

28 January 2016

The Secretary
Department of Planning and Environment
Box 39, Sydney NSW 2001
DP & E Project Number: SSI 14_6788 WestConnex New M5

Dear Ms Secretary,

We make this submission in response to the Westconnex M5 Environmental Impact Statement (EIS) as per above reference.

The Newtown Precinct Business Association (NPBA) is the representative body of the business community in the precincts of Newtown, Enmore, Erskville, St Peters and parts of Marrickville.

Over the last 13 months, we have actively managed a consultative advocacy campaign to monitor the potential impacts that Westconnex Stage 2 (New M5) may have on our precinct and the businesses within it.

To date we have had many major concerns with the project and we are outlining these concerns in this submission and in line with the EIS mentioned above.

Central to our campaign has been the protection of King St, the hub of activity for our precinct and Australia's premier high St model. The visitor economy is the life blood of our precincts and Westconnex has the potential, both in the long and short term, to significantly impact our vibrant and diverse business community.

Subsequent to this is the flow on effect that this project will have on our surrounding precincts. While King St is the central hub, it would not exist without the villages that surround it in Enmore, Erskville, St Peters and Marrickville. In effect, anything that effects King St, effects the whole precinct we represent.

While King St has been central to our campaign, of equal importance is Edgeware road, Enmore road, Mitchell road, Sydney road and Euston road, on which there are also significant impacts on local businesses.

Further to this, the majority of businesses in the precinct are owned by locals. This makes any impact on the business community very personal to those business owners and therefore very passionate about our campaign and the whole project.

Our major concern has always been that any increase in traffic movements on King St as a result of Westconnex will mean 24 hour clearways. This leads to a decrease in available parking spaces, decreased safety for pedestrians and health issues due to pollution at a bare minimum.

We understand that in the EIS, and Minister Gay himself in our face to face meeting in December 2015, states the commitment to 'No changes to clearways or parking on King St'. This specific statement is quoted in Appendix 1A section 15_48 as well as many similar comments in other locations of the EIS;

'King Street and Enmore Road business precinct contains numerous businesses, including retail, services, restaurants and cafes. The project does not propose to modify King Street, including speed limits or on-street parking arrangements along King Street.'

In future years, traffic modelling indicates that King Street is expected in most cases to experience reduced peak hour volumes under the 2021 'with project' scenario and 2031 cumulative scenario when compared to the without project scenario (refer to Technical Working Paper: Traffic and transport (Appendix G)).

*The exception to this would occur in the 2031 cumulative case, where AM peak hour volumes southbound would increase by around 35 per cent when compared to the 'without project' scenario. However, this is in the opposing direction to the dominant AM peak hour and is within the design carrying capacity of the road. **As there would not be any significant changes to traffic volumes or no modifications to King Street are proposed as part of this project, the project would not have a significant impact on businesses or amenity along King Street.'***

The highlighted statement above, and the guarantees contained in multiple sections of the EIS, provide a condition that there will be no changes to clearway or parking restrictions on King St based on the traffic modeling contained in the EIS. This modelling indicates that there will be no significant changes to traffic volumes.

Further to this, while changes may not be proposed as part of the Westconnex project, King St is managed by RMS, who have the ability to change traffic conditions independent to other projects. Oxford St and Parramatta road are recent examples of this.

Our major point of concern with this project is here. This EIS states that there will be no changes to King St clearways because the traffic modelling indicates there will be no reason to change them. It is our belief, supported by further documentation, that the traffic modelling is incorrect and incomplete, which will force RMS to change the clearway restrictions on King St and kill our business community.

