take the specifics of that on notice. I do not know the detail of the circumstances you are referring to. I am very happy to take it on notice and very happy to provide a full response.

Ms CATE FAEHRMANN: We have heard from families as well that they have not had the full bond refunded. Even though their house was going to be demolished RMS was not going to provide a full bond in refund because there was something wrong with the inside of the house. Even though the houses were going to be demolished. Multiple stories in relation to that.

Mr KANOFSKI: I am not aware of that. I am happy to take the detail and deal with it.

Ms CATE FAEHRMANN: It sounds like you are going to have to take all the details on notice so I will put another one before you if you like. This is in relation to a property acquisition in St Peters—again \$70,000 below market value. RMS failed to stick to its deadlines with making an offer as well as paying the agreement amount. "This led to me not receiving the final payment until after 2 July 2016". People have not received their payment. Once you compulsorily acquire these properties, through all of the pain and agony, these people are saying that they then do not even receive their payment on the due date.

Mr KANOFSKI: While I am happy to take that on notice the requirement—

The Hon. Dr PETER PHELPS: Point of order: There has been a constant stream of interjection and muttering from the gallery. Can you remind members that they are to remain absolutely quiet during these proceedings or else you will clear the gallery.

The CHAIR: They have been very quiet in my opinion.

The Hon. Dr PETER PHELPS: I can hear a continual stream of muttering, including "bullshit" from one particular person over and over again. It is offensive to the witnesses and it is disruptive to the proceedings. I ask you to remind them again of their responsibilities.

The Hon. SHAYNE MALLARD: To the point of order: I am hearing it as well and it does intimidate the witness. I am sure the witness can stand up for himself, but I think it is disrespectful to the process.

The CHAIR: We need to let the witnesses give their answers. They are here at our request to help our inquiry.

The Hon. SHAYNE MALLARD: They are public servants.

Mr KANOFSKI: Just so we understand the payment process, if a property does go into compulsory acquisition we are in fact required to pay 90 per cent of that. Before the value is determined and before the property is actually purchased we pay 90 per cent of that value at that time. That is what we are required to do. While I am happy to take the detail on notice I would be very surprised.

Ms CATE FAEHRMANN: If you could take on notice how many properties that relates to in terms of initial payment and final payment—both sets of payment you are referring to—with all of the properties you have compulsorily acquired if they have been on the due date?

Mr KANOFSKI: I am very happy to do that. If it goes through compulsory acquisition there is a very clear legal process and if it is done by agreement then there is obviously a binding contract. I would be very surprised if we have not made payments on the due date but I am very happy to investigate any individual circumstances.

The CHAIR: The witness will need to have the addresses of those properties so they can investigate it.

The Hon. SHAYNE MALLARD: I was interested to hear you say, Ms Drover, that stage 3 conditions of consent require you to employ community liaison officers for each of the construction sites. Can you elaborate on what their role will be?

Ms DROVER: Yes, it is to provide easy access for the community associated with the specific nature of works that are at that particular site. It is applicable to the construction sites and any other major site, utilities, etcetera. There are five new positions that are associated with the conditions of approval for stage 3. There is a community complaints commissioner and there are those public liaison officers you just mentioned. There is a new independent acoustic adviser to deal with noise complaints given noise has been a predominant issue across the WestConnex project. There is also a property panel so if people have concerns about settlement and vibration issues with their homes they can go to the panel.

The panel is a set of independent experts that are expert in geotechnical issues and also architecture. They will assess the community's issues associated with disturbance to the properties. There is also a new position to

manage the coordination of construction works with utility works. Because we have found on prior WestConnex projects the conditions of approval and the planning consents and many of the other requirements only relate to the construction works. A lot of the impacts to the community are actually associated with utility relocation, particularly given most of those works happen out of hours and at night and that is when the community really is disturbed.

The Hon. SHAYNE MALLARD: It is encouraging to hear you have implemented that. Have you done that voluntarily or has the Department of Planning come forward with this package of consultative mechanisms.

Ms DROVER: The Department of Planning, they are their planning conditions. They are their stipulation, but RMS was very supportive of most of those positions.

The Hon. SHAYNE MALLARD: They were not there in the first two stages?

Ms DROVER: No, those five are all new positions specific to stage 3 and they respond to the issues that we have seen across the rest of the stages.

The Hon. SHAYNE MALLARD: It is a key learning that probably applies to light rail. That is interesting. The community will be a little cynical about the positions. I am giving you a heads up on this. They cannot be propaganda for the project; they need to be a genuine liaison between the community and the project to deal with problems.

Ms DROVER: Yes, to comment though, those five positions are after the fact. What we actually want to do is mitigate the impact to the community and, again, the new planning conditions for stage 3 attempt to do that, particularly around noise and vibration. So for the M4-M5 Link project, particularly at its western end which has already been disrupted by the M4 East project in the Haberfield area, we are required to do now at-property treatments to mitigate operational noise before construction starts. So that is a recognition by the RMS and DPE that that community has fatigue of construction activity. Ahead of stage 3 starting construction works, those at-property treatments will be required.

At the other end of the project, stage 3B or the Rozelle Interchange, they have not been subject to construction activity to date but to get ahead of that before out-of-hours works occur we will be required again to do those at-property treatment works. They will mitigate the impact of construction noise but also the long-term operational noise when the project is completed in operation. We are trying to do things that mitigate the problem rather than just responding to the problem after the fact.

The Hon. SHAYNE MALLARD: I give you credit for that. It seems that that is a key learning from where we have been with this project and from the evidence that you have had. Those liaison officers will not just be in an office, will they? They be required to go out and identify the community, whether it be stakeholders, key community groups, schools and childcare centres in the area. Will they get out there and find them all?

Ms DROVER: They are over and above the normal community consultation and stakeholder teams that we have. They have teams both from the D and C contractors but also at SMC and RMS. As part of the conditions of approval again we need to do a communications strategy that identifies who in the community needs to be engaged with, when, how, through which channels, frequency, et cetera. There are already those avenues but these are over and above that standard process. So there is a point of contact associated with each individual major construction site.

The Hon. SHAYNE MALLARD: Did you refer earlier to a community complaints commissioner?

Ms DROVER: Yes, there is a Community Complaints Commissioner which is a new position applicable to stage 3 of WestConnex.

The Hon. SHAYNE MALLARD: Would you expand on that?

Ms DROVER: It is an opportunity for the community, if they are not satisfied with the responses they are getting from the D and C contractor or RMS, to go to this independent party and have their issues mediated at that level.

The Hon. SHAYNE MALLARD: You say "independent" and I am not questioning that, but is that person an employee or contractor of RMS?

Ms DROVER: They are not an employee of RMS. There was a tender process for that role and someone has been appointed to that role. It is a new position for stage 3 of WestConnex so therefore it is a relatively new position.

The Hon. SHAYNE MALLARD: And it has high level access?

Ms DROVER: Yes.

The Hon. GREG DONNELLY: What is the name of that person?

Ms DROVER: I have forgotten his exact name.

Ms CATE FAEHRMANN: Stephen Lancken?

Ms DROVER: Yes, that is correct, thank you.

Ms CATE FAEHRMANN: He was here earlier today.

The CHAIR: It is the same man is it?

Ms CATE FAEHRMANN: Yes, it is the same one.

The Hon. SHAYNE MALLARD: He wears lots of hats.

Ms CATE FAEHRMANN: It is their go to—Mr Fix-it.

The CHAIR: It is Mr Lancken.

The Hon. SHAYNE MALLARD: He gave evidence earlier today.

Ms DROVER: Yes, it is the gentleman that Ms Cate Faehrmann mentioned.

Ms CATE FAEHRMANN: And he is paid by the SMC, yes.

The Hon. GREG DONNELLY: What fee does he get paid?

The Hon. SHAYNE MALLARD: No, he said he will take that on notice.

The Hon. GREG DONNELLY: I am asking the witness.

The Hon. SHAYNE MALLARD: First of all, it is my time for questions but I do not think it is appropriate that we reveal his salary in the inquiry. We have not done that to other people.

The CHAIR: The Hon. Shayne Mallard is asking questions at the moment.

The Hon. SHAYNE MALLARD: Mr Lancken has been appointed and that is encouraging. How will he deal with the issues or complaints? Will he get the complaints from your hotline? How will it work?

Ms DROVER: He is an escalation forum. If the community is not satisfied with the response they get from D and C, SMC or RMS they have that avenue to take their complaints to.

