

Appendix 1 Submissions

Submissions 1 – 75 relate to the Committee’s First and Second Reports on the Cross City Tunnel and Public and Private Partnerships.

Submissions 76 – 121 specifically relate to the Lane Cove Tunnel Inquiry.

No	Author
1	Mr Mike Hannon, NSW Roads and Traffic Authority
2	Mr Stephen Kozicki, Gordian Business
3	Mr Flash Langley
4	Ms Leonie Blair
5	Mr Alan Limbury
6	Mr Neville Peck
7	Mr Ross Nolan, Aircar Industry
8	Mr Matt Mushalik
9	Mr Richard Gratton, Owners Corporation (the Horizon)
10	Dr David Sonnabend
11	Mr Tony Harris
12	Mr Bruce Loder
13	Mr Michael Rolfe, Natural Allies
14	Mr Bob Lemon
15	Mr Peter Ramshaw, NSW Taxi Council Ltd
16	Mr Peter Whitehead
17	Ms Robyn Hall
18	Mr Will Trippas
19	Mr Sam Harding
20	Mr Ralf Harding
21	Mrs Carole Ferrier
22	Mr Peter Mills
23	Mr Stephan Gyory, Darlinghurst Business Partnership
24	Mrs Kama Harding
25	Mr Jonathon Falk, Jonathon Falk Planning Consultants Pty Ltd
26	Mrs Elinor Wrobel, John Passmore Museum of Art
27	Miss Jane Barnett
28	Ms Mary-Ann Bonney
29	Mrs Kylie Cossa

No	Author
30	Ms Felicity Crombach
31	Miss Catherine Lyons
32	Mr Barrie Shepherd
33	Mr W.G. Hamilton
34	Mr Alex Unwin, Bicycle New South Wales
35	Ms Suzanne O'Connor, Kings Cross Community Liaison Group
36	Mr Warwick Hatton, Woollahra Municipal Council
37	Mr Richard Jones
38	Mr Peter Sansom, CrossCity Motorways Pty Ltd
39	Dr Deborah Dearing, The Royal Australian Institute of Architects
40	Ms Elizabeth George, Cross City Tunnel Action Group
41	Dr Ray Kearney, Lane Cove Tunnel Action Group Inc
42	Dr Norman Thompson
43	Mr Craig Tansley
44	Ms Lucy Robertson
45	Mr Geoff Phillips
46	Ms Julia Perry, Darlinghurst Residents Action Group
47	Ms Jan Morrison
48	Dr Gerard Milton
49	Ms Narelle Thirkettle, Sydneysiders Against Polluting Stacks and Ms Lalita Lakshmi, UnitingCare Harris Community Centre
50	Mr Charles Kelly
51	Mr Benjamin Kelly
52	Ms Wanda Jaworski, 2011 Residents Association Incorporated
53	Ms Jo Holder, Action City East
54	Mr Brett Gale, NRMA Motoring and Services
55	Mr Richard d'Apice
56	Mr Malcolm Duncan - Partially Confidential
57	Mr John Oultram
58	Mr Mark Curren, Residents Against Polluting Stacks
59	Ms Denyse Rockey
60	Mr Peter Snepvangers
61	Ms Stacey Miers, Residents of Woolloomooloo
62	Ms Jill Yates, City of Sydney Residents' Network
63	Mr Michael Gormly

No	Author
64	Ms Margy Osmond, State Chamber of Commerce
65	Mr Jozef Goj, UBTSC
66	Councillor Nick Dyer, Leichhardt Council
67	Professor Bob Walker and Ms Betty Con Walker
68	Professor Anthony Blackshield
69	Mr Gregory Reich
70	The Hon Paul Keating
71	Ms Jenny Allum, SCEGGS Darlinghurst
72	Professor John Quiggin, University of Queensland
73	Ms Carol Young
74	Dr Garry Glazebrook, Glazebrook and Associates
75	Professor Peter Newman, Institute for Sustainability and Technology Policy
76	Dr David Poole, Urban Development Institute of Australia
77	Clr Genia McCaffery, North Sydney Council
78	Mr Omar Khalifa
79	Mr David Wilds, Lane Cove Business Group
80	Mr Bill Orme, Walking Volunteers
81	Mrs Barbara Khalifa
82	Mr John Joseph
83	Mr Brendan Donohue, Thiess John Holland – Lane Cove Tunnel project
84	Mr Ian Hunt, Connector Motorways
85	Mr John Martin, ABN AMRO Australia
86	Mr George Poljak, Heggies Australia
87	Mr David Severino, Century Funds Management
88	Ms Kerryn Goddard, Kastle Systems Australia
89	Ms Cathy Merchant, Construction Community Liaison Group
90	Ms Eva Wiland, Parkes Road Action Group
91	Mr Mario and Mrs Amalia Retamal
92	Mr Matt Mushalik
93	Ms Deanne Shorter
94	Mr Colin Liebman, Southern Cross Windpower Ltd
95	Mr Vance Painter
96	Ms Diane Michel
97	Mr Don Murchison
98	Mr Neil Irvine

