Attention: Department of Planning, Industry and Environment (DPIE)
Objection Submission on Beaches Link and Gore Hill Freeway Connection
Application Number SSI_8862

Objection

We **object** to DA: **Application Number SSI_8862** for the following reasons:

1. Lack of Justification and strategic need;

a) Transport data used in the EIS is too old and out of date to be used to justify the need for the project. The traffic data is from 2016, which is over four years old and well outside acceptable industry standards for traffic data modelling. Traffic count data would be considered acceptable if collected within one to two years old at most.

b) Other TfNSW projects (excluding Western Harbor Tunnel and Beaches Link) use traffic count data in Environmental Impact Statements (EIS) which are only about 12 months old, so it is unsatisfactory the Beaches Link has used such old traffic data, which is considered not to comply with accepted industry standards and is out of date.

c) The traffic count data used for modeling in the EIS was also collected before the launch of the Northern beaches B-line service, so represents an unrealistic scenario for current traffic movements and unrealistic or overstated benefits for forecast traffic movements. It is well recognised the B-line service has been a very well patronised public transport service which has caused a significant mode shift from cars to public transport buses, which would not be reflected in any of the transport modelling undertaken which underpins the whole need and justification for the project in the EIS.

d) This out of date transport and traffic data underpins the business case, overstates the predicted commuter benefits and wider economic benefits and is also used as input data in various technical environmental impact assessments such as air quality modelling, traffic modelling and operational traffic noise emission predictions.

e) As the foundational traffic data that underpins this project is flawed, the basis of many of the environmental impact assessments are also likewise unsound.

f) The Beaches Link project should be assessed on its own merits, as a standalone project. It should use up-to-date traffic count data, not 2016 data to align it with the 2016 modelling undertaken in the WestConnex business case.

The traffic data is out of date and use of 4-year-old data is a significant data gap, uncertainty and flaw in the EIS. Consequently, any other

assessments based on these are also flawed. The EIS should be withdrawn and a new EIS including appropriate current data should be utilised, including revised assessment for all impact assessments reliant on the traffic data.

2. <u>Out of date EIS and proposal has not been adequately assessed in accordance with the Secretary's Environmental Assessment Requirements (SEARs)</u>

a) The EIS was originally completed in 2016/2017 and now some of the information is outdated, there are data gaps where sites have not been adequately assessed and also some studies not meeting current guidelines (including some of the Guidelines required by the updated SEARs)

b) Many of the potential environmental impacts of the Balgowlah site have not been assessed. This is due to the change in location of the Balgowlah portal, which was initially proposed in 2017 to be located west of Burnt Bridge Creek deviation, along Burn Bridge Creek. However, after community feedback the Balgowlah construction site was moved to public land within and adjoining Balgowlah golf course, effectively moving some 200m east from a residential area to an area adjoining the ecologically sensitive Burnt Creek.

c) In the case of the biodiversity assessment, the SEARs require the Proponent to assess biodiversity impacts related to the proposal in accordance with the Biodiversity Assessment method. The biodiversity assessment presented in the EIS is based on the previous Balgowlah portal design (from 2017) evidenced by transect locations and the dates of biodiversity surveys which were conducted in 2016 and 2017. As the Balgowlah portal site location changed completely in 2019, and review of the EIS indicates no additional biodiversity surveys were undertaken, none of the development footprint for the proposed Balgowlah portal as presented in the EIS has been surveyed for fauna or flora, which presents a significant flaw and results in presentation of misleading calculations in the Biodiversity Development Assessment Report for the proposal.

d) Given the information presented above in subclause (c), it creates an impression that there could be other areas or aspects of the proposal as described in the EIS which have also not been updated from the 2016/2017 project design and draft EIS, and therefore not assessed in the final EIS submitted to DPIE in 2020.

e) Supporting these concerns are the number of references throughout the EIS which includes references to documents which have been superseded (e.g. NSW EPA 2012 Assessment of Hazardous Ground Gases which was replaced by a 2019 revision and 2020 amendment).

3. Proposal does not meet its stated objectives

a) The stated project objective of "*improving amenity and safety in local centres by reducing congestion, through traffic and rat runs*" will not be achieved.

- The provision of a new access road at Balgowlah from Sydney Road to the Balgowlah portal will change the traffic flows in the surrounding centre and streets and create new rat runs as motorists try and get to the access road in the quickest or most convenient way possible – which for some would mean avoiding arterial roads and using local residential streets. In particular, residents in North Balgowlah.

- When TfNSW was asked a question on this specific issue in the Balgowlah Q and A session, it responded by explaining what a rat run was and eventually concluding that Council would need to solve these issues through the implementation of local traffic calming measures.