The Hon. Dr PETER PHELPS: In relation to complaints handling procedures and numbers of complaints, is it possible that complaints could be made to the hotline and then the same complaint could be made subsequently to EPA, or is there some way that you route complaints through to the EPA?

Ms DROVER: It is possible if they come to the hotline and in parallel go to the EPA. Yes, that is possible.

The Hon. Dr PETER PHELPS: Any strict aggregation of those two numbers of complaints could result in double counting of individual complaints. Mr Chair, once again the gentleman in question has decided to laugh out loud during the middle of my questioning. If you are not going to clear the gallery I ask you at least to remove him from the room. He has been a consistent interjector all through the process.

The CHAIR: I have already asked the people in the gallery to restrain themselves and not interfere with the hearing. If they do so I will have no choice; they will have to leave the room.

The Hon. Dr PETER PHELPS: Please continue.

Ms DROVER: To answer your question I think it is possible, although I expect that most of the community complaints will come via the hotline and not go directly to the EPA. The nature of the complaints will tend to be things that we can solve via the D and C contractor or ourselves. The matters that the EPA deal with are a more limited set of issues.

The Hon. Dr PETER PHELPS: Have you looked at the nature of the EPA complaints and compared them to the complaints received by the department's hotline?

Ms DROVER: I have not. I will have to take that on notice to see how much parallel overlapping there is. I am very happy to do that.

The Hon. Dr PETER PHELPS: Why do you believe there would be a difference between the nature of the complaint given to the EPA and the nature of the complaint coming through the hotline?

Ms DROVER: I think people are more aware of the hotline and the fact that it is more responsive, given that they can get real-time response from the D and C contractor on site. I am hoping that they will come through that avenue.

The Hon. Dr PETER PHELPS: Mr Kanofski, do you take the occupational health and safety of the members of RMS seriously?

Mr KANOFSKI: Yes, absolutely.

The Hon. Dr PETER PHELPS: The Committee has heard a lot about supposed bad behaviour on the part of RMS employees. Are you aware of bad behaviour on the part of those people that RMS employees deal with?

Mr KANOFSKI: I am hesitant to characterise it in exactly that way. These are very difficult circumstances. I have listened to some of the messages that have been left on some of our staff members' phones. Some of the things that are said to our staff and some of the things that our staff endure during that process I would have to say go well beyond what you might consider to be reasonable.

The Hon. Dr PETER PHELPS: Does it include abuse?

Mr KANOFSKI: Yes.

The Hon. Dr PETER PHELPS: Does it include threats of violence?

Mr KANOFSKI: Yes.

The Hon. Dr PETER PHELPS: Has it been necessary at instances for RMS to take out apprehended violence orders against individuals?

Mr KANOFSKI: I am not sure that we have taken out apprehended violence orders. I think we may have on occasion but we also—

The CHAIR: Will you take that question on notice?

Mr KANOFSKI: I will take that on notice. I think we have on occasion but we also have been through the normal processes of dealing with malicious complainants and the like. I think, to be clear, from our point of view we accept that it is a very stressful process. Our staff are trained to deal with difficult circumstances although, as you say, my obligation is that I need to take action if they are in harm's way. On occasion we have had to take action because staff have been threatened and abused. In those circumstances we have taken appropriate action. In most cases, the first and foremost action is to report the matter to the police and generally the police then take appropriate action at that time.

The Hon. Dr PETER PHELPS: Without identifying individuals, would you be able to take on notice instances and severity of abuse and threats of violence which have been raised against RMS employees?

Mr KANOFSKI: I am happy to do what we can in terms of numerics but, as you say, we certainly would not identify individuals.

The Hon. Dr PETER PHELPS: No, I do not want identifiable material but numerics will be fine.

Ms DROVER: If I can just add, when we do acquire a property, as we have said, we do try to do it by agreement and 83 per cent of properties for WestConnex have been acquired via agreement. If that fails, and we have to have six months before we conclude that process, we do head down the compulsory acquisition process. There are obviously commercial negotiations with the property team about value and dates for access, et cetera. But we actually do assign a personal manager to every person that we are acquiring the house from. That manager is not involved with the commercials of the acquisition but they are there to support that property owner or tenant. If we acquire a property sometimes we also extinguish businesses and we need to move tenants on as well.

That personal manager is there to support that property owner. I know it is a very difficult process, but we do try to endeavour to make the process as smooth as we can. That person is there to support them with relocation, finding new properties, to understand what the process is, to understand what their rights are, what they are entitled to in terms of recompense for getting their own independent valuation, getting compensation for their legal fees et cetera. We do try and do everything we can to ease that process, but we do accept it is not an easy process, and a project like WestConnex, which has a geography of 33 kilometres, we have had to acquire a lot of properties. Having said that, we have tried to develop a solution which is largely underground, and that has mitigated the number of properties we have had to acquire. But we do acknowledge it is a very difficult process.

I do want to mention that those personal managers are there to support the property owners and the tenants; they are not about the commercial negotiation to take that property for WestConnex.

The Hon. Dr PETER PHELPS: In relation to the compulsory acquisition, there are complaints from witnesses we had previously that the initial offer from RMS is at the lower end of the scale and that it is deliberately low to try and get them to accept a lower than market value. How does RMS go about ascertaining an initial offer price for a house to be compulsorily acquired?

Mr KANOFSKI: I will let Ms Drover comment in detail, but all of our property offers are done after independent valuation. We seek an independent valuation and we make an offer—

The Hon. Dr PETER PHELPS: Who would do that independent valuation? The local real estate agent or the Valuer General or—

Mr KANOFSKI: Commercial valuers but licensed real estate valuers—not necessarily real estate agents because some real estate agents are valuers but most are not. So it is actually from registered valuers. But I will let Ms Drover talk in detail.

Ms DROVER: That is right, it is not the property team deciding the value, it is an independent valuer. But if we cannot acquire the property via agreement it does enter the compulsory acquisition process and then it is the Valuer General that determines the value of the property.

The Hon. Dr PETER PHELPS: Does the valuer examine the property prior to the initial offer or do they just offer a guideline price for a particular suburb or a particular street in a suburb?

Ms DROVER: The Valuer General?

The Hon. Dr PETER PHELPS: No, the valuer that you use for the initial offer.

Ms DROVER: No, it is based on that specific property.

The Hon. Dr PETER PHELPS: So they do perform an inspection before they offer that price?

Ms DROVER: Yes, that is my understanding. They look at the specifics of the property.

The Hon. Dr PETER PHELPS: I would like to move on to a different topic and that relates to the suburb of Newtown and claims that because of the particularly large number of heritage buildings which lie above the proposed path of the underground works for that area that there is not enough consideration of the potential damage done by work and future subsidence on the area not only within 50 metres but within 100 metres of the proposed work. Would you have any comment in relation to that?

Ms DROVER: Obviously, dilapidation surveys, as we call them, are done prior to any works starting. They are available to any property owner that is within 50 metres of the tunnel or a construction site. They are done, as I said, prior to construction work.

The Hon. Dr PETER PHELPS: I do not want to be technical here but I am going to be. Is it 50 metres from the centre line of the tunnel or 50 metres from the outer edge of the tunnel?

Ms DROVER: It is the tunnel extent, so the outer edge of the tunnel or the construction site. I think the other thing to say is there have been motorway tunnels in Sydney for 30 years now including the Eastern Distributor, which was one of the early ones, and we have got no evidence that there have been subsidence issues on any of those tunnels across Sydney; they are all in Sydney sandstone and we have no historic evidence of any settlement issues.

The CHAIR: Thank you again for coming in. Just some general questions. You mentioned earlier in your opening statement that you have held consultative meetings. Who holds those consultative meetings and who attends them?

Ms DROVER: There is a range of consultative meetings for WestConnex. There has obviously been for the EIS—every stage of WestConnex was subject to the EIS so there were community sessions for that. But during construction there are the community reference groups—they are not a condition of approval, they are an RMS-initiated reference group. There are three of them; one is for the western end of WestConnex, there is a central community reference group and there is also a southern one. They meet quarterly. They are an opportunity for the community to nominate to attend those forums, so it is done by an expression of interest. Councils also attend those forums and they are to address issues associated with construction. There are also the air quality community consultative committees as well—there are three of those. They are an opportunity for SMC to meet with the D and C contractor and the community, and there are three community representatives on each of those committees for each of the ventilation outlets.