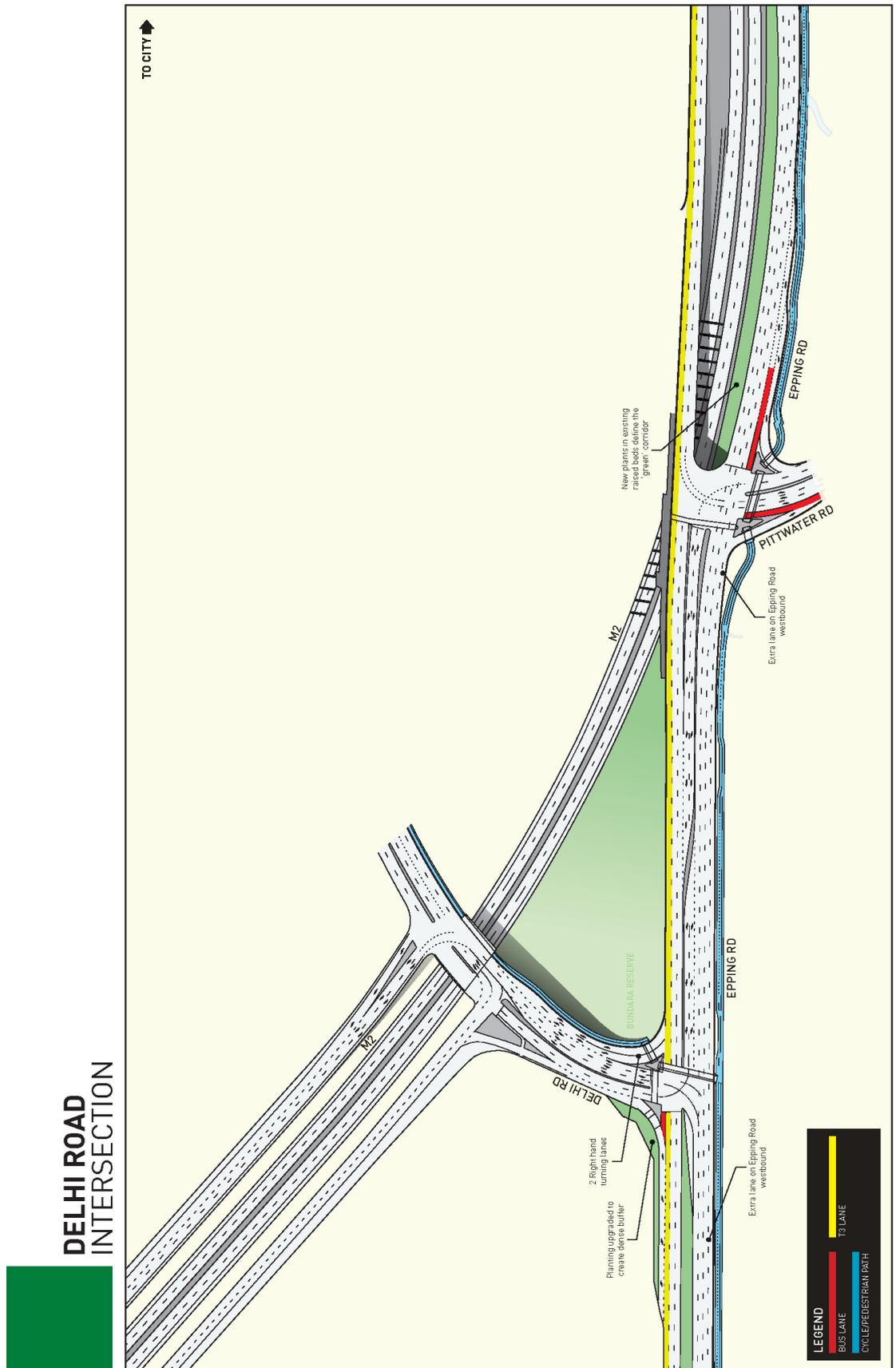
No	Author
99	Mr Peter McNamara, Clark McNamara Lawyers
100	Mr Joe Rosenfels
101	Mr Jonathon Carle
102	Mr Nigel Riddington
103	Mr Roger Leigh
104	Ms Carolyn New
105	Mr Dick Breaden, Energy Industries Superannuation Scheme Pty Ltd
106	Mr Stewart R Begg
107	Mr Mark Curren, Groups Against Pollution Stacks
108	Mr Syd Friedlander OAM
109	Ms Clover Moore MP, Member for Bligh
110	Ms Aletha Morison
111	Mr Paul Gibbs
112	Mr Russ Webber, North Shore Bicycle Group
113	Dr Ray Kearney, Lane Cove Tunnel Action Group Inc
114	Mr Brett Skinner, Roads and Traffic Authority
115	Mr Tony Stuart, NRMA
116	Mr Peter Brown, Lane Cove Municipal Council
117	Dr Peter Manins, CSIRO
118	Mr Graeme Edwards, Bike North
119	Clr Stuart Coppock, Willoughby Council
120	Mr Alex Unwin, Bicycle NSW
121	Mr Graeme Woodward

Appendix 2 Witnesses

Date	Name	Position and Organisation
14 June 2006	Clr Ian Longbottom	Mayor, Lane Cove Council
	Mr John Lee	Director, Major Projects, Lane Cove Council
	Mr Ross Selleck	Former Executive Manager, Open Space and Urban Services, Lane Cove Council
	Clr Genia McCaffery	Mayor, North Sydney Council
	Ms Penny Holloway	General Manager, North Sydney Council
	Mr Keith Anderson	Representative, Artarmon Progress Association
	Mr Rohan Ahern	Representative, Naremburn Progress Association
	Mr Jan Esman	Representative, Naremburn Progress Association
	Mr George Farrell	Representative, Naremburn Progress Association
15 June 2006	Dr David Poole	Executive Director, Urban Development Institute of Australia
	Mr Steven Coy	Senior Executive, Ford Land
	Ms Roberta Ryan	Independent Community Liaison Representative, Lane Cove Tunnel Project
	Dr Peter Manins	Independent adviser to the Lane Cove Tunnel Air Quality Community Consultative Committee, CSIRO Marine and Atmospheric Research
	Ms Carolyn New	Member, Bike North
	Mr Harold Scruby	Chairman, Pedestrian Council of Australia
	Mr Bill Orme	Coordinator, Walking Volunteers
	Mr James Endres	Economist, Public Policy Division, NRMA
	Ms Wendy Machin	Board Director, NRMA
	Ms Cathy Merchant	Member, Construction Community Liaison Group
	Ms Diane Michel	Member, Construction Community Group
	Ms Eva Wiland	Representative, Parkes Road Action Group
Mr Stewart Begg	Member, Construction Community	