We have four major points to outline in this submission in response to the EIS. The traffic modelling within this EIS;

1. Is not complete as there is a five-year gap for the construction period of 2016 – 2021 where there is no traffic modelling performed for all of the impacted areas, yet major road infrastructure will be built requiring road closures, traffic diversion, heavy vehicle traffic movements, limitations of local amenity, demolitions, excavations and other heavy construction works

- This detailed information is not contained in the EIS and it is abhorrent that a five-year construction zone that has immense impact on the social and economic environment is not included in the EIS
 - This point alone should be grounds for a delay in the planning process until such time that this information is available for public scrutiny
2. Shows vast inconsistency with other independent traffic modelling reports
 - We shall make comparisons to the AECOM traffic modelling to independent reports later in this document
 3. Has been managed by AECOM who have recently been forced to pay \$280million compensation for misleading traffic modelling for Queensland toll roads.
 - AECOM by their own admission and I quote ***“no longer provide traffic and revenue forecasting for toll road operators or owners in Australia”*** extracted from the Wall St Journal September 15 2015 – See Appendix 1 for the full article or [click here for the website link](#)
 4. Has inconsistencies and inaccuracies that will lead to severe impact to the Visitor Economy of Newtown
 - The points we will be making below will indicate that this project will have a severe impact on the visitor economy of Newtown and the surrounding suburbs. This in turn will cripple business and have a flow on effect to residents who own a majority of businesses in the area and the workforce they employ.

1 – The Construction Period for Stage 2

After consultation with both Roads and Maritime Sydney (RMS) and Sydney Motorway Authority (SMA), we have identified that there is no construction schedule or traffic modelling to identify the impact this construction will have on all the local areas within our remit.

Section 7 of appendix G outlines construction compounds and anecdotal information relating to some of the impact, but this information is just a description of the works that need to be carried out.

In this section there is modelling for 6 intersections in the 'affected area'. In truth there are over 30+ intersections that will be affected as a result of the forecast high level of delay and poor level of service as stated on page 181, Section 7.5.8.2 of said appendix G. The analysis that is missing from this EIS is the impact on surrounding roads and intersections as a result of these anticipated high levels of delay and poor levels of service.

In other words, these six intersections quoted in the EIS, will experience high levels of delay particularly in AM and PM peak hour traffic which will force vehicles on these roads to find alternate routes. These alternate routes being the 30+ intersections in and around our precinct. The major roads this will impact are King St, Edgeware Road and Enmore Road.

This point specifically relates to our major concern that there will be increased traffic movements on King St and subsequent clearway restrictions being lifted to potentially 24 hours a day, 7 days a week. Further to this is the subsequent increase in vehicle movements in other major precinct roads such as Edgeware, Enmore, Sydney, Mitchell and Euston Roads.

Considering the length of construction (five years) and the serious amount of construction and impact on local roads, we cannot understand how an EIS does not have this information so that the developers can properly assess the impact on the social and economic environment as a result of the construction of this stage of the project.

The NPBA have expressed these concerns to both RMS and SMA who have committed to providing further information regarding the construction period on the condition that planning is approved for the project. This is a contradictory statement as we believe we can not properly assess the impact of the project until such information is made public.

This point alone should be enough to halt any approval of this project until this information is made public to assess its impact. It is our belief that without this information, the EIS that has been submitted is incomplete and any approvals be held until such information is made public.

2 – Inconsistencies and shortfalls in EIS traffic modelling

With the assistance of the City of Sydney, we have access to screenline reports to assist in showcasing inconsistencies in the EIS traffic modelling. These screenlines use data supplied by RMS/SMC and has then been interpreted and represented in a clear format by TTM on behalf of the City of Sydney. TTM was asked to review the traffic modelling and in doing so they requested additional data as the EIS had so little information.

King St traffic modelling has not been included in the EIS as this section of road is not deemed part of the project. As you can see in the screen line reports in Appendix 2, the following increases/decreases in traffic on local roads has been forecast

Year 2021 Forecast Average Weekday Traffic (2-Way) comparison of with new M5 and without new M5

- King St +3%
- Edgeware Road +4%
- Mitchell Road -43%
- Euston Rd +74%

Year 2031 Forecast Average Weekday Traffic (2-way) with new M5

- King St +1%
- Edgeware Rd +4%
- Mitchell Rd -37%
- Euston Rd +69%

There are contrasting forecasts contained in the EIS. The EIS forecast a decline in King St traffic movements, where these screenlines clearly state that there will be an increase in weekday traffic movements in all major roads in our precinct with the exception of Mitchell Road.