The CHAIR: Do you invite those local community members onto the committee or are they selected by the residents?

Ms DROVER: People can nominate to participate; they can put an expression of interest in and it is three members of the community per ventilation outlet per stage of WestConnex.

The CHAIR: You also mentioned a steering committee. Who is on the steering committee?

Ms DROVER: There is the WestConnex Interdepartmental Steering Committee. I think Mr Kanofski mentioned that as part of the governance structure for WestConnex. It meets monthly, it has attendees from Treasury, the Department of Transport, the Department of Premier and Cabinet [DPC], the Federal Government, RMS, and Infrastructure NSW are also on that committee.

The CHAIR: Do they meet monthly or weekly?

Ms DROVER: They meet monthly and it is to give them visibility of the issues of WestConnex, the progress, any concerns, et cetera.

Mr KANOFSKI: I think it is probably worth adding to that that there is a project governance around the building of the project. The real purpose of the interdepartmental steering committee—we understand that projects of this scale have broader implications beyond just the construction of the project, and that is why for the very big projects we have interdepartmental steering committees so that we can have representation from across government. Really it is a mechanism to ensure that the broader issues of government are considered by the project team so the project team gets feedback. They are a very useful mechanism from that perspective in terms of having people like the Department of Planning and Environment there, people like DPC and Treasury there, to provide a further level of advice to the project team.

Ms DROVER: It is also an opportunity for SMC to attend. They only attend for a short section at the beginning where they give a delivery update and then they leave the meeting and it is left to the government agencies to discuss the rest of the project.

The CHAIR: How do you relate that to the actual Government Ministers? Is there a report from the steering committee to the Government Ministers? How are they kept in touch with what is happening?

Mr KANOFSKI: If I go through the entire governance process. The Government Ministers—the Minister responsible in this case is the Minister for WestConnex and he receives very regular reports on all aspects of the project. Ms Drover and I meet with that Minister weekly on that process. There is also, through Infrastructure NSW, reporting to the Government by a Cabinet infrastructure committee on a monthly basis for all major projects in New South Wales. So there is very extensive reporting requirements, as you would expect for projects of this scale. Also, the Government Minister responsible—in this case the Minister for WestConnex—gets access to any of the minutes of those steering committees, anything that they are interested in through that process.

The CHAIR: I assume you give the Minister both good news and bad news, the level of complaints and so on.

Mr KANOFSKI: We do indeed give him good news and bad news.

The CHAIR: I was going to ask you what was his response, but I will leave that to the Minister. You said in your opening statement that the air quality for WestConnex will be "the best in the world". Is there any exterior judgement on that? It may be your opinion and I am not questioning your opinion.

Mr KANOFSKI: It is not actually my opinion at all. What I said was that the air quality standards are equivalent to the best in the world. We have an independent committee on air quality chaired by the Chief Engineer and Scientist; it has representatives from the Department of Health, the DPE and EPA attend as observers, and an independent expert as well is a member. Their job was to recommend to the Government what the air quality standards ought to be, and so they made recommendations around what the standard should be for particulate matter, how many parts per million should we have for particulate matter, both in tunnel and at ventilation facilities. With the issue of air quality, it is important to understand that there are two dimensions to it, which is quality of the air in the tunnel and the quality of the air surrounding the ventilation facilities. The independent committee for air quality made recommendations to government on both of those things and government set policy on those things. That policy is equivalent to the best standards. The independent air quality committee did a worldwide search of the standards that are being applied in other places.

The CHAIR: I understand that. That is the standard but how close are you to achieving it in reality?

Mr KANOFSKI: Obviously, none of the project's tunnels are open at this point in time.

The CHAIR: There is no testing yet.

Mr KANOFSKI: In terms of assurance, each of the ventilation facilities is required to have an environmental protection licence and that environmental protection licence will set out those standards. We will be required to monitor that. We will be required to report it to the EPA, as with all activities that have an environmental protection licence. The EPA will have regulatory ability to take action if those tunnels are noncompliant.

The Hon. SHAYNE MALLARD: If you read the Committee transcript, we had a lot of questions to Mr Gifford about that in the last session.

Ms DROVER: We are actually doing testing now, so we know what the background ambient local air quality is today and we can compare that to the air quality when the tunnel opens.

The CHAIR: In your opening statements you mentioned that there had been some calls from the public and the residents to cancel stage 3. You just said it is not possible.

Mr KANOFSKI: No, what I said—

The CHAIR: Is there some economic, financial reason or what?

Mr KANOFSKI: What I said was in two parts. One is clearly that stage 3 is in contract. So stage 3A is in contract. Also we have a contract with Sydney Motorway Corporation, which is now a majority-owned private corporation, in terms of a concession agreement. All of those agreements that are in place are on the basis that stage 3 will proceed. Clearly, if the Government were not to proceed with stage 3, then the financial damages that would likely occur from that would be massive. I do not have an exact estimate of that but we are talking billions.

The CHAIR: Could it be similar to what happened in Victoria?

Mr KANOFSKI: We are talking billions of dollars here. What happened in Victoria is that I think the final number was not fully published but was certainly a number above a billion dollars. That was my understanding. In addition to that, I think it is fair to say that there was a degree of reputational damage to the Government generally and to future projects in Victoria that occurred due to that. One of the things about private investment in infrastructure—private investment is really important to delivering transport infrastructure in New South Wales—is that the private sector needs to have confidence that if they enter into a contract with the Government then the Government will honour that contract. It is the issue of what is termed "sovereign risk". Australia in general, and New South Wales in particular, has a very good reputation on the issue of sovereign risk. What that means is that companies want to do business with the Government in New South Wales and, more broadly, within Australia generally, compared to other countries.

What that means is we then have access to those private entities on commercially competitive terms. It is actually incredibly important that if the issue of sovereign risk comes into play it is not just the immediate damages but then there is also the damage to reputation for the State. That is the financial aspect of what would happen if you decided to cancel stage 3. In addition to that, though, WestConnex was conceived as a program of work, an integrated set of motorways to form the spine of what ultimately is an integrated transport network. Clearly, if you decide not to build a stage of an integrated program a great many of the benefits that flow from that program would not be achieved in terms of travel time savings and reduction of traffic on surface roads. Of all of the benefits that come from the program, many of those would be put at very substantial risk, and probably disproportionate risk, by just not completing one stage of what was conceived as a fully integrated program.

The CHAIR: I assume you would have fewer companies tendering for some of these projects if they were nervous about it being cancelled.

Mr KANOFSKI: Absolutely. I mean this is the sovereign risk issue. The sovereign risk issue is simply that it costs a lot of money to tender for these styles of projects. Companies will take a view of how confident they are that the Government does what it says it was going to do.

The Hon. SHAOQUETT MOSELMANE: I have a couple of questions, particularly concerning complaints. How does the RMS deal with complaints from people from a non-English-speaking background? What arrangements do have in place for people to be able to articulate issues and have them addressed?

Mr KANOFSKI: I will let Ms Drover comment but we have translation services at our cost, basically. That is the broad policy position, but I will let Ms Drover comment.

Ms DROVER: All our community collateral fact sheets, community updates, et cetera, have on the back page quite a large section devoted to the fact that we do supply translation services at our cost and people can contact us and seek those services.

The Hon. SHAOQUETT MOSELMANE: Does the hotline have that facility? If somebody from a non-English speaking background—Chinese, Arabic, whatever—calls up and there is a need for immediate attention, as the Hon. Greg Donnelly just said, is there a hotline that directs them to a specific language and they can complain immediately about rattling in the house or about fumes coming in? Is there such a thing?

Ms DROVER: Given it is 24/7, there are not immediate translation services but certainly if they are requested they can be arranged fairly quickly at our cost.

The Hon. SHAOQUETT MOSELMANE: Do those five liaison officers and the complaints commissioners speak other languages?

Ms DROVER: I would have to take that on notice. I am not across which languages they speak.

Mr KANOFSKI: The other thing that I would add more broadly is that where we are aware of the demographics of particular areas when we put out the original collateral, we put it out in a number of languages that we believe would cover a reasonable proportion of the community. Obviously, that is not an exact science but in terms of the demographic makeup of particular areas, we put the initial collateral out in more than one language as well.

The Hon. SHAYNE MALLARD: Your comms team would look at the census information, surely.

Mr KANOFSKI: That is correct.

The Hon. SHAOQUETT MOSELMANE: Is there a data breakdown of people who complain and their language background and, therefore, are you able to address or provide more services in that language background?