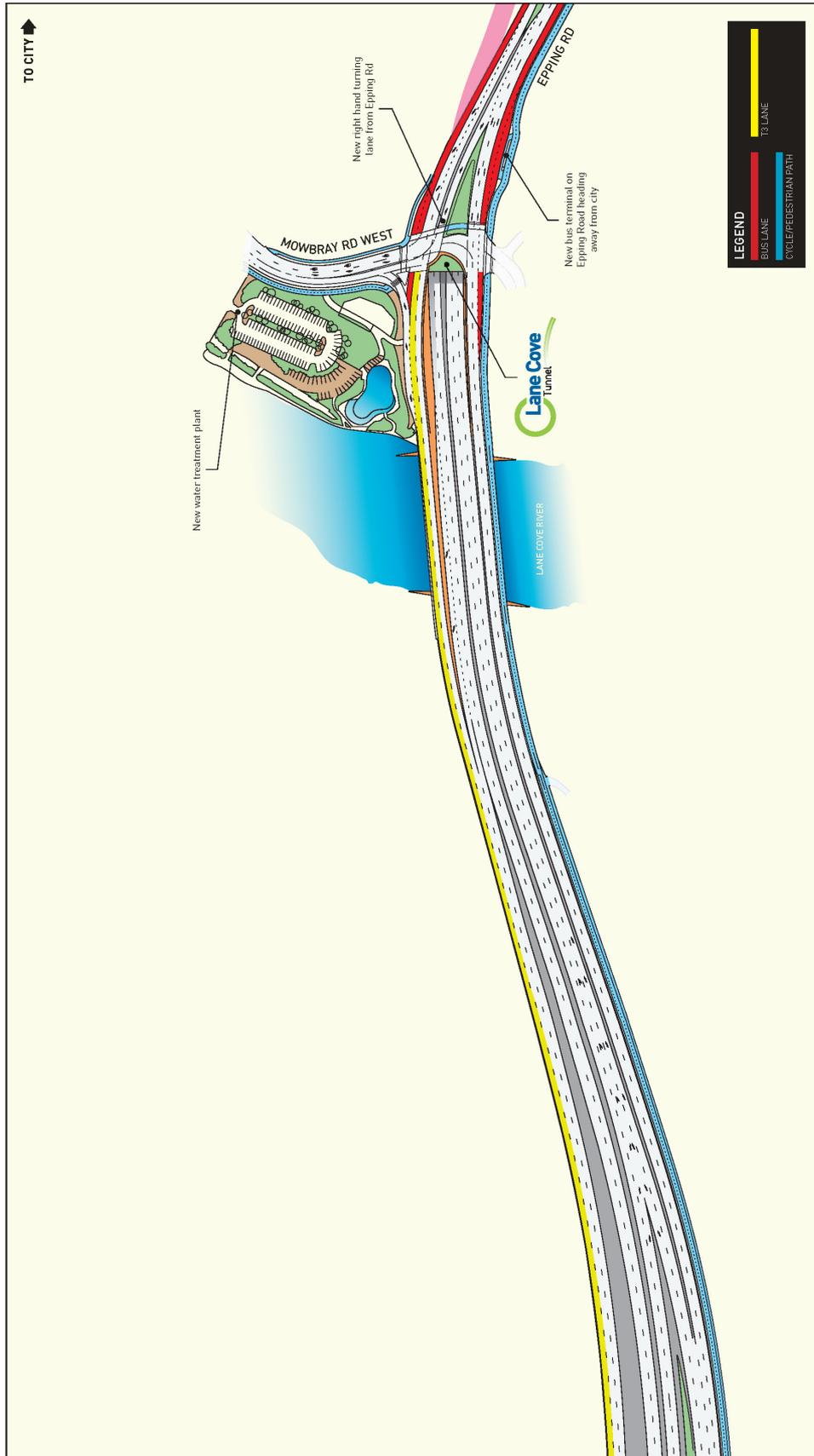
Date	Name	Position and Organisation
		Liaison Group
	Mr David Archbold	Member, Construction Community Group
	Mr Ian Hunt	Chief Executive Officer, Connector Motorways
	Mr Brendan Donohue	Project Director, Lane Cove Tunnel Project, Thiess John Holland
	Mr John Martin	Head of Structured Finance, ABN AMRO Australia
16 June 2006	Dr Ray Kearney	Chairman, Lane Cove Tunnel Action Group, Groups Against Stack Pollution
	Ms June Hefferen	Deputy Chair, LCTAG, GASP
	Mr Mark Curran	Member, Residents Against Polluting Stacks, GASP
	Mr John Pierce	Secretary, NSW Treasury
	Dr Kerry Schott	Executive Director, Private Projects and Asset Management, NSW Treasury
	Mrs Kerry Chikarovski	Former Member for Lane Cove
	Dr Denise Robinson	Chief Health Officer, NSW Department of Health
	Dr Vicky Sheppard	Senior Policy Adviser, NSW Department of Health
	Dr Michael Staff	Director, Centre for Health Protection
	Mr Sam Haddad	Director General, Department of Planning
	Ms Lisa Corbyn	Director General, Department of Environment and Conservation
	Mr Joe Woodward	Executive Director – Operations, Department of Environment and Conservation
	Mr Mike Hannon	A/Chief Executive, RTA
	Mr Les Wielinga	Director, Motorways, RTA
	Mr Brett Skinner	Director, Finance, RTA
	Mr Phil Margison	A/Director, Traffic and Transport, RTA