The actualization of these reports would suggest that traffic restrictions on King St, Edgeware Road, Enmore Road (which connects them) and Euston road will require significant amendment to handle the increased traffic movements.

In our consultation with RMS and SMA, we understand that there is a proposed 'King St Gateway' currently being scoped. Its intention is to encourage northbound princess highway traffic down Sydney road and southbound Sydney rd traffic down the princess highway.

This gateway is not part of the Westconnex project nor this EIS, therefore our consideration of this proposal is negligible until such time that an EIS has been submitted for public viewing and planning approval.

The traffic demands forecast for Euston Road will disperse to other streets. Whilst Euston Road is proposed to be upgraded this upgrade is only to just north of Sydney Park Road. Traffic would have to disperse prior to and shortly after this point. The main alternative routes are Mitchell Road and King Street. It is our opinion that the modelled route choices have not accurately split the traffic between Euston Road, Mitchell Road, and King Street.

The select link plots for Euston Road (Appendix 2 Figure 4-6 and Figure 4-7) indicate that the main demand for Euston Road is traffic to and from Campbell Road east of the Princes Highway (76 % AM, 62% PM) with most of the remainder being to and from the New M5 (20 % AM, 25% PM). Some of this traffic may already be accessing Euston Road via Canal Road and Burrows Road or Sydney Park Road. It appears that the upgrade of Campbell Road and Euston Road are effectively providing a new route into the CBD. Traffic on King Street reduces as a result.

However, as seen in Figure 4-6 and Figure 4-7, local streets carry significant increase in traffic. Maddox, Fountain, and Bowden Streets are particular examples (shown in blue). This distribution of additional traffic is of concern. Maddox Street feeds to Mitchell Street and Bourke Road. Fountain Street feeds to Swanson Street and Erskineville Road onto King Street and Enmore Rd. Bowden Street is a feeder to Bourke Road and also to Mandible Street.

As a result of these significant changes, we believe RMS will be forced to change clearway restrictions on major roads in our precinct to allow a greater flow of traffic. Should this occur, the impact on our business community, both on and adjacent to King St would be catastrophic. As would the flow on effect to the owners of these businesses who are predominantly local residents, let alone the tens of thousands of people they employ.

3 – Flawed Traffic Modelling by AECOM

As identified above, AECOM have a history of incorrect, flawed and misleading traffic modelling. The effects of which are not fully comprehensible until many years later. Considering that AECOM are providing the traffic modelling for this EIS, we do not accept the modelling found in this EIS to be accurate or an accurate representation of the traffic movements in and around our precincts in the next 30 years of this project.

Another astounding quote from this article and further evidence to AECOM's inability to forecast traffic modelling – ***'AECOM's settlement is one of the largest related to misleading and deceptive conduct in Australian corporate history,'***

This supports our belief that traffic modelling in the EIS is incorrect and with subsequent independent traffic modelling reports showing increases in traffic movements (as stated in point 2), where AECOM show decreases, we do not accept that AECOM can provide accurate information from which the state government can make an accurate judgement. Nor can NSW Planning and Development make an accurate, informed and objective assessment of this EIS.

This also further supports our belief that traffic in and around our precinct will increase, providing the necessity to change current clearway restrictions and instigate new clearways on roads such as Edgeware and Enmore Roads and King St.

Given the far reaching impact of this project, the immense expense for the Westconnex Project and the subsequent RMS road projects such as the King St Gateway, we cannot in our right minds allow the plan for the new M5 to be approved based on an EIS and traffic modelling performed by a company that by its own admission will not develop any further traffic modelling studies because of its own incompetence, a \$280million compensation payout and providing the information by which a state government toll road went broke.