- Having TfNSW respond by leaving the problem of solving the new rat runs to the local Council is unacceptable. These rat runs will be occurring through local residential roads in North Balgowlah and Balgowlah, causing a reduction in amenity and safety, not an improvement. These local roads through North Balgowlah and Balgowlah (where the rat run will occur) are existing routes for existing school buses and public transport buses. These roads have primary and high school aged children crossing these streets to get to their bus stop. The increased safety risk to children in particular, from the extra traffic volumes in these local residential streets is unacceptable.

The proposal will not meet its own objectives in the Balgowlah area indeed it will be creating more rat runs and adversely impacting community amenity. These problems will result from only one source, the proposed project, and will be purely attributable to a design of an access road that is totally out of alignment with a modern motorway. As such the Proponent should be responsible for resolving this and if they can't engineer a better solution the project should be withdrawn,

b) The project objective of "*improving productivity by allowing commuters and freight to reach their destination faster, safer and more reliability….*" is unlikely to be met.

- As detailed further in later sections of this submission, current evidence from the M5 East motorway shows thousands of extra cars and trucks have been flooding onto Southern Sydney roads since the M5 East toll was imposed in an effort to avoid the toll and save money. In fact, an extra 7,500 vehicles were recorded per day on local streets

on average after the toll was introduced on the M5 East in mid-2020. This includes active avoidance of the M5 East by trucks, due to the toll cost. (refer to article "Thousands of vehicles flooding Sydney Roads to avoid toll", January 28, 2021 https://www.smh.com.au/national/nsw/thousands-of-vehicles-flooding-sydney-roads-to-avoid-toll-20210127-p56x8d.html

- It has been well documented that Sydney is the highest "tolled" city in the world and traffic management experts have warned of Sydney siders reaching toll saturation and predicting toll avoidance will increase as more and more toll road projects are rolled out.

- Therefore, given the household living pressures, and the drag on productivity and business profitability particularly as a result of economic recession and downturn associated with COVID, it would be more likely that businesses and residents would actively avoid the Northern Beaches tunnels to escape the toll regime.

Experience has shown that a significant number of Sydney residents will avoid tolled roads and the proposed Northern Beaches Tunnel will be no different. The improved productivity is unlikely to be met but as noted above reduced community amenity will be an adverse outcome. Thus, there is little in the way of positive outcomes, particularly as the forecast benefits are based on out of date traffic data.

4. Presentation of misleading information or omission of key information

a) Some of the potential impacts presented in the EIS are misleading. The SEARs require "*The Proponent must provide artist impressions and perspective drawings of the proposal from key receiver locations to illustrate the proposal and its visual impacts*" (SEARs 7(4)). The proposed Balgowlah stack as shown in the artists impression (Appendix V – Balgowlah precinct, viewpoint 6) could not portray a true visual artist impression of the intended height, when it is shown to be approximately the same height as a nearby street light (probably about 10 metres in height) and below the height of surrounding existing trees, whilst the text states the stack would be 20 metres in height. Furthermore, Appendix V, Figure 4.20 shows the predicted visual catchment of the Balgowlah stack. For the stack to be predicted to be viewed in these locations more than 500 metres away, the stack would need to be closer to the 20 metres in height as stated in the text, and above the height of the existing trees shown to be retained and not as portrayed in the artist impressions. Further information is provided in this submission on visual impacts (see below).

b) A consequence of (a) above, the under-presentation of impacts is seriously misleading to the community, other stakeholders and DPIE. This

is not something to be clarified in future documentation, this under-presentation of impacts seriously undermines the objective of the impact assessment that should be provided in the EIS to enable feedback and to ensure correct information is provided to DPIE to make its assessment of the proposal.

c) The exclusion or omission of Balgowlah Boys High School (Northern Beaches Secondary Campus) from the list of 43 "sensitive receptors" for the air quality impact assessment is significant and a major flaw in the EIS. Although through the Balgowlah Q and A session with TfNSW it was explained the predicted air quality emissions for Balgowlah Boys High School was apparently included in the modelling of 35,500 individual data points. Balgowlah Boys High School is within a couple of hundred metres of the proposed Balgowlah stack and it, on the main road and its exclusion / omission from the list of the 43 sensitive receptors is a significant deficiency and it is simply unfathomable how this could occur. This shows a lack of transparency in this EIS to enable meaningful dialogue and feedback with many interested stakeholders and community members and also contributes to the community's concern over the adequacy of the EIS.

d) Importantly, the SEARSs require the Health and Safety assessment to: "*include both incremental changes in exposure from existing background pollutant levels and the cumulative impacts of project specific and existing pollutant levels at the location of the most exposed receivers and other sensitive receptors (including public open space areas child care centres, schools, hospitals and aged care"*. How could Balgowlah Boys campus be omitted from being one of the 43 sensitive receptors so that published predictions of air quality data would be included in the EIS?

e) Additionally, some other key impacts have just been omitted or not fully considered in the EIS. For example, the proposed dive location at Flat Rock Gully could cause a serious explosion risk due to the presence of a previous landfill, and likely landfill gas in this location. This risk or impact has barely been mentioned nor assessed in the EIS.

f) The Proponent presents inconsistent travel time savings and reductions in traffic and vehicle numbers across its multiple channels including its newsletters and videos on the project portal.