Appendix 3 Overview of the Lane Cove Tunnel and Falcon Street Gateway



Connector Motorways Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway

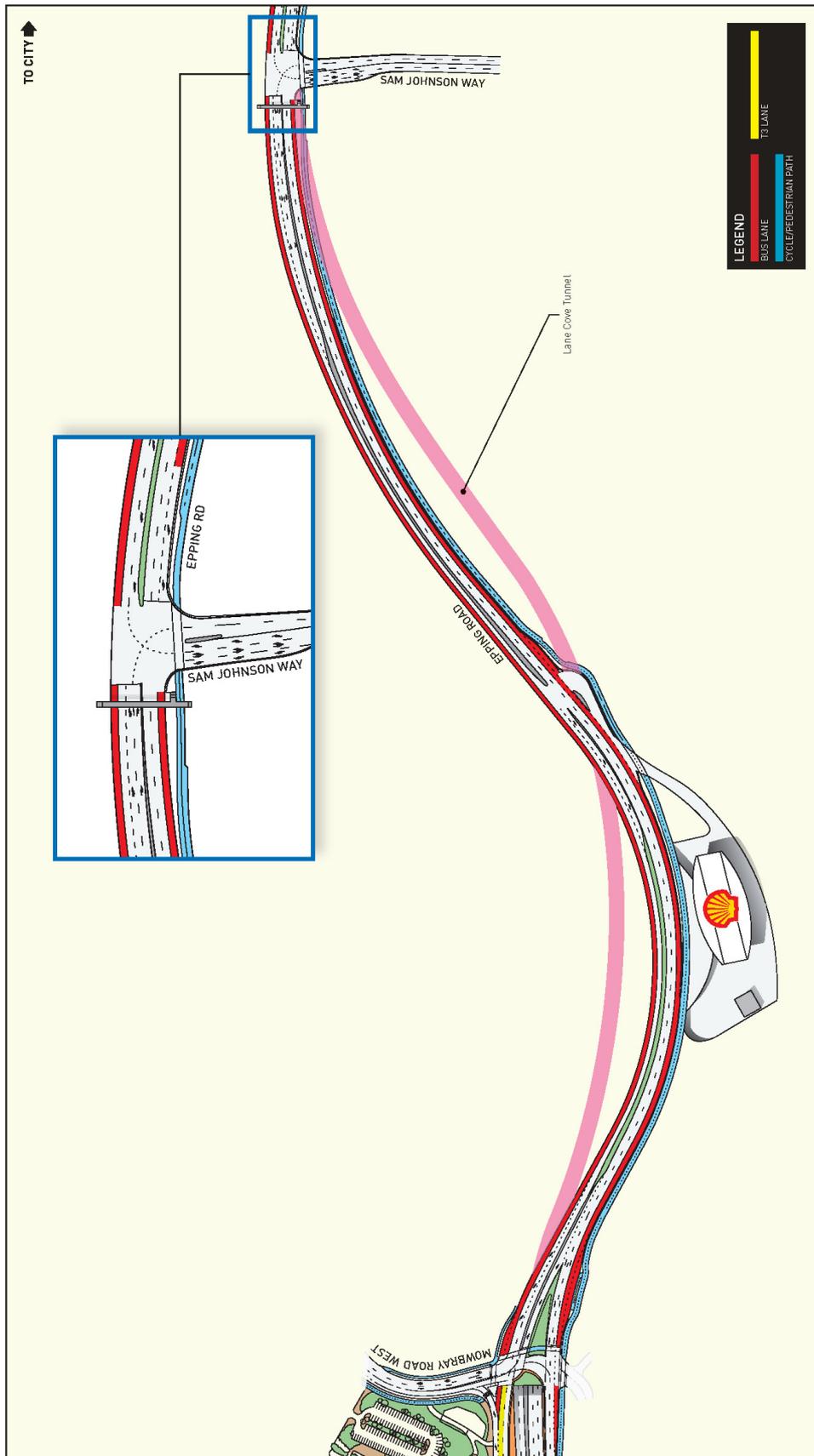
MOWBRAY ROAD WEST INTERSECTION



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



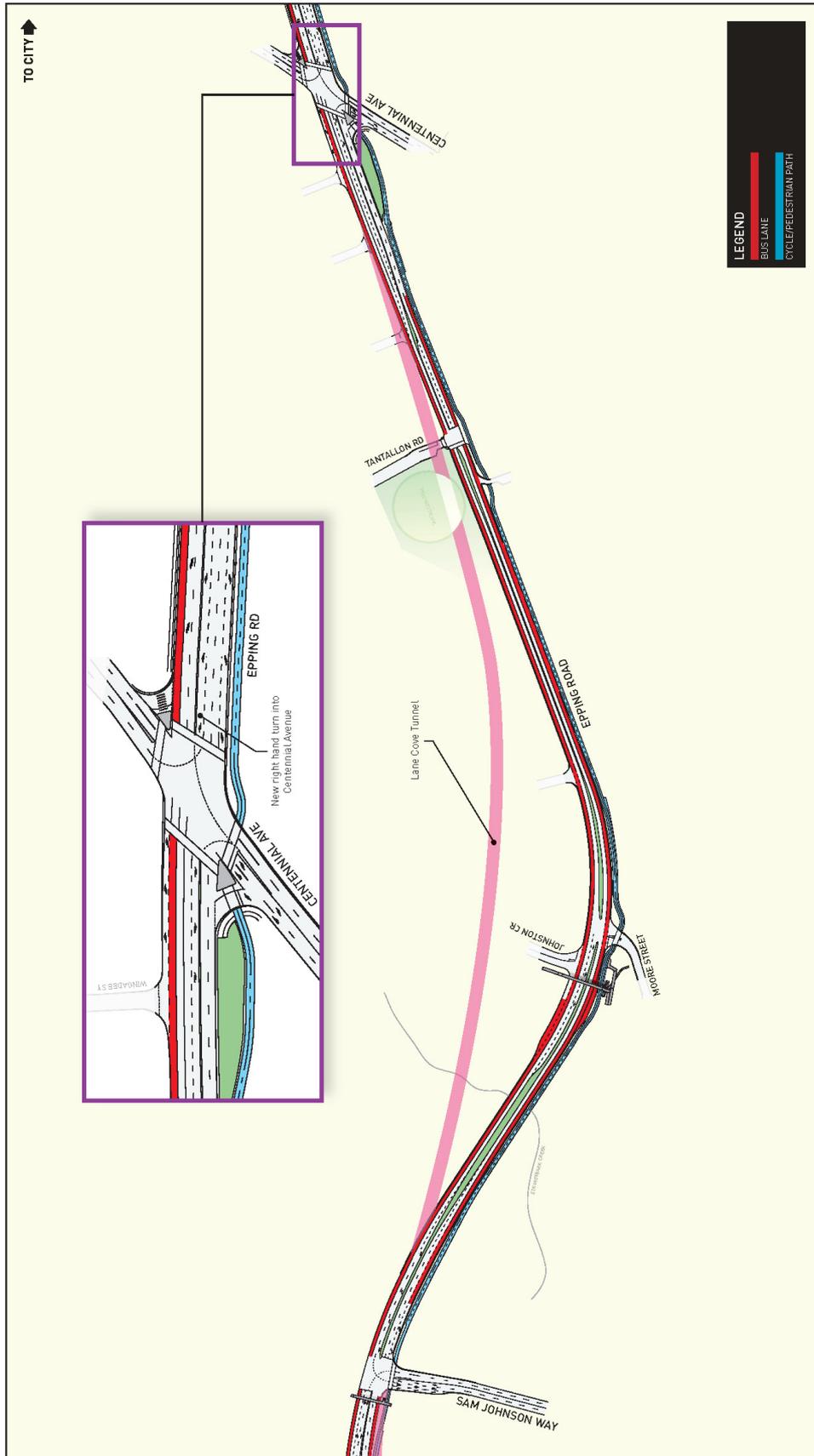
**MOWBRAY ROAD WEST
TO SAM JOHNSON WAY**