4 – Severe impact on the Visitor Economy of Newtown

In 2014, the NPBA commissioned our 'Visitor Economy Research' which provided us with detailed information regarding the people who visit Newtown for the purposes of leisure. This research has provided us with qualitative data we have used to measure the downturn in economic impact decreased parking and pedestrians can have on our business community. You can see the relevant information relating to this research in Appendix 3.

The majority of visitors, 56%, use cars to and from Newtown. Further to this, a total of 14% of these visitors parked on King St in either free or paid parking.

One in five Sydney-siders will visit Newtown in the next twelve months, making it the most popular destination outside the CBD. This equates to 1,353,702 visitors coming to Newtown in 2016. 14% of these visitors parked on King St with 88% of these visitors having at least one other person with them on their visit. This equates to 356,294 visitors who access the Newtown precinct via parking on King St.

According to our research, the average visitor to Newtown spends \$46. When extrapolated, this means that the approximate cost to the visitor economy of no parking on King St alone is \$16,389,540 in a full calendar year.

Additional impacts will occur when constraints are placed on parking off King St, further reducing the number of visitors to the precinct.

More impact will be felt by businesses on King St and surrounding precincts, when pedestrians walking next to a clearway do not feel safe and don't return to the precinct.

Further impact will be felt when our thousands of local businesses close or reduce staffing levels in line with reducing visitation and subsequent spending.

This economic impact analysis is for the removal of car parking on King St **only** as this is the only quantifiable data available to our organisation. We have not had the time or resource to extrapolate this data to Enmore, Edgware, Sydney, Mitchell or Euston Roads.

Needless to say that when all potential impacts are assessed, the baseline figure of \$16,389,540 would increase alarmingly.

Over the course of the last 13 months, we have sought to engage with originally the Westconnex Delivery Authority (WDA). Initial consultation was ineffective to the point where the WDA refused to reply to emails and phone calls requesting consultation.

In the last six weeks, and as a result of our campaigning, our federal member Mr Anthony Albanese, was able to facilitate a meeting with Minister Duncan Gay and his Roads and Maritime Sydney (RMS) team. This led to a further meeting on 27 January with the interface team from RMS and the Sydney Motorway Authority.

We believe that if these meetings were held in early 2015, the issues we are outlining in this submission may have been averted. We note in the EIS (Section 1A – 7_11) that the WDA mention that the NPBA were involved in a consultative process. This is an inaccurate statement. Our connections with WDA were as follows

1. An introductory meeting held in December 2014 where the following was discussed
 - a. General introductions and an overview of the project
 - b. An offer from the NPBA to commence a regular consultative process
 - c. Potential to scope a member forum to discuss issues pertinent to our stakeholders and devise possible solutions
 - d. An indication from the NPBA that the gap between the construction of stage 2 and the completion of stage 3 has significant negative impact on the precinct which the NPBA is willing to assist WDA to overcome in a consultative process
 - e. Please see appendix 4 which contains the outline of our advocacy plan as detailed to WDA in this meeting and approved by the NPBA board in December 2014
2. Follow up communication
 - a. WDA contacted NPBA seeking advice of a public forum, not the consultative process we originally discussed
 - b. Advice was given and the public forum was held
3. Public Forum
 - a. This forum only provoked further criticism of the project as the information presented was rejected by the members of the public in attendance
4. Post public forum
 - a. 5 phone calls were made to WDA seeking confirmation of our next meeting
 - b. 5 emails were sent to WDA requesting as above
 - c. No communications were received by the NPBA after the Enmore Theatre forum

Further detail as to the content of meetings, emails and phone calls can be provided. Suffice to say that statements relating to the NPBA being involved in a consultation with WDA are false.

In addition to our four key points above we include the following issues with this EIS in support of our constituents who have presented the following information.