The above discussion outlines a number of serious omissions from the EIS and given the nature of these it is quite possible that there are other omissions which we haven't identified. Inclusion of misleading information and/or the omission of key information draws into question the overall adequacy of the EIS in the community. The community needs to be assured in the compliance of the document with best practice and prevailing industry standards and requests DPIE to closely scrutinise the EIS to ensure the documents are adequate and

appropriate – fit for purpose. If the document is not fit for purpose the Proponent should be required to appropriately address deficiencies and submit a new EIS and re-engage with the community.

5. Social Impacts including mental health impacts

a) The disruption to the way of life for 100s if not 1000s of people surrounding the proposed construction sites and nearby communities is unacceptable. People's way of life, amenity, access, and enjoyment of their lives will be seriously compromised along the length of this proposed project, for many years of construction.

b) The mental health impacts from sleepless nights (from stress, worry about their living situation, concerns about whether they should move or stay, how will their family cope with construction impacts) together with the recognized burden of mental health issues that have arisen from the COVID pandemic will create a cumulative mental health burden in the communities along the proposed 14 km corridor. This social and health impact and burden along the corridor is unacceptable, particularly in the context of rising mental health issues.

c) The increased mental health burden should have been assessed in the human health risk assessment. There is existing evidence for how to quantify mental health risks and impacts and this should be included and weighed into the cost benefit analysis and risk assessment of the proposal.

6. Too little design information and too much uncertainty in predicted impacts

a) TfNSW has stated during the Balgowlah Q & A session webinar that the design presented in the EIS is at approximately 20% design. This was in response to various questions from the community seeking more details. Although it is understood the Contractor would undertake detailed construction planning, it is considered that there should be sufficient detailed information provided in the EIS, to provide certainty about predicted impacts (not maybe's), the proposed mitigation measures (not maybe's) and to enable a robust assessment to be conducted.

b) Related to the previous point it is considered there are too many statements in the EIS which (deliberately) do not provide a clear picture of predicted impacts with too many statements in the EIS referring to language such as "maybe", "possibly", "potentially" etc, which shows a low level of certainty. Also as this language is used in the application of mitigation measures, the community, stakeholders and DPIE are not given any real and definite commitments to how and when mitigation measures would apply – this is unacceptable and inconsistent with other EISs we have seen.

c) Additionally, within the Technical Papers there are many statements indicating further design development, additional investigations and planning phases are required. This leaves the community with the impression that there are too many unknowns on the project, some of which could cause serious irreversible harm.

d) Thus, overall, it is considered that currently, there is a lack of detailed design and assessment information which means there is too much uncertainty in all aspects of this project and the predicted environmental and social impacts.

The above points highlight that there is significant uncertainty to many elements of the project. Hence this project should be refused in accordance with the principles of Ecologically Sustainable Development.

7. Lack of meaningful and effective community consultation

a) It is noted that the EIS was put on exhibition just before Christmas and included a period when the northern beaches was in COVID lockdown. While local community groups, including school groups sought an extension to the exhibition period, this was denied. Due to these accentuating circumstances, it is considered that this really resulted in a lack of time for the community to review the submission – particularly as it would appear the EIS has been in preparation for 4+ years and comprises a significantly large document.

b) While TfNSW had attempted to undertake digital engagement through the provision of webinars and Q and A sessions whilst the EIS was on exhibition our experience having viewed and participated in these sessions was that TfNSW did not really answer questions asked by the community. Rather, TfNSW would attempt to answer questions by talking about the process or method but not providing direct answers to most questions that were asked. So the feeling was the community was not heard and TfNSW was unwilling to provide answers.

c) The lack of face-to-face engagement in late January and February 2021 is really quite surprising, with the COVID pandemic used as an excuse. However, we recall having the SCG filled with tens of thousands of spectators during this time and consider better efforts in true community engagement where the community was able to get answers to questions could have been instigated.

Overall, we and the rest of the community feel there was a lack of meaningful and effective community consultation on this proposal and that such a significant project with extensive impacts on the community warrants the best practice community consultation. The DPIE should take this into consideration when assessing the proposal.

8. The project is inconsistent with NSW Ministerial commitments

a) The project is inconsistent with the following NSW Ministerial commitments:

- Rob Stokes – former Minister for Education 19 July, 2017
  Education Minister Rob Stokes stated "there is no way in hell" he will countenance exhaust stacks from the Beaches Link tunnel being built anywhere near a school. Insert link

  This statement was made in reference to a document which indicated a pollution vent could be built within 200 m of Seaforth Public School and within 200m of Northern Beaches Secondary College Balgowlah Boys Campus. The EIS confirms the stack in the same location in relation to these two schools. Mr Stokes went onto say "*I won't be party to putting stacks near kids*".