Ms DROVER: I will take that on notice and confirm but I am sure we record whether a complainant requires a non-English—

Mr KANOFSKI: Translation.

Ms DROVER: —translation. Obviously, the next time we spoke to them, we would ensure that that translator was available.

The Hon. GREG DONNELLY: I turn to the issue of the new M5 tunnels. I understand that approval for that part of the WestConnex project was formalised or granted on 21 April 2016. Mr Kanofski, do you know whether there have been further modifications past that initial approval for the new M5 tunnels?

Mr KANOFSKI: I will allow Ms Drover to talk in detail, but in general terms, it is pretty common for there to be modifications that occur after an approval.

The CHAIR: But they are minor modifications, or are they major?

Mr KANOFSKI: They may be—

The Hon. GREG DONNELLY: This is my line of questioning, Mr Chair.

Mr KANOFSKI: How minor or otherwise they are then determines how they will be dealt with. But Ms Drover can talk to it in detail.

The Hon. GREG DONNELLY: How many modifications have been made since 21 April 2016?

Ms DROVER: For the M5?

The Hon. GREG DONNELLY: For the tunnels, yes—the two existing ones.

Ms DROVER: I will have to take that on notice.

The Hon. GREG DONNELLY: Can I just tell you that there are six modifications.

Ms DROVER: Right.

The Hon. GREG DONNELLY: I will give you the dates: 30 August 2017, 14 November 2017, 7 December 2017, 5 April 2018, 30 April 2018 and 20 August 2018. There have been six. Have you been involved with the detail of processing those modifications?

Ms DROVER: Any change that the design and construct [D and C] contractor or the Sydney Motorway Corporation [SMC] proposes is assessed. Sometimes it is looked at from the consistency perspective. It may be changed but it may be consistent with the planning approval, and therefore it does not necessitate a modification. But, if it does, it goes through the full modification process.

The Hon. GREG DONNELLY: And there have been six, yes. With respect to the six modifications that I specifically mentioned and which are formally notated or footnoted in the Department of Planning and Environment's paperwork, can you provide to the Committee information about the values of those modifications, or the costs of those modifications, to the project?

Ms DROVER: I will have to take that on notice and give you the exact detail per modification.

The Hon. GREG DONNELLY: Do you have any approximate figure with respect to these modifications?

Ms DROVER: Not with me. The only thing I will note is that the D and C contractor may propose a change and they will cost that change; but, depending on what the Department of Planning and Environment [DPE] determines in terms of whether a modification—

The Hon. GREG DONNELLY: I am sorry, the?

Ms DROVER: Whether the DPE actually agrees to the modification or not, and then—

The Hon. GREG DONNELLY: Yes, but these six modifications have all been approved.

Ms DROVER: —it may impact the value of the modification.

The Hon. GREG DONNELLY: They have been inked. With respect to the value of those modifications, surely here today you can provide us with some information on the value of those modifications. This is a large project. Within the large project there are some major modifications. We must have some information on that here today.

Mr KANOFSKI: All of the modifications are within the contingency band for the project. I think we have taken on notice to give you the exact detail of the costing of the five.

The Hon. GREG DONNELLY: Mr Kanofski, can you provide me with an approximate value, as best you can, of those six modifications?

Mr KANOFSKI: No. I think I have taken on notice that we will—

The Hon. GREG DONNELLY: No, you did not, actually. Ms Drover took it on notice.

Mr KANOFSKI: —provide you with the costings for the modifications.

The Hon. GREG DONNELLY: For each? I would like it for each of those six that I have mentioned.

Ms DROVER: Yes. I said I would do that.

Mr KANOFSKI: Yes. We said we are happy to do that. What I would say, though, is that it is normal in a project of this scale for there to be modifications to it during its delivery. It is normal for the project to carry contingency in order to deal with things such as modifications.

The Hon. GREG DONNELLY: With respect to these modifications I have mentioned, the six of them, is it or is it not the position that RMS has agreed to indemnify the Sydney Motorway Corporation for any extra costs associated with these modifications?

Mr KANOFSKI: We would have to take the precise nature of that on notice, but there are quite a lot of issues that are really client issues.

The Hon. GREG DONNELLY: Well, Mr Kanofski, these are major modifications.

Mr KANOFSKI: True.

The Hon. GREG DONNELLY: If one looks at the paperwork, it goes to over 150 pages; that is, the detailed documents. These are not insignificant modifications. What you are saying is that you are not in a position here today to go into the detail of what they might be valued at, and I accept that. But surely you know, and you can give an answer today, of the position that we understand to be the case, which is that Roads and Maritime Services has agreed to indemnify the Sydney Motorway Corporation for any extra costs associated with the modifications.

Mr KANOFSKI: I was actually attempting to give you an answer to that a little while ago, but I will attempt again to give you an answer to that. As I said to you, within the six I will take on notice the precise issues.

The Hon. GREG DONNELLY: All six.

Mr KANOFSKI: But what I was going to tell you is that it is not unusual. Roads and Maritime Services has certain obligations and we are the ultimate client for the project, so it would not be an unusual circumstance.

We are also responsible for obtaining and keeping planning approval. It would not be an unusual contractual situation—

The Hon. GREG DONNELLY: Anyway, you are speculating now because you do not know.

Mr KANOFSKI: Well, for us—

The Hon. GREG DONNELLY: No, no. I have asked you the question in regards to these six modifications. You have effectively taken them on notice and now you are speculating about what are contingencies that you might have with respect to projects. If you cannot answer with respect to these six, we will move on.

Mr KANOFSKI: I think I have taken that on notice.

The Hon. GREG DONNELLY: You have taken that on notice. Fine. With respect to the Gateway project as part of the WestConnex project—or not, as the case may be—it was the case that the Sydney Gateway was part of the WestConnex project in the first instance, was it not?

Mr KANOFSKI: In the WestConnex project there was a link from the St Peters interchange to the airport, or to Airport Drive. That was part of the business case for WestConnex. What transpired during the investigation process before that was that it was determined that there were broader issues which needed to be addressed and then the Government asked RMS to prepare a separate business case for all of the matters relating to Sydney Gateway, including linking the St Peters interchange to the airport.

The Hon. GREG DONNELLY: This is where your arguments fall to ashes because, in your answer to questions by Reverend the Hon. Fred Nile relating to the component parts, you went to great lengths to explain how the component parts are all joined together, it is integral that one follows the other, and they are all tied together. But the truth of the matter is that, with respect to the Sydney Gateway, it has been broken off at the end and is being treated separately. That is the case, is it not? You cannot on the one hand argue that the component parts are integral, they fit together, they click together, and they all form a whole, and then on the other hand have some money the other way and say, "Well, listen, with respect to the Sydney Gateway, that's a little bit different because we've been asked by the Government to produce a different result; that is, to cost it as a separate project in and of itself." You cannot play both sides of the line. You have to have one or the other.

Mr KANOFSKI: What I have said—and I have said this consistently throughout a number of hearings on this matter—is that one of the functions of Sydney Gateway is to link the St Peters interchange to the airport. That was always part of the original WestConnex scheme—to link the St Peters interchange to the airport. That remains one of the functions of Sydney Gateway. Sydney Gateway has a whole range of other functions. It improves traffic flow at the entrance to terminal two [T2] and terminal three [T3].

The Hon. GREG DONNELLY: Okay. We will move on. With respect to the Sydney Gateway project—

Mr KANOFSKI: I am sorry—

The Hon. GREG DONNELLY: No, no. I want to move on because, in effect, you have answered my question. With respect to the Sydney Gateway, you have acknowledged it will cost between \$2 billion and \$2.6 billion. If we take the \$800 million that was, in terms of the budget of the WestConnex that was devoted to the Sydney Gateway project, in effect, we have this now just as a contribution to this whole project, have we not? In other words, you have got the \$2 billion to \$2.6 billion, you have got the \$800 million, so it is only a small component part, really, is it not? There is this other amount of money that has to be found to pay for it. Is that correct?

Mr KANOFSKI: Yes. There is an \$800 million contribution from the WestConnex project—

The Hon. GREG DONNELLY: Correct, yes.

Mr KANOFSKI: —to the Sydney Gateway project.

The Hon. GREG DONNELLY: And with respect to the difference, \$2.6 billion minus \$800 million, is that money going to be found, for example, through sourcing or seeking to source funds through Restart NSW?