- The project as proposed in this EIS does not deliver the broader objectives of Westconnex as stated in the updated strategic business case (November 2015)
 - Primarily - *'Relieve road congestion to improve the speed, reliability and safety of travel on the M4, M5 and CBD/airport/port corridors, including parallel arterial roads'* & *'Support Sydney's long-term economic growth through improved motorway access and connections linking Sydney's international gateways, western Sydney and key places of business across the city'* – page 114, Updated Strategic Business Case
 - This project fails to connect western Sydney, the CBD, the airports or the ports
- This EIS refers continually to implementation of the entire Westconnex project, but contains no detailed information about Stage 3 and therefore the costs, health, traffic modeling, and social and economic impacts if (1) it is indeed financed and built and (2) if it is not built.
- The Minister has continually indicated that the entire Westconnex project simply does not make sense unless Stage 3 is built. But this EIS operates on the assumption this as yet unfinanced stage will be built.
- The EIS refers to benefits 'if a future Sydney Gateway project proceeds'. No details have been provided in the EIS as to what this is, let alone what the costs, health, traffic modeling, and social and economic impacts on local communities may be
- Westconnex has acknowledged in community meetings there will be two 'on demand' pedestrian crossings on Euston Road between Campbell Street and Sydney Park Road intersection. This will result in a backup of traffic on what is meant to be an 80 kph roadway. This makes no engineering nor traffic management sense.
- Westconnex has acknowledged in community meetings there will be a centre lane on Euston Road between Campbell Street and Sydney Park Road intersection to allow trucks to turn into both eastern and western industrial properties. It is inevitable that the many trucks doing so will require management by traffic lights, further slowing down the projected 50,000 per day traffic flow along this section of Euston Road.
- Alexandria, Enmore, Newtown and other suburbs will suffer deteriorating air quality due to traffic congestion exposing residents to lung cancer and children to impaired lung development
- The EIS ignores the social impact of devastating the suburb of St Peters
- Westconnex M4 and M5 will remove 40 hectares of vegetation which cools suburbs and reduces our carbon footprint
- Residents affected by compulsory acquisitions are and have been offered below-market prices for their homes and businesses, and the distress and trauma this has caused.
- The impact of hundreds of diesel trucks, dust and noise on communities including the five-year construction period.

- The inadequate analysis of the threat posed to the endangered Green and Golden Bell Frogs at Arncliffe, which even Westconnex admits may not survive the M5's construction and operation.
- The EIS provides no hard evidence about why alternatives won't work; there should be modelling of impact of traffic management along with increased public transport
- No noise modelling has been done for how residents living above two stories will be affected
- Cost analysis provided by Sydney Motorway Authority does not include the subsequent cost of RMS road projects such as the King St Gateway which will add further cost to project and significantly influence the financial viability of the entire project
- Construction/developer contracts have been entered into before this EIS was lodged.
- The use of an air quality model that hasn't been used in Australia before and which cannot be verified by the NSW EPA. There will be an increase in dangerous pollution in some areas close to the tollway portals, including near schools.
- Westconnex will unfairly load Western suburbs residents up with tolls without enhancing public transport possibilities which are the primary mode of transport for these residents currently travelling to the CBD (as opposed to vehicles).
- The suggestion that tunneling activities would need to be conducted 24 hours per day, seven days a week, including associated activities such as spoil handling and haulage. This will place great pressure on significant numbers of nearby residents throughout day and night-time periods.
- Tunneling would cause vibration and damage to homes. The EIS says it will only be for a short period but does not say what a short period is.
- The EIS repeatedly says that threats to the livable environment of residents during construction and operation would be subject to plans developed later. These plans should be available in this EIS before approval can be considered.
- AECOM's analysis of 'alternatives' provides no solid evidence. A combination of demand management of traffic and new public transport projects, especially for the western Sydney should have been explored in line with state government policy, specifically the NSW Long Term Transport Master Plan.
- Unfiltered ventilation stacks should not be used when safer filtered stacks are an option.
- The flaws and optimistic assumptions in the traffic modelling mean that toll revenue is likely to be significantly lower than forecast. AECOM has a history of providing over-optimistic traffic forecasts for toll roads, resulting in previous financial failures (e.g., Clem7).
- The average daily travel time in Sydney has been stable at approximately 80 minutes per person for decades, while the average trip distance has increased substantially. In this time, billions have been spent on tollways. Travelers are spending more than ever on tolls, yet are not spending any less time travelling.