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



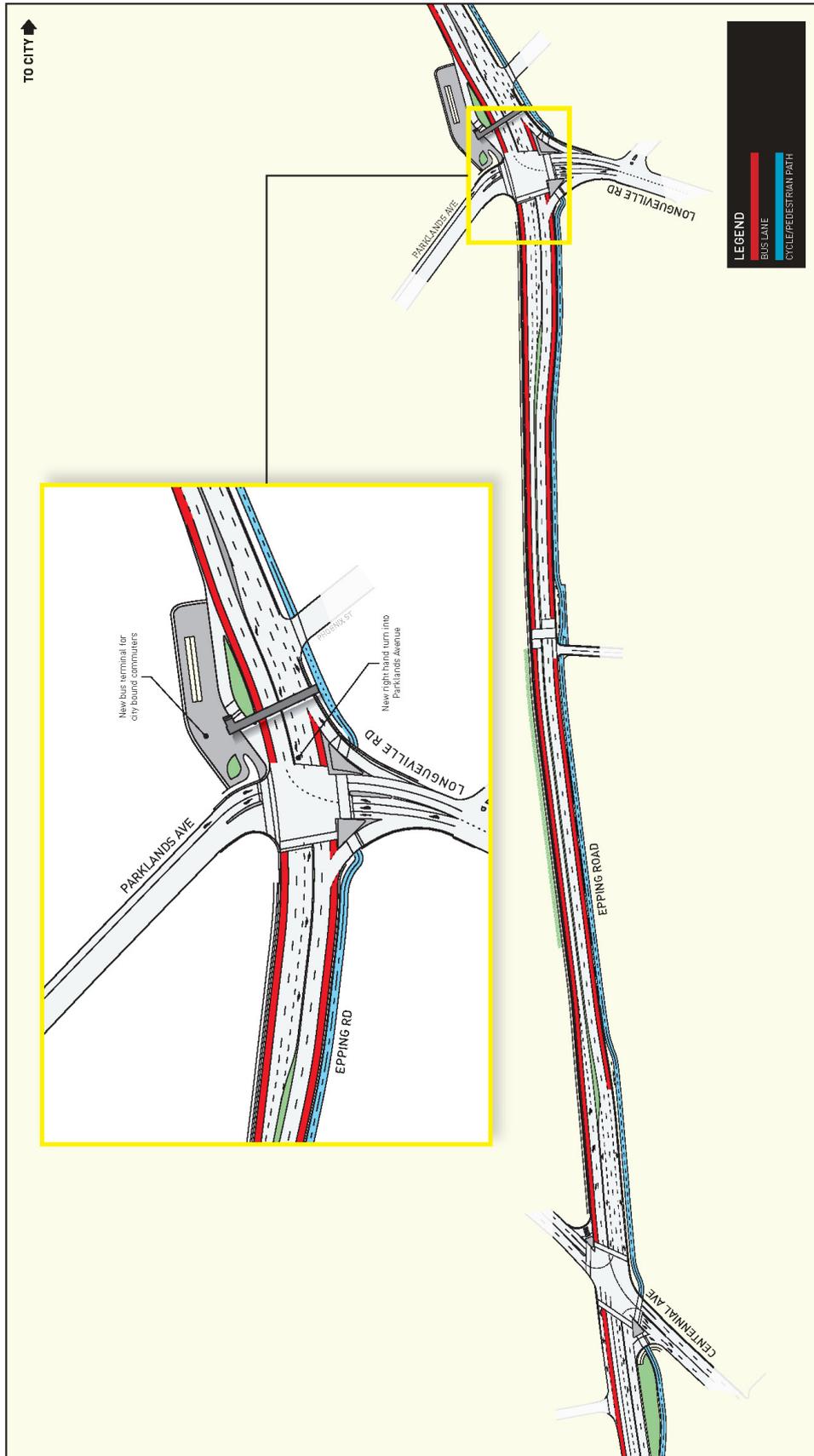
SAM JOHNSON WAY TO CENTENNIAL AVENUE



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



**CENTENNIAL AVENUE
TO LONGUEVILLE ROAD**



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



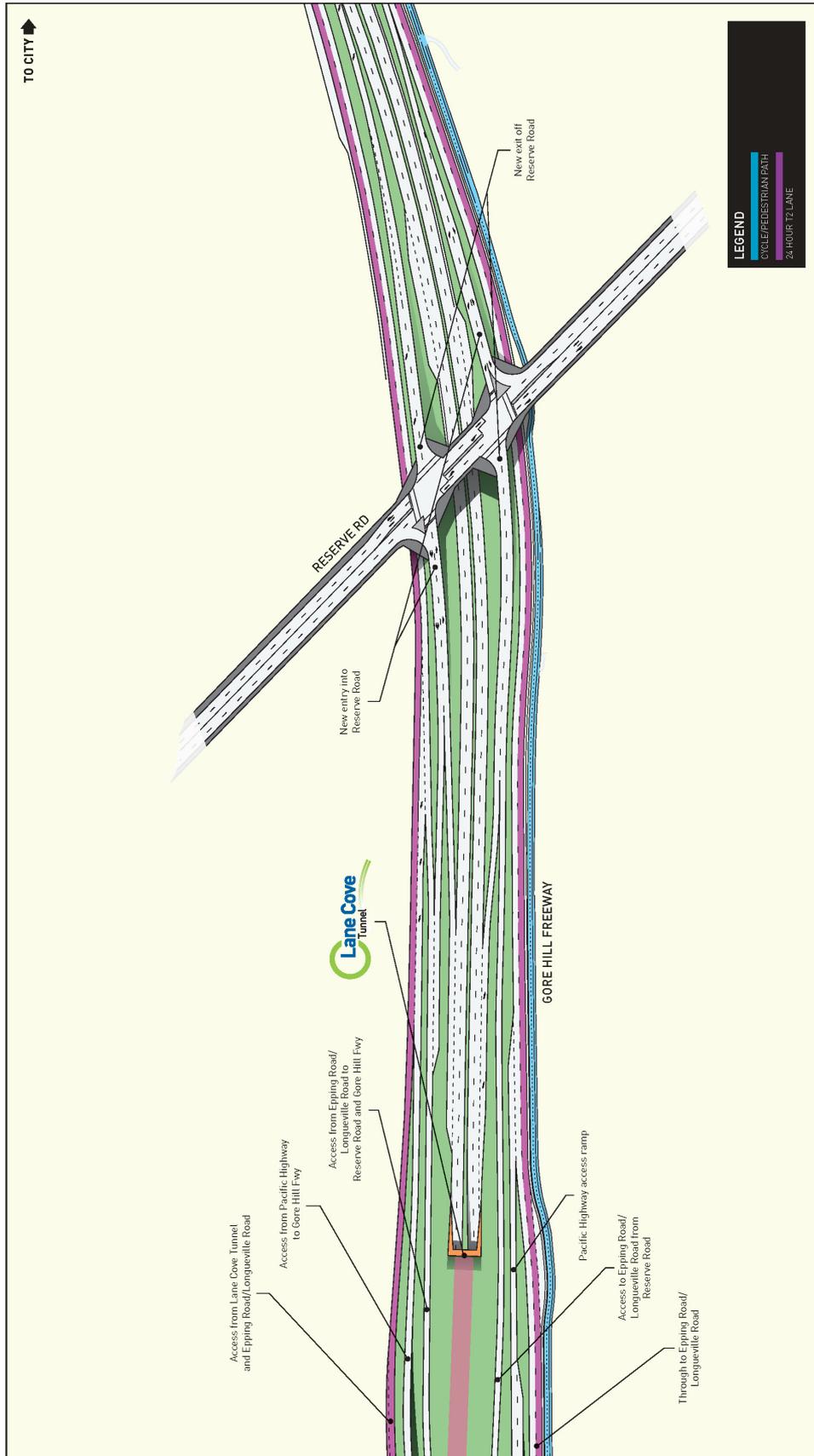
PACIFIC HIGHWAY INTERCHANGE & EASTERN PORTAL ENTRY



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway

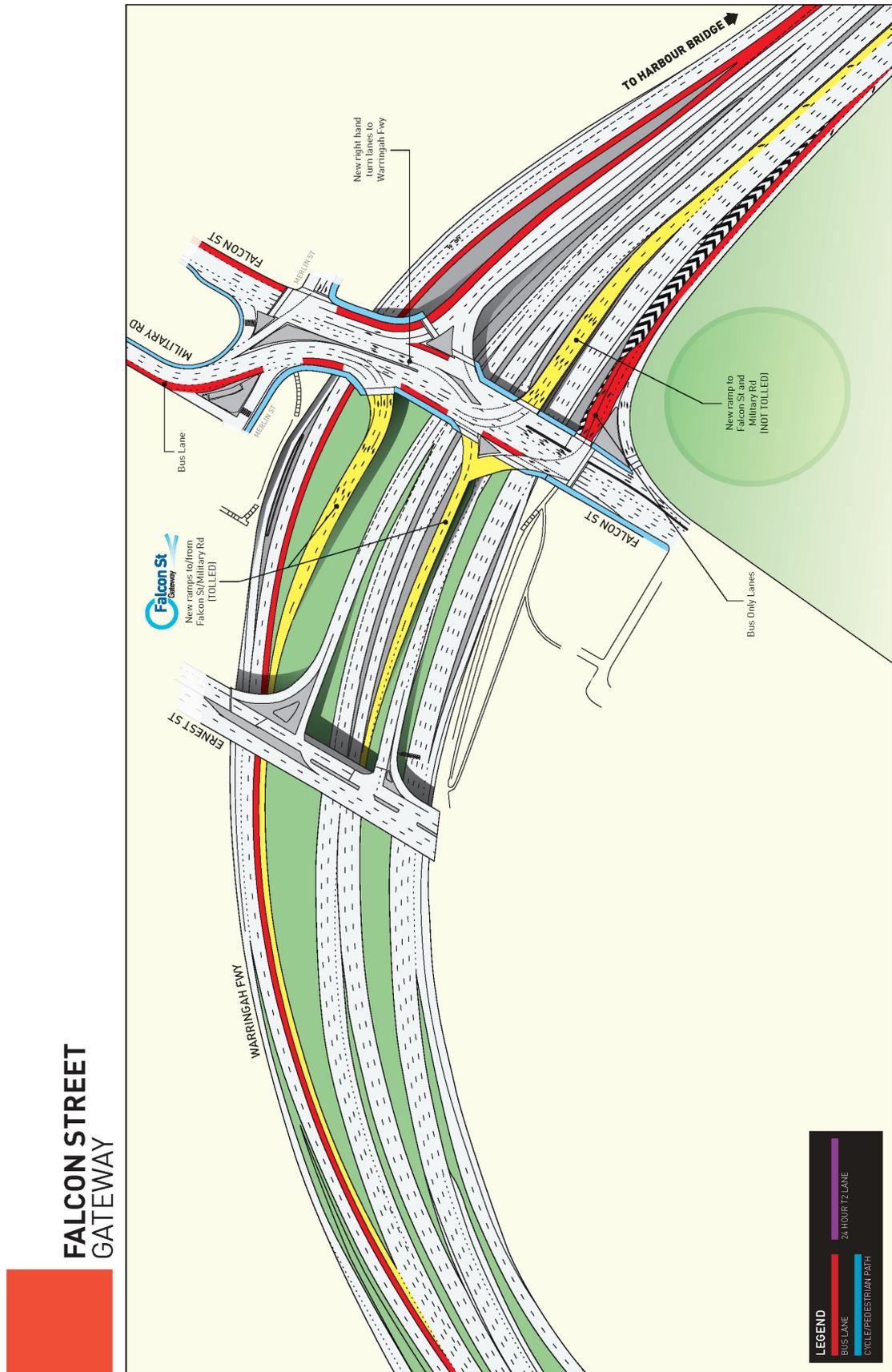


LANE COVE TUNNEL ENTRY/EXIT & RESERVE RD



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



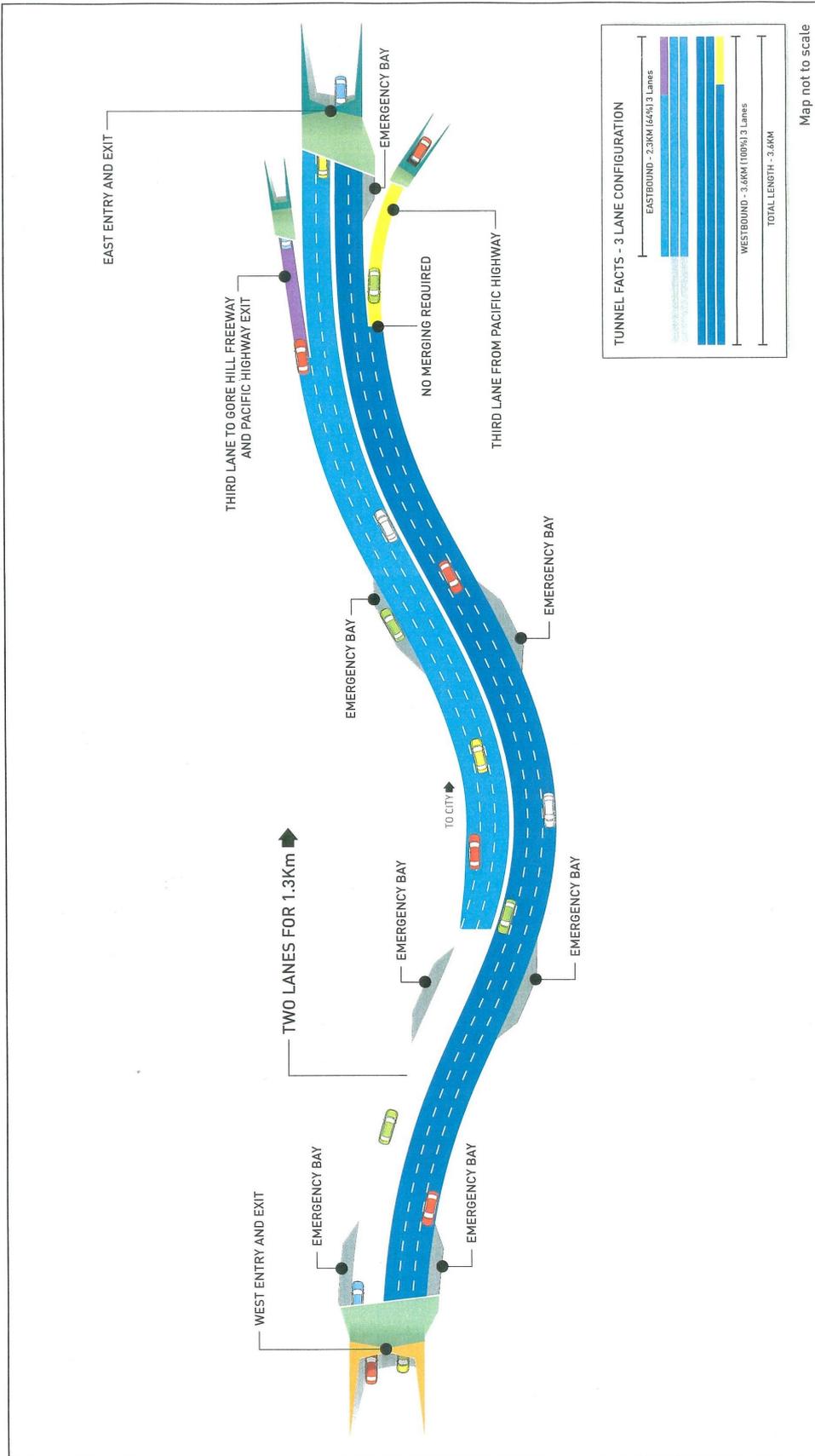


FALCON STREET GATEWAY



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway

LANE COVE TUNNEL CONFIGURATION



Connector Motorways is the operator of Lane Cove Tunnel and Falcon Street Gateway



Appendix 4 Display locations of the Lane Cove Environmental Impact Statement

The Environmental Impact Statement was on public display from 8 November 2001 to 2 February 2002. Information on the EIS was available on the RTA website and was also available for viewing and purchase (*) at the following locations:

- Roads and Traffic Authority Office, Centennial Plaza, 260 Elizabeth Street, Surry Hills*;
- RTA – Sydney Region, Ground Floor, 83 Flushcombe Road, Blacktown*;
- Department of Urban Affairs and Planning, Sydney Information Centre, Ground Floor, Governor Macquarie Tower, 1 Farrer Place, Sydney*;
- Ryde Central Library, Devlin Street, Ryde and the North Ryde Library, Coxs Road, North Ryde;
- Lane Cove Council and Library, Longueville Road, Lane Cove;
- Willoughby Council and Library, Victor Street and Victoria Avenue, Chatswood;
- North Sydney Council and Stanton Library, Miller Street, North Sydney;
- New South Wales Environment Centre, Level 5, 362 Kent Street, Sydney;
- New South Wales Government Information Centre, Goodsell Building, Corner Phillip and Hunter Streets, Sydney.

Appendix 5 Air quality – Lane Cove Tunnel conditions of approval 150–182

Lane Cove Tunnel and Associated Road Improvements

- (c) US NFPA 502 Standard for Road Tunnels and other Limited Access Highways, 2001 Edition.