Mr KANOFSKI: The funding position is a matter for Treasury. It is not a matter for RMS.

The Hon. GREG DONNELLY: Okay.

Mr KANOFSKI: RMS is not responsible for where the money is funded from.

The Hon. GREG DONNELLY: Okay. With respect to the Sydney Gateway project—we have got the issue of the funding that is still a bit of a black hole—when do we expect it will be finished?

Mr KANOFSKI: We expect it to be finished at the end of 2023.

The Hon. GREG DONNELLY: So there has been no change since you were last before the Committee in terms of that?

Mr KANOFSKI: No.

The Hon. GREG DONNELLY: On the matter—and it is sometimes taken as a bit of a vernacular, but it is not meant to be—of toll fatigue of the citizens of this State and the citizens of this city, basically they have pretty much had a gutful of the amount of tolls they have to pay to use roads in this big city. Has RMS undertaken any work or any research to examine this notion of toll fatigue?

Mr KANOFSKI: Not that I am aware of.

The Hon. GREG DONNELLY: Roads and Maritime Services, to the best of your knowledge, has not sought in any way whatsoever to research, study or inquire into the notion of toll fatigue?

Mr KANOFSKI: No. What we are tasked to do by the Government when we are asked to look at a toll project or asked to look at a motorway project is look at what are the alternative ways of funding that motorway project. Tolls, if it is a motorway project, are always part of that consideration. As part of that consideration we would always look at what is called willingness to pay.

The Hon. GREG DONNELLY: Yes.

Mr KANOFSKI: So we would model based on consumer research and the like what the willingness to pay the toll would be.

The Hon. GREG DONNELLY: Have you heard of the term "toll fatigue" before, Mr Kanofski?

Mr KANOFSKI: I have heard of the term "toll fatigue", yes.

The Hon. GREG DONNELLY: What do you understand it to mean?

Mr KANOFSKI: I understand it to mean a view that the cumulative impacts of tolling are—it is a word to describe how some people characterise the cumulative impact.

The Hon. GREG DONNELLY: Surely RMS must have some insight into the sense of which the people in New South Wales, particularly Sydney, using vehicles feel about the issue of the payment of tolls and the way that has increased in recent years. Your evidence to this inquiry this afternoon is that RMS has not looked at this matter specifically to establish whether or not this actually, as a matter, is in the minds of the people in this city?

Mr KANOFSKI: That is my evidence.

The Hon. GREG DONNELLY: No work on this?

Mr KANOFSKI: I think the matter you are referring to is really a broad government policy position. If we were asked by the Government to look at it we would look at it.

The Hon. GREG DONNELLY: As the primary government agency for the roads in this State the Roads and Maritime Services has not looked at the matter of toll fatigue and its effect as a concept? It has done no work at all. That is what your evidence is?

Mr KANOFSKI: Not to my knowledge, no.

The Hon. GREG DONNELLY: That is fine. Moving on, I go back to the issue of the complaints which we were dealing with earlier this afternoon. Once again I am not trying to be tricky here; I am trying to get the complexity. In the recording of complaints we heard evidence that the EPA collects direct reports from people ringing them up. It also has reporting via the contractors who on a 24-hour basis are reporting complaints that come through to them, the contractors. And we have a few come in, not expected to be many, through other departments or agencies which might ring up the EPA. That is the EPA. We have the RMS hotline and that collects data.

At an earlier hearing with the Sydney Motorway Corporation Mr Cliche gave evidence when he was in the role that he himself would receive text messages of complaints that were put through to the Sydney Motorway Corporation in regard to matters to do with the WestConnex project. What I am struggling to understand is how does this all come together? You sit down and you try to write down on a piece of paper what is the complaints process of this massive project, with another major piece to come, and you cannot get a clear picture about how

the complaints are being brought together at a single point and accurately recorded and acted upon. With various sources of information it is self-evident that there is going to be confusion about this.

Mr KANOFSKI: Just to be clear though, if the EPA receive a complaint then they will clearly come to us and ask us what action we have taken with regard to that issue. In terms of actioning items, very clearly if a complaint comes to the EPA the first thing the EPA will do is contact us and ask us do we know about it and what are we doing about it.

The Hon. GREG DONNELLY: That is to be taken as read, that all of the complaints to the EPA through whatever means ultimately come back to RMS?

Ms DROVER: Yes. If anyone contacts me directly I will let the team know and they will log it into the system.

The Hon. GREG DONNELLY: This is from the EPA?

Mr KANOFSKI: From the EPA, yes.

Ms DROVER: Assuming the EPA contact us and let us know.

The Hon. GREG DONNELLY: Mr Kanofski just said that is what happens. Does that happen? All EPA complaints provided in whatever form come back to you. Is that right?

Ms DROVER: Any complaint from any agency or individual will be logged within the system.

The Hon. GREG DONNELLY: That is different from the hotline?

Ms DROVER: The system sits behind the hotline so anything coming into the hotline is also logged in the system. It is the system that captures the complaints for WestConnex.

Mr KANOFSKI: No matter where they come from.

Ms DROVER: Yes.

Ms CATE FAEHRMANN: Continuing on from that you are confident that the complaints lodged via the hotline are all actioned. What does SMC do with those complaints?

Ms DROVER: SMC does not manage the hotline. RMS is responsible for the hotline, the call centre. They come in, they are triaged, they may go off to SMC if it is an SMC matter. Largely they go to D and C because they are the ones on the ground that have to deal with the problems. If they are a property matter that is obviously to the RMS, so it comes to us. There is usually a call made to the relevant person to address it, so it is addressed quickly. There is usually an email sent as well so there is a follow-up in writing.

Ms CATE FAEHRMANN: You may have to take this question on notice. What price per tonne of carbon did RMS use in the WestConnex updated strategic business case to calculate the greenhouse gas emissions in the savings of \$3.58 billion as a result of the WestConnex project?

Ms DROVER: I will definitely take that on notice.

Ms CATE FAEHRMANN: Another one: What is the total amount of tonnes of carbon emissions used to calculate the savings in the business case? Will you take that on notice as well?

Ms DROVER: Yes.

Ms CATE FAEHRMANN: Mr Kanofski, I think the first time you appeared before this Committee you may have said something in response to a question from the Chair about the safety of ventilation stacks. You said that you believed that those ventilation stacks were safe.

Mr KANOFSKI: That is correct.

Ms CATE FAEHRMANN: Do you stand by those comments?

Mr KANOFSKI: Yes, I do. The reason I stand behind those comments is because of the range of independent process. I am not an air quality expert. We have a very robust process by which independent people, including the chief engineer and scientist, give advice to relevant government departments such as the EPA and the Department of Planning and Environment who regulate these matters. I am confident that the process we followed is a very robust process and therefore I am confident that they are safe.

Ms CATE FAEHRMANN: We had a number of experts before this Committee that I would suggest may be more independent still. One of them was a senior respiratory physician and intensive care physician at the Royal Prince Alfred Hospital in Sydney—somebody you think would have a lot expertise in the area of health

impacts from exhaust fumes. When I asked him the question I put your statement to him. He said, "I do not think you can possibly say that that is an accurate statement." This is somebody who has looked into the health impacts of diesel exhausts and vehicle emissions and he said that in relation to ventilation stacks.

Mr KANOFSKI: I am satisfied, as I said, that we have a robust process informed by independent experts that has set standards that are the equivalent of the best in the world.

Ms CATE FAEHRMANN: The ventilation stacks will still emit PM2.5, correct?

Mr KANOFSKI: They do emit PM2.5.

Ms CATE FAEHRMANN: Are you saying that PM2.5 is safe?

Mr KANOFSKI: As I said, I am not a health expert nor am I an air quality expert.

Ms CATE FAEHRMANN: You are on the air quality committee for the tunnel.

Mr KANOFSKI: I am an observer to that committee, yes.

Ms CATE FAEHRMANN: Give me the name of the committee again?

Mr KANOFSKI: The independent air quality committee. I am an observer to that committee. I am confident that—

Ms CATE FAEHRMANN: You represent your department on that committee, the RMS, is that correct?

Mr KANOFSKI: I am an observer to that committee. The key point of that committee is for people other than RMS to provide advice to government.

Ms CATE FAEHRMANN: Mr Kanofski, you are sitting before—

Mr KANOFSKI: The key point of that committee is to get independent experts—

Ms CATE FAEHRMANN: Yes, and the point of this Committee is to inquire into the impacts of WestConnex on residents. You have sat here and said that you believe the emissions from ventilation stacks are safe?