- Rob Stokes – Minister for Planning and Public Spaces
  The Minister for Planning and Public Spaces has released a number of policy initiatives, particularly on green and shared spaces, how to improve access to open parks and spaces which includes the release on 26 February 2021 of the Design and Place SEPP.

  This project is predicted to destroy well-loved and used existing green spaces and places, shared active transport paths, local biodiversity appreciated by many on daily walks and bicycle commuting. How can this project, which will decimate so many public spaces, actively used by so many community members across so many locations be considered for approval. Essential public spaces which are used daily for social gathering, community connections, through walking, exercise, meeting friends etc will be lost for many years through construction, and includes the following places:

  - Along Burnt Bridge Creek active transport corridor – which is a highly utilised public space and corridor, for people cycling for recreation, people commuting via cycling, people walking their dogs and also for local fauna with echidnas amongst the native animals sighted.
  - The Balgowlah golf course. The course is accessed after operating hours by the local community for walking and exercise, walking dogs and a place for conversation and interaction. The operation of the golf course is particularly important for older people to maintain social interactions and their independence and it is predicted that social interactions and social connections, and physical exercise will be permanently lost to active community members as they give up golf as a result of closure of the golf course.

The project should comply with Ministerial commitments made to the community from the current Government.

In addition to the above comments, some more detailed information to support the objection is provided below:

A. TRANSPORT AND TRAFFIC

A.1 Issue: Inadequate traffic data

a) The use of the 2016 baseline year in the EIS to represent transport network conditions at the time of the traffic and transport assessment undertaken for the EIS is unacceptable, as it is so out of date. Traffic data from 2019 should have been used for traffic modelling and traffic projections. The use of 4 year old traffic data for traffic modelling does not meet accepted industry practice.

b) There is no justification provided for the statement in the EIS that ongoing and continuous traffic surveys show there is little material difference between 2016 and existing (2020) conditions in the project area. Such statements need to be backed up by evidence to support such claims.

c) One plausible reason for the use of the 2016 data is that the Beaches Link has been designed to align with the WestConnex business case for 2016. With Beaches Link Western Harbour Tunnel projects being a feeder road into WesConnex. However, as the Beaches Link project is being put forward as a separate project it should be assessed as a standalone project. It should not be designed and assessed on 2016 traffic data to align with the WestConnex business case for year 2016.

d) We refute the claim of using 2016 traffic data, as it cannot represent traffic conditions accurately given:
   - The B-line bus service began operation in November 2017, hence traffic counts taken from late 2018/2019 would be different compared to 2016, to allow for changed commuter travel patterns and mode shift from car to bus
   - The B-line bus service has been highly successful and has caused a mode shift for commuters from car journeys to the B-line public bus transport
   - The COVID-19 pandemic and shifted work patterns has shown a measurable drop in vehicle numbers travelling across the Spit Bridge for the year 2020 compared to 2016. Vehicle numbers range from 20,000 to 30,000, in 2020 whereas the 2016 data at the same Spit Bridge traffic counter shows vehicle numbers greater than 32,000.
   - Using 2016 data is misleading and not representative of transport conditions for a State Signification transport infrastructure project modelled and assessed in 2019/2020. Therefore, the predictions of future travel and wider economic benefits are uncertain together with predicted impacts, for construction and the operational phase into the future

- There is already established evidence how the COVID pandemic has brought a shift to a work from home and it has been widely acknowledged that work patterns will not return to pre-COVID patterns. In fact numerous surveys of workers have shown workers don't want to return to pre-COVID work patterns but at worst want a hybrid working model, which will result in reduced vehicular movements. It is widely expected that the hybrid work model is here to stay, and therefore this should be factored into the traffic modeling conducted for Beaches Link
- It is a well known fact that many CBD employers (including NSW Government) have adopted a hybrid model for its employees, in 2021 and beyond, meaning that commuters to the Sydney CBD, can be expected to reduce their days of commuting, from 5 days/week pre COVID to an average of 1, 2 to 3 days/week, with some commuters working on a permanent work from home arrangement, so not travelling to the Sydney CBD at all.
- This would likely mean that modelled transport and traffic data used in all calculations of this EIS could actually be significantly out of the ballpark, which would affect not just forecast traffic volumes, but would call into question the technical voracity of all other technical studies which require this data as an input including:
  - Justification and need for the project
  - Noise modeling (related to transport and traffic movements)
  - Air quality modeling as it is related to emissions

- It has been widely reported that there has been a mode shift during late 2020/early 2021 from public transport bus back to the private car, (due to fear of catching COVID in the bus environment). However, once the COVID vaccine program has been fully rolled out by the end of 2021, any mode shift that may have occurred would likely reverse to commuters preferentially choosing buses (rather than cars) for the one to two days they may travel into the Sydney CBD.

e) Based on the above we consider the transport and traffic modeling for the project should be re-done based on more recent traffic numbers, with additional factors included in the model to account for the permanent changes to our work and life patterns as a result of the COVID pandemic.

f) Failure to re-do the traffic modeling would also mean the wider economic benefits that would underpin the current business case for Beaches Link would be grossly overstated, causing a serious wastage of NSW taxpayers dollars.