- There is not enough information on the traffic volumes that will occur in Alexandria, and there is also conflicting information on possible mitigation strategies. Although the diagrams in the EIS show right-hand turn lanes in all four directions at the Sydney Park Road/Euston Road intersection, the text of "New M5 EIS Vol 2B App G Traffic and Transport" instead indicates that there will be a "banned right turn from Mitchell Road into Sydney Park Road [because of] the banned right turn southbound at the Sydney Park Road / Euston Road intersection". The text also indicates that there will be a "north-bound lane [which] will go as far as Maddox Street, where it becomes a new left-hand turn lane", but the diagrams do not show this. Not having clarity on which of these two scenarios is planned makes informed consultation impossible. If these right-hand turns into Sydney Park Road are not permitted, there will be enormous volumes of traffic on local roads as drivers try to rat run. Likewise, the extra left-hand turn lane, if it is actually planned, seems destined to drive traffic onto local roads.
- It is not clear whether proposed increases in population in the Inner Sydney have been taken into account in traffic congestion predictions eg; Green Square
- Westconnex is now a private company that is not obligated to publish its contracts. This makes transparency for a state and federal government funded infrastructure project impossible.
- According to the EIS there is a risk of unacceptable levels of fine particle pollution on the Southern end of Sydney Park. There is no safe level of fine particle exposure; Westconnex is consciously building a project that it knows will worsen already high levels of pollution on St Peters, Enmore and Alexandria
- Westconnex admit that dangerous dust pollution will be created during construction at St Peters. It proposes to water the site to avoid this. The community cannot accept this when Westconnex itself has failed to water the site during current asbestos removal.
- Construction traffic will continue throughout the night which will disturb the sleep of residents located along *local* road networks.
- Thousands of trees along the route in Beverly Grove Park, Sydney Park and other parks are being destroyed to make way for a tollway that even the EIS shows won't solve traffic congestion. This drastically reduces public amenity
- Valuable heritage buildings will be destroyed or left marooned and surrounded by tollway in St Peters.
- There is already flooding at St Peters when there are rain storms. Councils have already found that the flood modelling is not acceptable for the M4 East and the same approach has been used for the M5.
- Experts have not been available at very limited EIS sessions. None were held in Newtown, Alexandria or Erskineville.
- Residents are being forced out of homes at below market prices before approval has been given for the project.

- The noise assessment shows that hundreds of homes will experience noise above acceptable levels. In fact, the results revealed in Appendix J could be far worse because monitoring was only done for one location at Beverly Hills and one in St Peters where only 30% of results could be included.
- Westconnex failure to assess correctly and handle responsibly asbestos that is already impacting on communities in St Peters, Granville and Erskine Park. Given its failure to identify much asbestos along the M4 during an EIS, its contamination analysis for the New M5 must not be accepted at face value.
- The EIS ignores the work of independent traffic and planning experts who have presented evidence based arguments that Westconnex won't meet its time-saving or congestion goals

The Newtown Precinct Business Association, its committee, our members and constituents ask that you reject this EIS due to the lack of detailed information and potentially incorrect and misleading information. It is impossible to make an informed decision for planning approval based on the issues identified in this submission.

We ask that you publish our name and submission in accordance with the undertaking on your website, and provide a written response to each of the objections we have raised.

On Behalf of the Newtown Precinct Business Association

Signed:


Simon Shaw (Jan 29, 2016)

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