Mr KANOFSKI: Yes.

Ms CATE FAEHRMANN: PM2.5 comes out of those stacks, is that correct? You understand what PM2.5 is?

Mr KANOFSKI: I do understand what PM2.5 is. Vehicles emit 2.5. Vehicles emit particulate matter whether they are in a tunnel or whether they are on the open road. About 12.5 per cent of PM matter in the Sydney Basin is caused by vehicle emissions. Much more significant amounts are caused by wood fires and bushfires.

Ms CATE FAEHRMANN: What are the impacts of PM2.5 on health, Mr Kanofski?

Mr KANOFSKI: I am not an expert.

Ms CATE FAEHRMANN: You are on this air quality committee.

Mr KANOFSKI: I am an observer of the committee. With respect, I am not a health expert, I have never claimed to be a health expert.

Ms CATE FAEHRMANN: Mr Kanofski, you said that the emissions from the ventilation stacks were safe?

Mr KANOFSKI: Yes, and I believe it.

Ms CATE FAEHRMANN: If you are not a health expert why did you say that to the Committee?

Mr KANOFSKI: Because I believe them to be safe because we followed a robust process and we have independent advice. So, yes, I do believe them to be safe.

The CHAIR: Based on the advice you have received?

Mr KANOFSKI: Based on the advice I have received.

Ms DROVER: And under process the chief health officer is responsible for giving the advice on the human health impacts of the ventilation outlet.

Ms CATE FAEHRMANN: There is a document that the NSW Ministry of Health and the EPA have—the review of the health impacts of emission sources, types and levels of particulate matter, air pollution and

ambient air in New South Wales by the Woolcock Institute of Medical Research which specialises in air quality and health research. This is quoted in many documents that I have seen: That all PM_{2.5}, regardless of source, should be considered detrimental to health.

Mr KANOFSKI: I think what we are dealing with—

Ms CATE FAEHRMANN: Do you agree with that statement?

Mr KANOFSKI: Sorry, I am not a health expert and I am not going to pretend to be a health expert.

Ms CATE FAEHRMANN: Will you withdraw your statement to this Committee that emissions from ventilation stacks were safe?

Mr KANOFSKI: What I will do is explain my statement.

Ms CATE FAEHRMANN: You do not know what you are talking about when it comes to stacks.

The Hon. Dr PETER PHELPS: Point of order—

Ms CATE FAEHRMANN: He has admitted that he does not know what he is talking about.

The Hon. Dr PETER PHELPS: The witness is being badgered. He is attempting to answer the question. Ms Cate Faehrmann is badgering him continually contrary to the rules of the Committee now too.

The CHAIR: Just allow the witness to answer the question.

Ms CATE FAEHRMANN: Thank you, Chair.

Mr KANOFSKI: What I have said is, yes, I do believe them to be safe on the basis that we have got a range of expert opinion. We have a whole range of people who are expert in this. The other point to make is that when we are talking about ventilation facilities we are talking about the fact that they are a method for dispersing emissions that already exist. I am not providing a commentary on vehicle emissions generally. The vehicle emissions exist by the use of vehicles. The ventilation facilities are a method for managing those emissions in a tunnel environment. The ventilation facilities are not creating the particulate matter emissions; the percentage of emissions that are created from vehicles happen because we drive vehicles. It happens that when you drive them on a road it is uncontrolled—

Ms CATE FAEHRMANN: Thank you, Mr Kanofski.

Mr KANOFSKI: —and when you drive them in a tunnel you have to manage them.

Ms CATE FAEHRMANN: I have limited time. I think you will recall that the Chair at the time asking the question in relation to ventilation stacks being located near schools and other places with children. He asked, "Have you been able to avoid schools and other places with children?" Your response was, "I think the thing to be clear about is that these facilities are safe." We are talking about the stacks that are emitting, as you know, PM_{2.5} concentrated emissions and you are suggesting that these are safe. That is why I am persisting with this point.

Mr KANOFSKI: Can I answer the question of concentrated emissions for a second? The ventilation facilities are a method for dispersing emissions. The emissions that happen on a normal road, a surface road, for example, are not subject to any dispersion; they happen as they happen naturally and they are dispersed naturally. The emissions that come from a ventilation facility, which are the very same emissions that come out of the vehicles, use a process to disperse them.

Ms CATE FAEHRMANN: Does the PM_{2.5} disappear entirely through that process?

Mr KANOFSKI: It cannot disappear entirely; clearly that is not possible. What it is though, it is dispersed very widely, much more widely than the vehicle emissions on a surface road. Therefore, to say that the emissions are concentrated is, in my view, incorrect because if they were on a surface road they disperse as they disperse. The point of the ventilation facility is that it disperses them much more broadly—so quite the opposite of concentration. They are concentrated in the tunnel and that is why we have in-air-tunnel quality requirements as well but then they are dispersed much more broadly than the emissions that come from a normal surface road.

The Hon. SHAYNE MALLARD: I continue with the issue of ventilation. I campaigned against the stacks in east Sydney in the 1990s—the Eastern Distributor—so I have a bit of consistency on this issue. I was surprised today to hear that the condition of consent for construction of the M5 East tunnel—and I assume the other tunnels—is the ability to retrofit ventilation, or scrubbers it may have been, or some sort of technology that can filter the air. Are you aware of that?

Mr KANOFSKI: In the M5 East there is a level of ventilation management process. I think Ms Drover may be more familiar with the detail.

Ms DROVER: I am not particularly familiar with the detail of it.

The Hon. SHAYNE MALLARD: Was it the Department of Planning or the EPA who said that?

Ms CATE FAEHRMANN: Planning said that.

The Hon. SHAYNE MALLARD: The Department of Planning informed us—I will have to go back and check whether it was in relation to the M5 East tunnel or stage 3 as well—that you had to build it with the capacity to retrofit some sort of filtration such as scrubbers.

Mr KANOFSKI: I think it is possible for those things to be fitted. The question of whether or not they would be fitted becomes a matter for the EPA. If the EPA, as part of the environmental planning licence required us to do it then we would be obliged by law to do it. If your question is, "Could we fit them?" the answer is yes.

The Hon. SHAYNE MALLARD: Questions from members are not just about this project but because of a history of anxiety in the community. There is no denying there is anxiety in the community about having stacks in their suburb.

Mr KANOFSKI: Yes, absolutely.

The Hon. SHAYNE MALLARD: I was a councillor and I represented communities living in east Sydney that had that anxiety. The Department of Planning has had the foresight to say that there might need to be some sort of filtration in the future requiring the tunnels to be built so they can be retrofitted. I am not sure whether it was referring to scrubbers or the actual filtration but basically the EPA might have an issue about licencing in the future. So that opening is there in the future.

Mr KANOFSKI: Yes, absolutely. You can fit filtration after the event if you are required to do so, yes.

The Hon. SHAYNE MALLARD: Sometimes you have to do things that are not always scientific but that give the community confidence around some projects.

Ms DROVER: But all motorway tunnels, whether being built now, in the future or in the past will be subject to an environmental protection licence. The EPA will determine every year what is required. At the moment they are suggesting filtration is not required.

The CHAIR: It would be cheaper though if the filtration is put in at the beginning, as we found with the M5 East rather than after construction when it is a lot more expensive.

Mr KANOFSKI: I do not think the filtration was put in after the event, but I am happy to that on notice. The scrubbing system on the M5 was put in at the start I think.

The Hon. SHAYNE MALLARD: Is there a scrubbing system in the old M5 tunnels?

The CHAIR: I meant the old M5.

Mr KANOFSKI: The old M5. There is an air management system in there.

The Hon. SHAYNE MALLARD:

The Hon. Dr PETER PHELPS: There is no filter.

Mr KANOFSKI: It has proved not to be as effective—

The Hon. SHAYNE MALLARD: Have you driven through in a convertible? I made that mistake once and I am still recovering.

Ms CATE FAEHRMANN: Brave.

Mr KANOFSKI: Yes. I think I am on the record as saying there is a range of design issues with that particular tunnel which lead it to have the characteristics that it has got.

The Hon. Dr PETER PHELPS: I want to refer to the unicorn of toll fatigue.

[Interruption from the gallery]

Are you going to do anything Mr Chair?

The CHAIR: No, just ask your question. Let us get on with it.

The Hon. Dr PETER PHELPS: So we are going to ignore interjections from the audience?