A.2 Issue: Operational traffic

a) Heavy vehicles and freight – the EIS states (Chapter 9, page 16) the largest portion of truck movements into and out of the northern beaches

occurs via Mona Vale Road and that Spit Road and Military Road carry lower volumes of heavy vehicles due to access restrictions.
The EIS states **the project would result in most heavy vehicle trips on the existing arterial road network to and from the northern beaches peninsula transferring to the project.**

b) This statement in (a) above is made with no evidence to explain why heavy vehicle trips would transfer or move to using Beaches Link. In fact, recent evidence on other recently completed toll road projects show that where they can heavy vehicles actively avoid tolls. This is shown by a recent report in January 2021, with heavy vehicle trucks actively avoiding the M5 East recently opened toll leading to a large increase in vehicle movements in roads that can avoid the tolled M5 East. https://www.smh.com.au/national/nsw/thousands-of-vehicles-flooding-sydney-roads-to-avoid-toll-20210127-p56x8d.html. A similar pattern of toll avoidance would be expected on the tolled Beaches Link rather than transfer to it, particularly given the additional cost of tolls in getting around Sydney with recently completed and other proposed toll road projects. There are many reports of Sydney reaching toll fatigue – where people cannot afford the tolls and will avoid tolls at all cost.

c) If the EIS assumes that most of the trucks would transfer to the tolled road, this suggests a NorthConnex approach may be planned by the Government, without being open about it, to fine all trucks that avoid the tolled road. This would have adverse impacts of redirecting heavy vehicles through largely residential areas compared to the semi-rural areas along Mona Vale Road and would also lead to increased traffic congestion through Manly Vale, Brookvale and Dee Why which are already subject to significant heavy traffic volumes.

A.3 Issue: Balgowlah and local roads Operational traffic

a) The EIS states at Chapter 9, page 37, **the additional traffic from North Balgowlah could cross at Kitchener Street to access the new access road from Sydney Road east. This could increase traffic volumes on local roads between Kitchener Street and Sydney Road. Local area traffic management would assist in minimising increased traffic on local roads…**

b) The EIS is indirectly stating that new rat runs will be created through Seaforth, North Balgowlah and Balgowlah as motorists find the quickest and most convenient way to access the Balgowlah access road into the portal. This is supported by the post operational noise modelling assessment which indicates that residences in Kitchener and Wanganella (north) Streets would trigger noise mitigation measures (see below). This creating of rat-runs is inconsistent with the project challenges and project objectives presented in the Executive Summary of the EIS.

c) During the Balgowlah Q and A session, questions arose about rat runs and from the comments and questions from residents it is clear that residents from Seaforth and North Balgowlah would alter their travel patterns from driving eastwards through along Sydney Road, through the Burnt Bridge Creek deviation, to instead travel through local streets of Seaforth and North Balgowlah onto the Kitchener Street bridge and along Kitchener Street, turning right, to travel south along Wanganella Street to the Sydney Road intersection. It was clear from the resident's question commentary that motorists would do this to avoid 9 sets of traffic lights if they instead travelled a direct route through Seaforth along Sydney Road to the Balgowlah access road to the portal.

d) These local roads through North Balgowlah, such as Woodbine Street, Daisy Street, Serpentine Crescent, and in Balgowlah, Kitchener Street and Wanganella Street are classified as local roads and are not designed for what is predicted to become a significant increase in traffic volumes, such that noise levels from predicted operational traffic would trigger criteria in the *Road Noise Policy*, requiring at property treatment for noise mitigation due to the predicted increase in operational traffic along Kitchener Street and Wanganella Street.

e) Additionally, these local streets, in particular Kitchener Street, are used by many pedestrians, school children accessing their school and public buses and it is currently often unsafe to cross Kitchener Street in the present state – my children can often wait up to ten minutes to cross the street after school. There have been a number of near misses with primary aged and high school aged children attempting to cross Kitchener Street, in the morning or afternoon peak times.

f) It is unacceptable for a project of this scale to deliberately know and forecast these rat runs, and not work harder to find a more acceptable and safe solution for the community in this area. This is not consistent with the project objectives of creating community amenity.

