

Subject: FORMAL EIS procedural complaint
From: Peter Waite <waitepeter@bigpond.com>
Date: Fri, 01 Aug 2014 10:16:55 +1000
To: Tim Parker <m1-m2enquiries@transurban.com>



Hi Tim,

Following Tuesday nights meeting and my visit to the Pennant Hills shop front yesterday I make the following observations:

Until resolved I do not want this taken as being a complaint against any person or persons including the Minister, Transurban, NorthConnex or any contractors or person/s.

*1. Email replies to questions about issues do not identify the date or time the issue was received. This means if there are more than one email, recipients may not know to which matter it referred. This happened to me yesterday and is part of the reason for this email.

*2. Staff stated Lend Lease prepared, and is still preparing documents for NorthConnex and Lend Lease must accept responsibility.

*3 My concerns about the "South bound AM peak traffic problems" are wrong.

*4 All design works have not been completed.

*5 All land required for acquisition has not been completed.

*6 NorthConnex can still make changes to the EIS.

*7 **NorthConnex FactSheet- July 2014; ARTISTS IMPRESSION:**

· Northern ventilation outlet Permanent features p2; lists items 2 -8 for northbound traffic.

The intersections of '*Bareena Avenue/Fern Avenue Hornsby*' and Woonona Avenue Hornsby should be shown as being nearly opposite each other. What is shown as Fern Avenue is probably Lochville Streets Hornsby and Wahroonga that was divided when the F3 was built.

Item 1, South bound twin lanes at Burns Road shows a '*Maintenance bay*' lane commencing left off the tunnel lane where there is a '*light green nature strip*' between the tunnel and Pennant Hill Rd lanes, then over or under the open tunnel lanes to the Pacific Hwy Pennant Hills Rd twin lanes third lane for an un-identified distance.

There is no indication of where the two sets of twin lanes commence before the vegetation shown on the tip of the diagram which does not have any identification shown.

How will the lead into the tunnel from the F1 be built? Staff at the Pennant Hills shop front could not find this on any of the EIS documents suggesting I ask for an answer at the 9 August Pennant Hills consultative meeting. Please arrange for this to be done in the opening presentation.

*8. How will the tunnel open section be built and still allow the existing four south bound lanes to the Pacific Highway and Pennant Hills Road operate 24/7?

*9. The DoP will determine the application including additions and amendments.

*10. EIS page i: Prepared by AECOM Australia Pty Ltd
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COMMENT AECOM's above statement makes it very clear the only material under discussion is what "*Roads and Maritime Services*" has provided. I suggest no third party has applied to AECOM to refer to its **EIS**.

Whilst accepting that AECOM is only protecting itself against any claims that may be made, it does not exonerate "*Roads and Maritime Services*".

In my opinion the EIS should be immediately withdrawn for "*Roads and Maritime*" and Transurban to make public all of their papers for the community to know all of the "*FACTs*" and then republish the EIS with relevant amendments and additions.

When my website M1TunnelVision.org is online it will show how AECOM had been misled by "*Roads and Maritime*" and probably other people with a vested interest.

CONCLUSION The day I received the EIS CD by post and down loaded Vol 1A pages 1 and 23 to 33 contained sufficient evidence to consider with documents I have held up from the 1990's to 2007, is that the tunnel should be scrapped because it will not solve many major problems that exist and can only get worse until a second Hawkesbury River crossing is built to national highway standards as was intended 11 years ago in 2001.

Peter Waite

File

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**APPLICATION FOR ACCESS UNDER THE
GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 NO 52 Sections 41 & 42**

Applicant

Surname

WAITE

Mr

Given Names

PETER ANDREW

(a) AGENCY

Minister for Roads and Freight
Level 35 Governor Macquarie Tower
1 Farrer Place
SYDNEY, NSW 2000

(d) Postal Address

28 WARNE ST PENNANT HILLS NSW 2120

Phone Number

9484 3471

Details of Application:

"In 2012, the NSW Government received an unsolicited proposal from Transurban and the Westlink M7 Shareholders (Sponsors) to design, construct, operate, maintain and finance a tolled motorway linking the M1 Pacific Highway at Wahroonga to the Hills M2 Motorway at the Pennant Hills Road interchange at West Pennant Hills, known as NorthConnex."

NB *"Roads and Maritime Services is the Proponent for the environmental impact statement and lodgement of an application for an environmental and planning approval. Roads and Maritime is working with the sponsors on the community consultation and public exhibition of this environmental impact statement."*

I request access to approved documents / diagrams etc for:

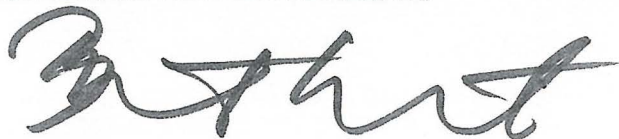
- **"This Environmental Impact Statement" prepared by AECOM, dated July 2014:**

1. Dated copy of authorisation for completed EIS to be printed
2. Dated copy of authorisation for EIS to be released
3. Date EIS publicly released
4. Provisions for when third North lane tunnel is operating north of the tunnel
5. How the estimated 40% of PM traffic from the Pacific Highway and Pennant Hills Road is able to join peak hour when there is 100% tunnel traffic?
6. Provision in Acts or regulations permitting an incomplete EIS to be released for public comment
7. Provisions in Acts or regulations etc permitting fundamental problems be submitted to M/s K. J, manager Department of Planning and Environment for her team to assess the above without them being in the authorised EIS

S 42 Additional information: **Refer page 2**

S 54 Public Interest considerations: **Refer page 2**

(c) FEES AND CHARGES \$30 No discount is requested - Cheque attached



Applicant's signature

Date: **5 August 2014**

Agency Use Only

Received on...../...../.....