Detailed design of the tunnel shall incorporate the design and operational measures outlined in the scope of works to minimise the potential for and impact of fire in the tunnel. The scope of works shall be developed in consultation with and to the satisfaction of the NSW Fire Brigades. The final design of the tunnel in relation to the fire safety shall be approved by the Director-General and verified against the scope of works to the satisfaction of the NSW Fire Brigades by an independent person/organisation.

146. Prior to the opening of the Project to traffic, a full audit of the fire safety system as defined by the scope of works developed in Condition 145 shall be undertaken by an independent person(s)/organisation to be paid for by the Proponent. The objective of the audit shall be to ensure that all design and operational measures outlined in the scope of works have been installed and are operational and achieves the required design criteria. The results of the safety audit shall be made available to the NSW Fire Brigade and the Director-General for review prior to opening of the Project to traffic. The Proponent shall comply with any requirements resulting from the NSW Fire Brigade.
147. Fire simulation and smoke testing shall be undertaken as part of the rehearsed emergency response to be staged prior to opening of the Project to traffic as required in Condition 135.
148. A maintenance testing program outlining the methods of testing fire safety facilities and schedule for implementation shall be developed to the satisfaction of the NSW Fire Brigade prior to opening of the Project to traffic. Maintenance testing of fire safety facilities shall be undertaken at least annually or any other interval as required by the NSW Fire Brigade. Results of maintenance testing shall be made available to the NSW Fire Brigade for review and the Proponent shall comply with any requirements to ensure the fire safety systems operate adequately.
149. The Proponent shall develop a community education program for the general public and bus operators regarding the potential implications of incidents and emergencies in the Lane Cove Tunnel prior to opening of the Project to traffic. The program shall outline the actions that should be taken by drivers and passengers in the tunnel during such incidents/emergencies to minimise the potential for serious injury or loss of life.