g) The Balgowlah access road is an anachronism in the 21st Century and a solution not a fitting engineering solution on a significant infrastructure project. The access road will not ease the existing congestion on Sydney Road in fact with the increased traffic on the rat runs feeding into it will result in chaotic congestion. The Balgowlah access road to the portal could be easily removed from the proposal. There could be either complete removal of access from Sydney Road or use of an access tunnel from one lane of Sydney Road as has been done to provide access to the Lane Cove Tunnel for traffic travelling westbound on Pacific Highway at Lane Cove, where an existing lane of the Pacific Highway has been made a designated access lane dropping down into the Lane Cove Tunnel.

h) The removal of the Balgowlah access road together with the installation of local road changes to discourage motorists from Seaforth and North Balgowlah to use the Kitchener Street Bridge to access the portal, would

mean motorists would be more likely to travel along Sydney Road and Condamine Street to access the portal.

A.3 Issue: Kitchener Street construction site and loss of local parking

a) The predicted 100 light vehicles per day to access the Kitchener Street construction site from Kitchener Street is too much. There should be no light or heavy vehicles permitted to access the Kitchener Street construction site. This is due to its local residential nature, with local pedestrians and cyclists (active transport) and school aged children catching public transport along the street to school. The streets traffic level is too high currently at peak with children having to wait up to ten minutes to cross the road.

b) We therefore seek that there is no access to the Kitchener Street construction site from Kitchener Street.

c) The Kitchener Street and Balgowlah Golf Course construction site will place a huge pressure on existing parking spaces which are very limited on nearby streets. Alternate solutions for transporting the workforce to construction sites should be provided (not just investigated).

B. NOISE AND VIBRATION

B1. Issue: Noise and vibration SEARs 4 (noise and vibration), section requires a number of assessments to be prepared however insufficient detail in particular has been provided on the following:

a) intensity and duration of noise and vibration impacts (both air and ground borne). This must include consideration of extended construction impacts associated with ancillary facilities (and the like) and construction fatigue.

b) the need to balance timely conclusion of noise and vibration generating works with periods of receiver reports, and other factors.

c) The noise chapter in the EIS predicts significant noise and vibration impacts on the communities along the full length of the proposed route. These impacts are not acceptable and will impact on many people's health and wellbeing including mental health.

d) The Noise Appendices in the EIS were very large and impossible to download, with the file size often crashing a high performing computer. It is unacceptable to allow significantly large file sizes for documents on public exhibition as this has reduced accessibility to key information for the community.

e) There should be further consideration for the provision of noise walls along the southern part of Burnt Bridge Creek Deviation, to the east of the Kitchener Street construction site. The properties to the east, along this stretch of Balgowlah Road and the elevated properties along the northern side of Kitchener Street experience existing elevated road noise from Burnt Bridge Creek Deviation which would only be exacerbated in the future. Noise from the pavement and vehicles is bouncing off the noise walls along the northern side of Burnt Bridge Creek Deviation and travels to properties to the south. The gaps in existing noise walls should be rectified through the provision of noise walls along the missing link along Burnt Bridge Creek Deviation.

C. BIODIVERSITY

C1. Issue: No biodiversity assessment of the Balgowlah Golf course construction site

a) From the data provided in the Biodiversity Development Assessment Report (BDAR), the Balgowlah Golf Course construction site has not been surveyed for flora and fauna, and therefore has not been adequately assessed.

b) The Balgowlah surveys (and data provided in the EIS) were undertaken during 2016 and 2017, when the Balgowlah portal was located in a different location, along Burnt Bridge Creek, west of Burnt Bridge Creek Deviation, and no construction was proposed in Balgowlah Golf Course.

c) In reviewing Figure 2-4 of the BDAR which shows the threatened species survey locations at Balgowlah, the site footprint within the Balgowlah Golf course construction site was not surveyed despite the obvious presence of waterbodies and other important habitat features.

d) The large dam within the Balgowlah golf course is within the site of significant construction works and known for sightings of the endangered grey headed flying fox but this site was not surveyed in the BDAR.

e) Data in Table 2.2 confirms the Burnt Bridge Creek deviation survey sites were based on the previous Balgowlah footprint, west of the existing Burnt Bridge Creek deviation. These surveys were conducted by WSP in 2016 and 2017 and at that time, the Balgowlah site was in a different location as described in subclause (b) above. The current Balgowlah Golf Course construction site layout wasn't developed till 2019.

f) Based on the above information it is apparent the threatened species survey locations are aligned with the previous development footprint when the Balgowlah portal which was proposed on the western side of Burnt Bridge Creek deviation. This should have been picked up in the BDAR and appropriate surveys completed and the BDAR updated to cover the current project development footprint and included in the EIS. This is a significant flaw in the EIS.

g) **At the current proposed Balgowlah development footprint, threatened species surveys should have been conducted for:**

   a. **bats and microbats over the waterways and large dam which will be removed**
   b. **the existing caves and sandstone overhanging outcrops, which create cave-like environments within the development footprint of the golf course, relatively close to the dam in the areas proposed to be completely disturbed.**

h) **These environments and habitats within the Balgowlah Golf Course construction site, could most likely contain habitat for threatened fauna such as microbats and similar fauna which were not surveyed at all.**

C2. Issue: The adequacy of the BDAR overall, as relevant and recent information is not included.