Acknowledgement sent on...../...../.....

SECTION 42, additional information:

Attached is the Sydney Morning Herald 20 July 2010 article by the then Director Sam Haddad explaining the processes undertaken by the Department of Planning after "John Mant's . . . ill informed discussion on these pages last week."

Without entering into that 'debate' Mr Haddad made it clear the process must be **"The department continues to strengthen its checks and balances to ensure probity and transparency in process and outcomes."** Column 2 par 3.

[REDACTED]

I made another GIPA application. A meaningless 59 page list of 523 documents was sent. My \$30 application fee and \$370 payment for work involved was returned. I applied to the ADT 133265 to have the documents released. I withdrew it because of technical errors I made in my application. Regardless, the issues raised are still valid. The Minister's determination should **"ensure, probity, transparency in outcomes."**

SECTION 42, Public Interest consideration (Council 1976 map attached)

Based on the existing bridges at Edgeworth David Avenue, North Shore rail and Pacific Highway over the F1 I raised concerns with an officer at the Pennant Hills Golf Club community information meeting and was assured *"there were no problems"*.

Pennant Hills office staff provided the ***"Fact sheet – Northern Ventilation Outlet July 2014"***. This ***"Artists impression"*** sheet shows at 1, ***"a maintenance bay"*** next to the eastern lane then crossing to the Pacific Highway lane. Is it part of the EIS?

I raised concerns at the Information Centre on 31 July 2014 because the EIS does not show tunnel entrance and exit "lane designs". On 2 August I returned for other *"Fact sheets"*. Staff volunteered and read out to me an email from RTA's chief project engineer to them that indicated: ***"squeeze problem are still to be overcome"***.

At the Hornsby 'Air quality' meeting I raised the issue of what happens with exhaust fumes in this area when there is gridlock and was advised ***"it has been examined and will not be a problem"***. How could that be, when the ***"squeeze problem"*** had not been identified in the EIS and is still to be overcome?

Driving north on Sunday at 6.45 am and back again on Monday at 2.20 pm in very light traffic each way I noted the supports for each of the 3 bridges have three substantial concrete walls protected by substantial crash barriers including one between each of the N / S 3 lanes. It appears crash barriers may be needed for all of this section because there is no room for a centre nature strip or breakdown strip.

Whilst I can only guess, I suspect these bridges pose a significant, if not an impossible problem to overcome, especially as there will also have to be provision made for the third north bound lane from the tunnel when the need arises circa 2025.

Three lanes also means if those lanes are at 100% capacity, the 40% from PH Road and Pacific Highway will be able to join the M1 three lanes. Hornsby Shire 1976 Town Planning map I have had since 1980 indicate **where** the Edgeworth David Ave bridge to rail bridge 800m, then 480m to Pacific Highway bridge as the 'squeeze' **will be**.

Peter Waite

LOCAL GOVERNMENT

Getting it right on development project

Giving the Department of Planning a role in assessing larger, more complex development applications ensures that all concerned parties have their voices heard, writes Sam Haddad.

THE PART 3A development assessment system was introduced in 2005 to provide a tailor-made process to assess projects of regional or state significance.

Before its introduction, the NSW government had always had a role in determining major projects. About 85 planning instruments introduced between 1979 and 2005 made the Minister for Planning the consent authority for certain development types.

The minister always had the power to "call in" any proposal from a council to consider it. This is consistent with the principle of "decision making at the appropriate level".

Because it deals with larger and more complex projects, the part 3A system has more stringent assessment tests which do not exist in the council assessment system.

Under the first test, the Department of Planning must decide whether a developer's

project and its assessment address all relevant key issues before it is allowed to proceed to public exhibition. This ensures that the community has full and detailed information about the proposed development when commenting on the proposal.

Under the second test, developers are required to respond to public submissions. This response may include changes to the development to minimise its impact. This test elevates the importance of community submissions by requiring their issues to be specifically addressed. The department also now posts all submissions on its website.

The department continues to strengthen its checks and balances to ensure probity and transparency in process and outcomes.

John Mant would have benefited from an update of these practices before embarking on an ill-informed

discussion on these pages last week. We stand ready to update him to assist a more healthy and accurate discussion.

I would like to respond to the "myths" about part 3A, some of which Mr Mant raised.

It is claimed responses to submission documents are not

The part 3A system has more stringent assessment tests which do not exist in the council assessment system.

made available on the website until a decision is made. This is not true; these documents are routinely made available before determination.

About 97 per cent of council decisions are made by council staff under delegated power and their assessment reports are generally not available before the decision is made. Only about

40 per cent of councils have development application tracking systems on their websites where these reports may be public. All reports and associated assessment documentation for part 3A assessments are available on the department's website.

In regard to third party appeals, objectors have the same appeal rights against the

surveyor reports to support capital investment claims.

The department does not always meet with applicants to discuss our assessment report before a determination. We welcome Mr Mant's acknowledgment that we meet other parties – such as residents – before a determination. Our officers routinely consult the local council during their assessment process after the exhibition period and, depending on the project, may meet with residents and other objectors.

Mr Mant discussed the part 3A system's relationship with other legislation. One of the key benefits of the part 3A system is that it allows a single decision-maker to undertake an integrated assessment of all issues. This avoids the potential of contradictory and conflicting conditions and concurrences being placed on the project from agencies with different focuses.

Sam Haddad is the director-general of the Department of Planning



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