

March 2021

**WestConnex M4-M5 Link Tunnels
Air Quality Community Consultative
Committee
Terms of Reference**

1. Background

1.1 Project background

The WestConnex M4-M5 Link project is being constructed in two stages, being:

- Stage 1: M4-M5 Link Tunnels
- Stage 2: Rozelle Interchange.

The M4-M5 Link Tunnels project comprises twin mainline motorway tunnels connecting the M4 at Haberfield to the M8 at St Peters. Each tunnel will be around 7.5 kilometres long and will generally accommodate up to four lanes of traffic in each direction.

The M4-M5 Link Tunnels ventilation system is designed to emit all air from the ventilation outlets in Haberfield, being the Parramatta Road ventilation facility (PRVF), and St Peters, being the Campbell Road ventilation facility (CRVF). No air will be emitted from the tunnel entry or exit portals.

PRVF is located on the corner of Wattle Street, Parramatta Road and Walker Avenue in Haberfield and was constructed as part of the M4 project. The M4-M5 Link Tunnels project is fitting out part of PRVF. CRVF is located on Campbell Road in St Peters and is being constructed as part of the M4-M5 Link Tunnels project.

The M4-M5 Link Tunnels project is being delivered by WestConnex and will be operated by Transurban. The project is expected to be complete and open to traffic in Q1 2023.

1.2 Purpose of the AQCCC

Infrastructure Approval SSI 7485 for the M4-M5 Link project was approved by the then Minister for Planning on 17 April 2018. Condition of Approval (CoA) E2 requires the establishment of an Air Quality Community Consultative Committee (AQCCC) prior to finalising the detailed design of the project. Attachment A provides an extract of the relevant CoAs.

The AQCCC's role is to provide advice prior to and during operation of the M4-M5 Link Tunnels project, specifically:

- Review, provide advice on and agree on the location of the air quality monitoring stations
- Review and/or provide advice on the operational environmental management plans and operation stage documents, compliance tracking reporting, audit reports and complaints as they relate to air quality.

The AQCCC is not intended to be a decision-making or regulatory body and instead provides an advisory and consultative role.

The purpose of the AQCCC is not a forum to discuss general project or WestConnex related matters that are unrelated to air quality. This includes general issues around construction, operation, tolling or policy decisions relating to the project or the wider transport network. Other avenues are in place for community members to raise these matters for example via the Project's toll free 1800 number, project email address and directly to the construction contractor.

2. Appointment of the AQCCC

2.1 Membership of the AQCCC

In accordance with CoA E2, the M4-M5 Link Tunnels AQCCC will comprise:

- Two representatives from the Proponent and tunnel operator
- One representative from the relevant Council
- Three representatives from each local community adjacent to each ventilation facility
- A Chair who is independent from the design and construction of the project.

To meet these requirements, representatives from WestConnex | Transurban, Transport for NSW, Inner West Council and the community will attend each meeting and form the AQCCC members. The local communities being represented at the M4-M5 Link Tunnels AQCCC will be Haberfield and St Peters. Community representative attendance is only required under the CoA when considering matters relevant to their respective local area.

2.2 Community representatives

CoA E2 requires that the community representatives are appointed by an expression of interest (EOI) process conducted by the Proponent in consultation with the Secretary of the Department of Planning, Industry and Environment (DPIE). WestConnex | Transurban has conducted an EOI process via the following channels:

- Facebook posts advising of the EOI process and directing people to the WestConnex website
- Information on the WestConnex website about the project, the location of the ventilation facilities applicable to the Tunnels project, the AQCCC role and timing of the AQCCC, expectations of the community members involvement and a registration form
- Letterbox drops to residents around each of the ventilation outlets (approximately 550m) seeking EOIs
- Reaching out directly via phone call and email to local school principals.

Community representatives will need to demonstrate their ability to meet the following criteria in their registrations:

- Be current residents or property owners from the local communities near the PRVF at Haberfield or the CRVF at St Peters
- Be willing to contribute constructively
- Be active in the community, with strong community networks
- Have a sound understanding and awareness of the project and related environmental issues of concern to the broader community
- Be willing and able to be a conduit between the local community and the project team on air quality issues
- Be willing to adhere to these Terms of Reference and maintain an outcome focused approach.

2.3 Independent Chair

An experienced independent mediator will be appointed by WestConnex | Transurban to serve as the Chair for the M4-M5 Link Tunnels AQCCC. The Chair will be appointed following a selective EOI process and will be approved by the Secretary of DPIE.

Selection criteria will include:

- Ability to convene and manage stakeholder committees in an independent manner
- Experience in community relations, facilitation, mediation or public advocacy
- The Chair will report annually to the WestConnex | Transurban representative and DPIE on the operation of the AQCCC
- WestConnex | Transurban may review the appointment of the Chair based on the effectiveness of the AQCCC.