The appropriateness of the BDAR is questioned for the following reasons:

a) Section 2-3 – the BDAR has not included or referenced biodiversity data from a key report, directly relevant to the Seaforth construction site: Total Earth Care (2018) biodiversity assessment of the Bantry Bay reservoirs for Sydney water. Again, this could be due to the EIS having been prepared some four years ago, hence recent data or reports have not been identified and included in the assessment.

b) Study area – Section 2.2.1 of the BDAR states the recently completed Northern beaches Hospital road upgrade project overlaps with the northern extent of the subject land, however Figure 2-1 does not show this.

c) Section 2.6.2.2.11 – the inventory of fauna species recorded by WSP during field investigations is stated to be reported separately, in an unpublished report. **How can the community review the fauna data, when it is not included in the EIS? For example, echidnas have been sighted within the Burnt Bridge Creek deviation site and the proposed Kitchener Street construction site, however as it is not an endangered species the community cannot check whether the fauna surveys have identified echidnas as being present on the inventory list.**

d) Table 2.6 – it is unclear from the table how much survey effort was expended for individual sites, when a number of locations have been placed in the same row. For example, for the first species the Giant Burrowing Frog, there is 5 hours of survey effort for three different survey techniques, across four sites, it is therefore unclear whether this

survey effort was applied at each site or generally across the four sites in total.

The information presented above clearly demonstrates the Biodiversity assessment completed for the project is flawed, inadequate and cannot be relied upon by DPIE for assessing the biodiversity impacts of the project. An assessment based on the current biodiversity assessment will not stand up to public scrutiny or challenges and draws the whole project into question. On this basis as a minimum the Proponent should be required to withdraw the application and complete an appropriate and adequate biodiversity assessment presented in a new EIS.

D. LANDCSAPE AND VISUAL IMPACT ASSESSMENT

Issue: Misleading and missing visual interpretation information

a) The EIS states the height of the Balgowlah stack would be approximately 20 metres in height.

b) The artist impressions for the Balgowlah stack does not align with this and does not seem to be a reasonable artist impression, whereas the artist impression for the ventilation stacks for the other localities for the project would seem to provide a fair visual representation.

c) With regards to the Balgowlah stack, the artist impression understates the visual scale of the proposed stack, as it is shown to be comparatively of a similar height to nearby street lights, (Appendix V, Balgowlah precinct, viewpoint 6) viewpoint which are about ten metres in height. When the height of the ventilation stack was questioned in a TfNSW community webinar, TfNSW stated that they feel the visual representation is fair, however this would not explain how the ventilation stack is proposed to have such a large visual catchment (refer to Appendix V, Figure 4.20) which shows the stack would be visible from homes more than 500 m from the site. The data shown in Figure 4.20 does not match the visual representations.

d) Thus, for the Balgowlah stack, there would seem to be an error in the visual artists representation with regards to the scale, height, bulk and form of the proposed facility which would mislead the community on the true nature of the impact. If there is an error in the artists impressions or it is misleading, this aspect needs to be rectified immediately, and if an alternative visual representation is provided in the Response to Submissions Report for the Balgowlah stack, this would suggest potential impacts are under-estimated and under-represented in the EIS.

e) There should have been additional viewpoints for the Balgowlah stack, similar to those presented for other stacks, to better show the predicted impact, for example from:

- Kitchener Street Bridge – there is a public walkway on this bridge
- Pedestrian overbridge on Sydney Road, opposite Balgowlah Boys campus (Northern Beaches Secondary College)
- Sydney Road, at Balgowlah Boys campus (Northern Beaches Secondary College)

Based on the available information it is considered the landscape and visual assessment for the Balgowlah stack presented in the EIS is misleading and missing vital information.

E. WATER QUALITY

Issue: Project impacts on water quality unacceptable

a) Wakehurst Parkway and Manly Dam:

The EIS openly admits to an inability to meet water quality objectives (WQO) to downstream sensitive environments, including groundwater dependent ecosystems along Wakehurst Parkway. These downstream sensitive environments comprise the bush around and the water within Manly Dam.

There has been significant objections and legal fights over the potential for other developments to adversely impact the Manly Dam catchment over the last two decades. Manly Dam represents the lungs of the southern Northern Beaches and is of significant importance to the overall ambience and beauty of the area. Therefore, to propose a project where it is clearly acknowledged that WQOs will not be met is proposing sub-standard environmental mitigation measures and consigning the community to the loss of a significant environmental asset.