The CHAIR: Yes.

The Hon. Dr PETER PHELPS: I want to refer to toll fatigue. When was the toll on the M4 first removed? Do you know what year that was?

Mr KANOFSKI: I will take it on notice but there was a cashback scheme on the M4 for a period in the 1990s.

The Hon. Dr PETER PHELPS: When was it finally removed?

Mr KANOFSKI: Sorry, I would have to take that on notice. My apologies.

The Hon. Dr PETER PHELPS: Are you aware that the RMS website indicates that in 2009 average daily traffic volumes on the M4 between James Ruse Drive and Silverwater Road were around 109,000? That was in 2009.

Mr KANOFSKI: I am not aware specifically of that but that is consistent with my view of how much traffic it would be carrying, yes.

The Hon. Dr PETER PHELPS: Are you aware that the RMS website's latest figures on the page titled "Widened M4 traffic volume data" indicate that at the current time there is an average daily total number of vehicle trips in excess of 150,000?

Ms DROVER: The last time I looked that is the right average weekly. It does vary by day of the week.

The Hon. Dr PETER PHELPS: So the argument that people are avoiding tolls on a tolled section of road is disproved by the fact that there is a 41,000 vehicles per day movement increase between 2009 and 2018?

Ms DROVER: Obviously your evidence suggests there has been an increase over that period.

Mr KANOFSKI: What you can say with certainty is there are more cars using it now than there were in 2009.

The Hon. Dr PETER PHELPS: So the toll fatigue argument, which is that people will substitute away from toll roads because they are sick of paying tolls, is not evidenced in this case?

The Hon. GREG DONNELLY: RMS does not have a position on tolls. It has not even looked at it.

Mr KANOFSKI: What our modelling shows on individual projects is that there are a range of people who will make the decision not to pay the toll. In the case of the M4—and Ms Drover may correct me if I am wrong—I think it was modelled at around about 25 per cent, or something of that order.

Ms DROVER: I think it was higher than that. I think the diversion we expected was higher than 25 per cent.

The Hon. Dr PETER PHELPS: Are you aware that the same RMS page indicates that volumes on the widened section of the motorway were originally forecast to reach 163,000 movements per day by 2031?

Ms DROVER: That is in line with what we have said in the EIS.

The Hon. Dr PETER PHELPS: So what we are saying is that 13 years ahead of time we are within 10,000 movements per day of reaching that 2031 expected forecast. Is that correct?

Ms DROVER: It seems to be consistent with the evidence you have put forward.

The Hon. GREG DONNELLY: Transurban is laughing all the way to the bank. That is how crook the calculations are.

The Hon. Dr PETER PHELPS: So rather than there being toll fatigue, in fact the projections are ahead of schedule despite the fact that there is a toll on that new section of the M4.

Ms DROVER: I think it is fair to say the diversion rate when the toll was applied was lower than what was expected and modelled.

The Hon. Dr PETER PHELPS: That is exactly right, that people do not have toll fatigue and that, in fact, they are quite happy to take advantage of the greater convenience, the greater fuel efficiency, the greater time reductions which come about through the introduction of tolled motorways in New South Wales. Is that correct?

Mr KANOFSKI: The Government's tolling policy says that people have that choice to either pay the toll if it provides them with value or take the alternate route, which will inevitably have travel characteristics that are slower and less reliable. So it is a value proposition ultimately.

The Hon. Dr PETER PHELPS: But it is not a value proposition which people impose upon individual motorists; it is up to the motorist to decide whether it is more important for them to get home and see their families half an hour earlier for the sake of a few dollars more.

Mr KANOFSKI: That is correct. What the policy position is is that they should have a choice, and they do, and the view is that, like most things in life, if they perceive it provides them with value then they will pay and if they perceive it does not provide them with value then they will not.

The Hon. Dr PETER PHELPS: Which is, in fact, one of the reasons why transport workers are so keen on having the M1 created so that it gets them off the, to be frank, car park which is Pennant Hills Road at the current time, is it not?

Mr KANOFSKI: If you look at heavy vehicles in particular, obviously the economics of heavy vehicles mean that the running costs per hour are very high—probably somewhat in excess of \$200 per hour for a vehicle and driver fully absorbed. So obviously travel-time savings are economically particularly important to the heavy vehicle sector. What it shows is that they have a higher propensity to do what is financially and economically in their interest, which is save the time because they believe it saves them money, and that sort of travel-time saving ought to provide them with a cost saving.

The Hon. Dr PETER PHELPS: But there is also not merely the opportunity to save the cost of time that is lost by being stuck in traffic and traffic lights, you also have the fuel benefits that come from continuous transport as opposed to the stop-start you would get travelling along Parramatta Road or Pennant Hills Road at the current time.

Mr KANOFSKI: Correct. Parts of the benefits of travelling on a motorway are that you get a travel-time saving, you get a fuel saving and you get a more reliable journey. That is part of the benefits that people are buying when they decide to go on the motorway.

The CHAIR: Just some general questions about the tollways. The date by which the tolls will cease I think was mentioned earlier as 2060. Is that correct?

Ms DROVER: That is right. The concession deeds expire in 2060.

The CHAIR: That is in 42 years time. It seems to me you could almost argue that the tolls are permanent, at 42 years. What would happen in 42 years time?

The Hon. Dr PETER PHELPS: How long did it take to pay off the Harbour Bridge? We are not pulling the Harbour Bridge down.

Mr KANOFSKI: What happens in 42 years contractually is that the concession ends and the road needs to be handed back to the State in a certain condition. Obviously, these concessions require the operator to build it, own it, operate it and then hand it back in good condition at the end of that, broadly speaking—obviously, "good condition" is defined in very technical terms, but, broadly, let us say it is in good condition. Then what happens with the road from that point is a matter for the government of the day. But that is contractually what happens at the end of that concession period, the road is handed back to the government.

The CHAIR: So the government could cancel the tolls or continue the tolls as necessary.

Mr KANOFSKI: It is entirely a matter for the government of the day.

The Hon. Dr PETER PHELPS: Can I follow on with an additional question raised earlier by expert witnesses? There was an allegation made that it has been over-engineered, particularly the section between Haberfield and St Peters, that there is too much road for the expected level of traffic and effectively it has been over-engineered. Would you like to comment on that?

Mr KANOFSKI: I will let Ms Drover comment in detail, but I am aware of the opinion. There are a couple of technical issues with that analysis; one is that the analysis on which that statement was made effectively assumes that there is no peak flow direction because it has reached the total amount of traffic over all of the lanes all of the time. So it assumes that there is peak flow direction, which of course on most Sydney roads there is a peak flow direction.

The Hon. Dr PETER PHELPS: There certainly is.

Mr KANOFSKI: Which is why we do not do our analysis in that way. The other point is that it bases its total traffic numbers off a theoretical maximum based on Austroads standards. They have a whole range of conditions attached to them as to what sort of conditions in which you could get, I think it quotes, 2,300 vehicles a day. Those conditions do not exist in the tunnel environment. I will let Ms Drover talk in detail, but what I would

say is that our modelling says that the design of the M4-M5 Link, particularly the section between Rozelle and St Peters, is appropriately sized for what we would expect demand now and in the future to be.

The Hon. Dr PETER PHELPS: That is a key point, is it not? It is built for but not with, because when you have the northern link you are going to have to deal with additional capacity on that system, are you not?

Mr KANOFSKI: There is an ultimate plan for an integrated transport network which incorporates an integrated motorway network. Clearly we have to have some view for what future demand would look like. Tunnels are very hard to augment; it is very difficult and expensive. I think we found out on the M2 that when you try and widen a tunnel it is a pretty arduous process and has pretty big impacts on customers. So typically tunnels are not augmented; you build them and that is the size they are. But I will let Ms Drover talk in detail about the capacity and planning.

Ms DROVER: We did look very closely at that submission. I am happy to take this offline and provide more detail on notice.

The Hon. Dr PETER PHELPS: It would be good if you could put it as a response to this Committee because we are going to have to deal with it in our final report. If you have a critique of it that is well founded I would be very much appreciative if you could add it as an additional submission.