3. Meetings

3.1 Timing and duration

The AQCCC will be established in March 2021 and must operate for up to two years after commencement of operation, or as otherwise approved or directed by the Secretary of DPIE, in consultation with the Chair. WestConnex will undertake this consultation approximately 18 months after the project opens.

The AQCCC must meet at least four times per year, or as otherwise agreed by the Chair and the Secretary of DPIE. The meetings will be held on Tuesday evenings between 6.00pm and 8.00pm, unless otherwise agreed by

all members of the AQCCC. The meetings will initially be via videoconference due to COVID-19 restrictions however in time, may move to face to face meetings which would be held at the WestConnex Motorway Control Centre in St Peters.

The M4-M5 Link Tunnels and Rozelle Interchange projects will operate separate AQCCCs during construction of both projects. Following operation of both projects, WestConnex | Transurban may seek to combine the two AQCCCs into one.

3.2 Process

Contacts

WestConnex | Transurban will nominate a representative to be the project contact for the AQCCC for the Chair, community representatives and other AQCCC members. AQCCC members will contact the WestConnex | Transurban representative or the Chair for all queries.

Attendance at meetings

Once members are confirmed on the AQCCC, members are asked to make themselves available to attend all meetings as far as reasonably possible. Meeting invitations will be sent by WestConnex | Transurban and dates agreed to at the previous meeting. Members will be asked to RSVP to all meeting invitations.

Agendas

WestConnex | Transurban will determine the agenda in consultation with the Chair. The Chair will distribute the agenda via email to all AQCCC members one week prior to each meeting. AQCCC members are encouraged to propose items for inclusion on the agenda for each meeting, either before or during a meeting, providing the item is within the purpose of the AQCCC. The Chair will ensure that items raised by members on behalf of the community are properly considered by WestConnex | Transurban.

Minutes

Minutes will be taken of all meetings by the Chair or an appointed representative. The minutes will record issues raised and actions to be undertaken, who is responsible for taking those actions and by when. Comments from individual members will not generally be attributed to an individual and a verbatim record of the meeting will not be prepared.

Draft minutes will be issued from the Chair to the WestConnex | Transurban representative for review within five business days of each meeting. Following incorporation of these comments, the Chair will then distribute the final minutes within 15 business days of each meeting. Meeting presentations and final minutes will be made publicly available by the WestConnex representative on the WestConnex website within 15 business days of each meeting.

4. Meeting protocol and guidelines

All members of the AQCCC will follow the Terms of Reference (this document) including the following meeting protocol and guidelines. The purpose of the meeting protocol and guidelines is to establish a framework for the ongoing meetings of the AQCCC. The Chair is responsible for ensuring that the meeting protocol and guidelines are met and that the group is serving the purpose as intended in support of the delivery of the project.

4.1 Responsibilities

Community Members

Members will respect other member opinions and will accept the responsibilities of the group purpose. Members will behave in accordance with the following guidelines:

- Accept direction and advice from the Chair
- Treat members and project staff with respect and courtesy
- Enable all members to be equally heard, not speak over each other and listen to all other members points of view
- Raise items related to the project's air quality

- Make points succinctly
- Take all relevant information into consideration
- Act reasonably, with honesty and in good faith
- Refrain from any form of conduct that may cause a reasonable person unwarranted offence or embarrassment
- Not speak to the media on behalf of the project and not discuss specific comments or opinions expressed by other members, including WestConnex | Transurban and Transport for NSW (see below).

Meetings can only be recorded with the agreement of the Chair and all AQCCC members. The committee is not a decision-making body and it is not a requirement that consensus be reached on issues discussed, unless required by the CoAs. Members are welcome to develop and distribute their own information materials to the public but under no circumstances should WestConnex, Transurban or NSW Government project logos and branding be used on these materials.

Attendance

All members of the AQCCC are required to attend the meetings. Members are required to respond to each meeting invitation and advise the WestConnex | Transurban representative if they are able or unable to attend. Alternatives cannot attend meetings in place of AQCCC members.

Resignation or termination from AQCCC

Members may resign from the AQCCC by advising the WestConnex | Transurban representative in writing. The Chair will monitor the AQCCC's performance against its intended purpose and protocols for member behaviour and representation.

Members may be asked to resign under the following circumstances:

- Failure to attend meetings
- Failure to disclose a conflict of interest and/or developing a conflict of interest during the operation of the AQCCC
- Perform ongoing and substantial breaches of the AQCCC Terms of Reference
- Become an employee of WestConnex | Transurban, Transport for NSW, Acciona, Samsung or Bouygues (the contractor) or a significant provider of goods or services to any of those entities.

Members who resign will be replaced from a reserve list or a new recruitment process will be undertaken by WestConnex | Transurban to select new members.

Media

Information presented at the meetings must not be discussed with the media. Any member comments to the media must be limited to the member's own comments and as a courtesy, the Chair must be informed so there is full transparency for all AQCCC members. It is a breach of these protocols to discuss with the media any comments made by another member.