In this day and age this is totally unacceptable and the proposal should be withdrawn or at the very least modified to include appropriate environmental mitigation measures.

b) Burnt Bridge Creek

The EIS confirms Burnt Bridge Creek is a vital ecological corridor that provides a range of important habitats for diversity of local flora and fauna including flying foxes and our very own local echidna "Eric". The diversity of flora and fauna that is experienced through the Burnt bridge Creek Deviation walking track along the creek is an important sight in giving people access to nature. Burnt Bridge Creek is constantly flowing, due to the runoff in the upper and surrounding catchment and the contribution of groundwater to stream baseflow, with the water supporting the diverse and unique flora and fauna in the area, which is valued by many community members.

Impacts on water quality, including groundwater drawdown, disposal of treated effluent to the creek and other impacts associated with the proposal will have a significant negative impact on this little oasis is our suburbs.

The Northern Beaches Council has stated in their submission that "The EIS trivializes what would be significant hydrological and ecological impacts on Burnt Bridge Creek. The creek would essentially function as a stormwater channel….."

Again, for a project of this significance and scale to knowingly cause such a significant impact is totally unacceptable in this day and age and as an absolute minimum the current state of the creek should be maintained, with impacts to the creek should be avoided. Water is a precious commodity in Sydney, as we saw in the recent decade long drought which resulted in water restrictions across Sydney.

The proposal should be withdrawn or the very least required to utilize new and innovative water recycling systems (for example reinjection of groundwater drawn into the tunnel) to deal with the treated waste water (rather than taking the simple option of discharging to the creek) that would result in no change in water quality and minimal impact to Burnt Bridge Creek and the associated biodiversity.

The predicted groundwater drawdown will cause an extraordinary reduction in creek baseflow of some 96% which is unacceptable. Innovative engineering solutions as highlighted above should be deployed as committed mitigation measures to avoid these impacts.

F. CONTAMINATION

Issue: The contamination information presented doesn't address the SEARs – assess contamination and remediation requirements as follows:

a) The potential for landfill gas has not been assessed at Flat Rock and Willoughby Leisure Centre and Bicentennial reserve. The main text in the EIS indicates that gas was not encountered in one geotechnical hole, but checks in Appendix M Contamination Technical Paper indicate that the measurements were not in accordance with the NSW EPA Assessment of Hazardous Ground Gases (didn't include methane monitoring or gas flow).

b) NSW EPA (2020) Guidelines for Consultants Reporting on Contaminated Land require all potential contaminants to be assessed including emerging contaminants. PFAS is an emerging contaminant and was not considered in the assessment apart from limited sampling in Middle Harbour. PFAS is ubiquitous in the environment and should have been considered as a potential contaminant as part of the EIS. This is recognised by comments indicating further assessment is required.

c) The EIS does not identify remediation that is required as per the SEARS. One of the reasons that this has not been identified would appear to be

the inadequate assessment of contamination including but not limited to points a) and b) above.

An inadequate assessment of contamination and remediation requirements is presented in the EIS which does not meet the requirements of the SEARS.

G. **Loss of existing active transport walkways and valued green spaces, which are now valued more than ever, particularly as many are working from home**

H. Ecologically Sustainable Development – when weighing up key principles of ecologically sustainable development, such as:

a. Precautionary principle – there are too many unknowns and issues left to resolve to future design and planning stages whilst already predicting with the 20% design available and assessed in the EIS, that many significant impacts will be unavoidable and remain, such as not being able to achieve Water Quality Objectives for Manly Dam. This should require the design team to find better and more acceptable solutions.

b. Intergenerational equity – The future health, diversity and productivity of our precious local environments across the length of the proposed Beaches Link, including Middle Harbour is predicted to be permanently damaged in places forever. These environmental impacts should be weighed more heavily in assessing the costs and benefits of this project, particularly as ongoing urban development is continuing to place existential pressure on these valuable green pockets and green places which provide important community amenity and respite.

c. Conservation of biological diversity and ecological integrity – the predicted biodiversity impacts of the proposal are too significant, and contrary to the principle of conserving biological diversity. Important Endangered Ecological Communities are predicted to be significantly impacted and removed, including in proximity to Manly Dam. Such loss and destruction of biological communities, fauna species and habitats which provide for resilience in species is unacceptable. The potential offsetting of these species via the BAM and offset calculator is not a sufficient mitigation measure as local ecological diversity and genes would be permanently lost.

If the proposal's impacts cannot be avoided or valued correctly to demonstrate their importance to current and future generations, the project should be refused and a better transport solution should be developed, including alternate modes.

Solutions could include utilising our existing roads to provide more enhanced and connected public transport.