Ms DROVER: Perhaps in layman's terms, in short, I think the submission adopted a lane capacity rate of between 2,000 and 2,050 vehicles per hour per lane and, as Mr Kanofski mentioned, that was applicable to an Austroads standard that does not apply to the tunnel motorway environment. That assumed that the road was a surface freeway, the speed above 110 kilometres per hour, that no heavy vehicles are in that tunnel. The lane capacity, the medians, the shoulder widths and the lane widths were different to what we have designed for the M4-M5 Link. If you factor in the fact that we are underground with narrower shoulders, for example, and the mix of heavy vehicles in the tunnel, and the fact that we are not doing 110 kilometres per hour, then you actually get a lane capacity that is closer to 700 vehicles per hour per lane and not the 2,050 that is in the analysis provided. But we can provide a much more detailed response, if you wish.

The Hon. Dr PETER PHELPS: Would it be fair to say that when the Harbour Bridge was opened with six lanes of motor vehicle traffic, it was unnecessary at the time but we should be very thankful that Mr Bradfield designed it that way?

Mr KANOFSKI: I would not like to speculate on the history of the Harbour Bridge.

The CHAIR: The Harbour Bridge is outside our terms of reference.

Mr KANOFSKI: But I think it is fair to say that when you are building major infrastructure you need to have an eye—

The Hon. Dr PETER PHELPS: Not just 10 years in the future, but 100 years in the future.

Mr KANOFSKI: —to what the future will look like.

The CHAIR: I have a couple of quick questions. A couple of times when discussing the ventilation stacks you said that they "distribute" the pollution. How do the stacks distribute the pollution? I thought they condensed the pollution.

Mr KANOFSKI: No. I will let Ms Drover comment. The function of the ventilation facility is to disperse the emissions.

Ms DROVER: The ventilation outlets take the emissions from the tunnel via the ventilation outlet, which is roughly about 35 to 40 metres high—above seven stories high—and they eject them with some degree of force into the air. It is ejected high into the atmosphere. It is mixed with the background ambient air and then dispersed very much at height and with some force, as I said. So it is taking it out of the tunnel at height and then ejected. It is mixed with the—

The Hon. GREG DONNELLY: Like the sewage outlets?

Ms DROVER: Pardon?

The Hon. GREG DONNELLY: Analogous to the sewage outlets.

The CHAIR: What is the height, roughly, that you are talking about?

Ms DROVER: I would have to take on notice the exact height where it is mixed with the background air, but certainly, where it is ejected, it is about 35 to 40 metres above ground level.

The CHAIR: The other question, to clarify—

Ms DROVER: If I could just add, this is technology used internationally. There is a project in Sweden that is currently being constructed. It is 18 kilometres of road tunnel. That is also adopting the same methodology that New South Wales is using. They are not filtering their ventilation outlets.

The CHAIR: I have another question from the earlier evidence. With the compulsory acquisitions, you said 83 per cent are done by agreement. That leaves 17 per cent. What happens basically to that 17 per cent?

Ms DROVER: The 17 per cent would go via the compulsory acquisition process under the just terms Act. The evaluation would be done by the Valuer General. The process would start after six months of negotiation with the RMS. If we cannot come to an agreement, we issue what we call a property acquisition notice [PAN] that goes to the property owner. There are certain time frames by which they can respond to that. Ultimately then the property is acquired, it is gazetted and then the Valuer General determines the value. If the property owner is not happy with the valuation determined by the Valuer General, they can apply to the Land and Environment Court and that court would determine the outcome and the value. Along the journey, we pay their cost, including their legal costs, their own valuation costs, disturbance costs and other appropriate costs as well.

The CHAIR: We have had some evidence that there has been a very negative impact on residents health and so on. Do you have a system of supporting those residents who need that? It might be mental health or a lot of issues.

Ms DROVER: As I mentioned, if it is a property matter or we are acquiring someone's home or business, we do allocate them a personal manager. That person is, as I said earlier, not to deal with the commercial nature of that acquisition but really the personal process of relocating someone and acquiring their house. As I said, they provide them a new home, a new business location or they assist with that process. They can put the owner in contact with counselling services and other support services.

Ms CATE FAEHRMANN: I have a question in relation to a supplementary question that we got back from RMS. It was about a discussion with you, Mr Kanofski, from the previous day, when I asked for the \$2.5 million grant that RMS provided to Lendlease to undertake an airport access link reference design. I asked you if you had seen the document. You said you would take it on notice as you did not know the document off the top of your head. The response was that in 2012 and 2013, Roads and Maritime Services engaged with multiple industry partners who had sufficient experience, capability and expertise to provide the services required to identify a technically feasible solution for Sydney's congestion. One of the engagements was with Baulderstone, now Lendlease, and Bouygues joint venture. That was not what I asked you to take on notice, which was the \$2.5 million grant to Lendlease to undertake an airport access link reference design. I asked whether RMS had a copy of that design and you said that if you did you would take it on notice and have a look. You did not say in the response that you had the design.

Mr KANOFSKI: I am not sure, sorry.

Ms CATE FAEHRMANN: This was a supplementary question—a question on notice in the first instance anyway.

Mr KANOFSKI: My apologies. I am happy to relook at it if we have not answered the question.

Ms CATE FAEHRMANN: It is a continual frustration, Mr Chair, to ask questions on notice and to receive responses that are not what the Committee or a member of the Committee asked for. This seems to be an evasive response, to put it bluntly.

Mr KANOFSKI: I am happy to look at it and—

Ms CATE FAEHRMANN: If you have the design will you give it to the Committee?

Mr KANOFSKI: Certainly.

Ms CATE FAEHRMANN: When you find the airport access link reference design that Lendlease produced under that \$2.5 million grant, do you commit today to provide that to the Committee?

Mr KANOFSKI: Certainly. I think I gave the answer in two parts last time. One is that we will confirm whether we have it or not. I will absolutely confirm whether we have it or not and then I will seek to understand the status of that document in terms of whether it is to be provided because I do not know whether it was done under a Cabinet process or some other process that might limit my ability to provide it to you.

The Hon. Dr PETER PHELPS: Point of order—

The CHAIR: That is all right; it is just a bit of laughter at the back.

Mr KANOFSKI: But I am happy to confirm on notice. We will confirm whether we have such a document. If we have then I will—

The CHAIR: We are nearly finished.

The Hon. Dr PETER PHELPS: Is it all right really?

Ms CATE FAEHRMANN: That is what you said to me. That is exactly your response at the last Committee hearing. You said, "We are happy to take it on notice and consider what we do in respect of the document. I do not know its status or I am not familiar with the document." Then there is a response that is completely unrelated apparently.

Mr KANOFSKI: I will take it on board and I will give you a response to the question.

Ms CATE FAEHRMANN: Thank you.

The CHAIR: Are there any more questions? We have one more minute.

The Hon. GREG DONNELLY: I have a question about damage to residents' property, which has featured quite highly over the course of these hearings. In getting settlement and in getting repairs done, there is the difficulty that some people have experienced. There is some contest over whether or not when dealing with the contractor who was doing the work at the time—or it is believed by the owner—the actual damage took place. There is a bit of a debate about whether or not that was the case or there may have been some other circumstances or context upon which the damage may have taken place. In making sure that these claims are properly dealt with and dealt with in a timely and fair way, what does the RMS have to say?

Ms DROVER: The process is we do a dilapidation study before any work starts on site and you are eligible for a dilapidation study if you are within 50 metres of the extent of the tunnel or a construction site. Then we come back post-construction to assess where there has been any impact and damage to the house. Along the way, property owners can contact us and raise any concerns about the property damage. If the project has caused that damage the WestConnex project will reimburse the property owner.

The Hon. GREG DONNELLY: If no dilapidation study is done which, in effect, is a sort of status report, prior to the work getting underway and if the resident did not take up that opportunity to have that assessment done, where does that leave them in dealing with the claim that there has been damage to their property arising from the construction?

Ms DROVER: They can still apply and raise their concerns and, obviously, they will be assessed. Again, under a new condition of approval for the stage 3 project, there is the assessment panel, which is the panel of geotechnical and architectural experts, which will provide some independence to that process. If a member of the community has a concern or a complaint that is not resolved by the D and C contractor, it can be escalated to that panel.

The Hon. GREG DONNELLY: Thank you.

The CHAIR: That brings us to the conclusion of our hearing today. We thank you very much for your help in giving us evidence. The Committee has resolved that answers to questions taken on notice be returned within 14 days; usually it is 21 days. Could you note that? That 14 days starts from when you receive the questions from our secretariat so it gives you accuracy as to what is the question that you are endeavouring to answer. Thank you very much.

(The witnesses withdrew)

(The Committee adjourned at 15:00)