Attachment A – Extracts from the Conditions of Approval

The full Conditions of Approval for the project are available at this link:

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-7485-MOD-5%2120201117T225358.040%20GMT>

Air Quality Community Consultative Committee

E2 Prior to finalising the detailed design of the CSSI and establishing the ambient air quality monitoring stations required under **Condition E24**, the Proponent must establish an **Air Quality Community Consultative Committee (AQCCC)** to provide advice prior to and during the operation of the CSSI. The AQCCC must:

- (a) be comprised of -
 - (i) two representatives from the Proponent and tunnel operator,
 - (ii) one representative from each of the relevant councils, whose attendance is only required when considering matters relevant to their respective local government area,
 - (iii) three representatives from each local community adjacent to each ventilation facility whose attendance is only required when considering matters relevant to their respective local area, and whose appointment has been approved by an expression of interest process conducted by the Proponent in consultation with the Secretary, and
 - (iv) a Chair who is an independent from the design and construction of the CSSI put forward by the Proponent and approved by the Secretary;
- (b) meet at least four (4) times a year, or as otherwise agreed by the Chair and the Secretary;
- (c) review and provide advice on the location of the air quality monitoring stations required under **Condition E24**, operation environmental management plans and other operation stage documents, compliance tracking reporting, audit reports, or complaints as they relate to air quality; and
- (d) provide advice on the dissemination of monitoring results and other information on air quality issues.

The AQCCC may comprise the same members of the AQCCC established under CSSI approvals for the WestConnex M4 East and New M5 projects (SSI 6307 and SSI 6788) in relation to the ventilation outlets located in Haberfield and St Peters.

The AQCCC must operate for up to two (2) years after commencement of operation, or as otherwise approved or directed by the Secretary, in consultation with the Chair.

Ambient Air Quality – Monitoring

E24 The Proponent must monitor (by sampling and obtaining results by analysis) the pollutants and parameters specified in **Table 8** using the sampling method, units of measure, and sampling frequency specified in the table. Monitoring must be undertaken at the following locations as a minimum:

- (a) two ground level receptors near the Rozelle ventilation outlet, at locations suitable for detecting any impact on air quality from the outlet;
- (b) two ground level receptors near the Victoria Road ventilation outlet, at locations suitable for detecting any impact on air quality from the outlet;
- (c) two ground level receptors near the Campbell Road ventilation outlet, at locations suitable for detecting any impact on air quality from the outlet with one in a location different to that established under SSI 6788; and
- (d) two ground level receptors near the Haberfield ventilation outlet, at location suitable for detecting any impact on air quality from the outlet (these may be the same as those established under SSI 6307).

E25 The monitoring locations must be selected with the objective of achieving like-to-like comparison of monitoring results with available pre-construction data. The locations must also allow for the review of the accuracy of predicted environmental outcomes discussed in the documents referred to in **Condition A1** against monitored air quality as part of the environmental audit required under **Condition A36**.

The location of the monitoring stations must be agreed to by the AQCCC and subject to landowner's and occupier's agreement.

The establishment and operation of the monitoring stations is to be undertaken in accordance with recognised Australian standards and undertaken by an organisation accredited by NATA for this purpose and approved by the Secretary in consultation with the EPA and the AQCCC. The quality of the monitoring results must be assured through a NATA accredited process prior to the data being considered as a basis for compliance/auditing purposes.

E26 The Proponent must commence monitoring for at least 12 continuous months prior to operation and continue monitoring for at least two (2) years following the commencement of operation. At the conclusion of the two (2) year operational monitoring period, the Proponent must review the need for the continued use of ambient monitoring stations in consultation with the AQCCC and EPA. Closure or discontinued use of an ambient monitoring station will require the approval of the Secretary.

Ambient Air Quality Notification and Reporting

E32 The Proponent must prepare an **Ambient Air Quality Goal Protocol** for evaluating a potential measurement that exceeds the goals in **Condition E6**. The **Ambient Air Quality Goal Protocol** must be developed by the Proponent in consultation with the AQCCC and submitted to the Secretary for approval at least 12 months prior to the commencement of operation of the CSSI.

E37 The Proponent must engage a person independent from the design and construction of the CSSI, to audit the air quality monitoring (in-tunnel and ambient) for the CSSI at six (6) monthly intervals following commencement of operation of the CSSI, or at any longer interval if approved by the Secretary.

E38 The Proponent must consult with the EPA and AQCCC before nominating the proposed auditor to the Secretary. Operation of the CSSI must not commence until the auditor's appointment is approved by the Secretary.

E39 The auditor must ensure that the operating procedures and equipment to acquire air monitoring, meteorological data and emission monitoring data and monitoring reporting comply with NATA (or equivalent) requirements and sound laboratory practice.

E40 The Proponent must document the results of the audit and make available all audit data for inspection by the Secretary upon request. A copy of the audit report must also be issued to the Proponent and AQCCC.