- The Proponent shall consider implementation of the education program by methods such as pamphlets to be disseminated with licence/registration renewals, inclusion in the Learner Driver Handbook and test and/or any other appropriate method.
- The program shall be prepared in consultation with the relevant NSW emergency services, NSW Health and DoP.

Air Quality

Physical Requirements

150. One (1) ventilation stack shall be constructed at each of the following locations: 5 Sirius Road, Lane Cove West Industrial Estate and 6 Marden Street, Artarmon Industrial Area as shown Attachment 2), with the top of the ventilation stacks at a minimum height of 62 m and 134 m AHD respectively, or as otherwise agreed by the Director-General.

Lane Cove Tunnel and Associated Road Improvements

151. Prior to finalising the ventilation stack design, the Proponent shall in consultation with relevant Councils, demonstrate to the satisfaction of the Director-General, that potential opportunities to incorporate the ventilation stack within an existing, proposed or newly constructed building have been appropriately considered through the selected proposal invitation and final design process.
152. The tunnel ventilation system shall be designed, constructed and operated to avoid emissions of tunnel air from the portals. Portal emissions are not permitted except in the following circumstances:
- (a) emergency situations and/or where emergency personnel are involved,
 - (b) accidents and genuine breakdowns inside the tunnel;
 - (c) major maintenance periods where it can be demonstrated that the in-tunnel CO requirements specified in Table 2 cannot be met; and
 - (d) any other situation approved by the Director-General in consultation with the DoH, EPA and the AQCCC.

If portal emissions are required as a result of any of the above events occurring, all practicable measures shall be taken to minimise duration of portal emissions and from such emissions.

153. The tunnel shall be designed and constructed so as to make provision for future installation of an appropriate pollution control system to treat air emissions from the tunnel as may be required by the Director-General. The Proponent shall provide evidence to this effect during the design and construction phases to the satisfaction of the Director-General.
154. All plant and equipment associated with the ventilation stack including possible pollution control systems shall be located below the existing surface level unless incorporated into an existing, proposed or newly constructed building as identified in Condition of Approval No. 151 or otherwise agreed by the Director-General following consultation with the relevant local Councils.
155. The Proponent shall install stack emission sampling points and associated safe access thereto, during construction of each ventilation stack in accordance with Condition 154. The sampling points shall be designed and located in accordance with TM-1 of the EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW, 2001*.
156. The Proponent shall develop a Pre-commissioning Tunnel Ventilation, Incident Response and Traffic Management Systems Integration Protocol in consultation with the RTA's Traffic Management Centre. The Protocol must be reviewed by an appropriate experienced person/firm to confirm to the satisfaction of the Director-General, before the tunnel is open to traffic, that the systems would operate together to ensure that the primary objective of satisfying Conditions 160 and 161. The Protocol should include a pre-commissioning procedure to be completed before the tunnel is opened to traffic.

Note: Tunnel ventilation design and operation, incident response triggers and procedures, and traffic management, should be fully integrated in accordance with the primary objective of ensuring the safety of tunnel users, tunnel workers and emergency services personnel under all conditions.

157. The Proponent shall install appropriate traffic management devices upstream and downstream of the tunnel entrances and exits to regulate traffic flow in the tunnel in addition to the ventilation system, as required to ensure compliance with air quality goals. Traffic management devices shall include ramp metering and/or tunnel closure devices as appropriate. Monitoring devices to measure traffic speeds inside the tunnel shall be installed

Lane Cove Tunnel and Associated Road Improvements

and operated.

Unless otherwise agreed by the Director-General, stop signals (including advance signals) must be installed at least 50 metres (or at another distance as agreed by the Director-General) from the front of each entrance and incorporated into the overall traffic management system for the route on which the tunnel is located. Where practical this shall also enable tunnel users to be diverted to other routes well before the entrance. The stop signals must be supplemented by a remote-controlled physical closure device and by a variable message panel, which will inform users of the reason for the closure.

Air Quality Community Consultative Committee

158. An Air Quality Community Consultative Committee (AQCCC) shall be established by the Proponent. Representatives from relevant Councils and local community representatives with interests in tunnel ventilation shall be invited to participate on the Committee. The AQCCC must be established prior to the commencement of substantial construction. The Committee's role shall be defined in a detailed terms of reference document to be submitted for approval by the Director-General within three (3) months before commencement of construction or within any other time as agreed by the Director-General. The terms of reference shall include providing community feedback on air quality monitoring and reporting during the design, construction and operational phases of the project, accessing and disseminating monitoring results and other information on air quality issues. The functions and conduct of the AQCCC shall be in accordance with the terms of reference approved by the Director-General.

Air Quality – In-Tunnel

◆ Monitoring of In-Tunnel Air Quality

159. Within the Tunnel, the Proponent must monitor (by sampling and obtaining results by analysis) the pollutants, specified in Table 1. The Proponent must use the sampling method, units of measurement and sample at the frequency specified opposite in the other columns. The number and siting of the monitoring stations inside the tunnel must be independently verified in accordance with the EPA's Approved Methods for the Sampling and Analysis of Air Pollutants in NSW, 2001 to the satisfaction of the Director-General. Each sampling point established under this condition shall be audited prior to its commencement of monitoring for compliance with the requirements set out in Table 1. Verification and compliance auditing is to be undertaken by an independent person(s) or organisation(s) approved by the Director-General and paid for by the Proponent.

Table 1 – In-Tunnel CO Monitoring Methodology

Pollutant	Units of measure	Frequency	Method ¹
CO	ppm	Continuous	AM-6

Note: ¹NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales

◆ In-Tunnel Air Quality Limits

160. The tunnel ventilation system must be operated so that the concentration of carbon-monoxide (CO) for exposure to any motorist inside the Tunnel must not exceed the concentration limits specified for that pollutant in Table 2 under all conditions (including fully congested conditions).

Lane Cove Tunnel and Associated Road Improvements

Table 2– In-Tunnel CO Individual Exposure Limits

Pollutant	Units of measurement	Averaging period	Limit
CO	ppm	Rolling 30-minute	50
CO	ppm	Rolling 15-minute	87

For the purposes of interpreting compliance with the rolling average periods specified in Table 2, the Proponent shall install appropriate systems to the satisfaction of the Director-General in consultation with NSW Health and the EPA, to enable as accurate as possible estimate of time spent inside the tunnel by any motorist or any emergency services, Proponent or Company personnel and corresponding CO levels. The Proponent must justify that the measuring points present an accurate representation of the CO profile and shall provide data/evidence including appropriate modelling to support that justification. The pollution concentrations outside the vehicle cabin shall be assumed to be equivalent to the pollution concentration within the cabin for the purposes of interpreting compliance.

- 161. The tunnel ventilation system must be operated so that the concentration of carbon-monoxide (CO) as measured at any single point in the tunnel must not exceed the concentration limit specified for that pollutant in Table 3 under all conditions (including fully congested conditions).

Table 3 – In-Tunnel CO Single Point Limits

Pollutant	Units of measurement	Averaging period	Limit
CO	ppm	Rolling 3-minute	200

- ◆ Notification of In-Tunnel Air Quality

- 162. In addition to the general reporting requirements specified in Condition 178, the Proponent shall notify the Director-General, EPA and DoH within 24 hours of the Proponent becoming aware of any single monitoring point CO recording above the limits specified in Condition 160 and/or 161.

Note: The requirement to report on any single point recording above the limits for Condition 162 is for information and reporting purposes only.

- ◆ Air Quality Compliance

- 163. If the air quality limits specified in Conditions 160 and/or 161 are exceeded, the Director-General may direct the Proponent to expend an amount, which is to be calculated as the aggregate of \$50,000 (CPI adjusted) for each day on which any one (1) or more of the air quality limits specified in Conditions 160 and/or 161 are exceeded, for the implementation of the strategy.

In the event that the Proponent is directed to expend any amount as required under this condition, it shall, within 3 months, prepare a strategy in consultation with the AQCCC and approved by the Director-General, on how any money shall be spent, including options of improvements to in-tunnel and external air quality in the area affected by the Project.

Nothing in this condition shall prevent, limit or restrict any statutory requirements under any legislation, nor shall it limit any action being taken under the EP&A Act.

*Lane Cove Tunnel and Associated Road Improvements*Ambient Air Quality

♦ Monitoring of Ambient Air Quality

164. The Proponent shall monitor (by sampling and obtaining results by analysis) the pollutants and parameters specified in Column 1 of Table 4 at the following four (4) locations as a minimum:

- (a) One (1) ground level receptor near the eastern vent stack and one ground level receptor near the western vent stack;
- (b) At the air conditioning intake nearest to the top of building 18-20 Orion Road (Compaq building); and
- (c) At the air conditioning intake nearest to the top of building 401 Pacific Highway (Corinthian building).

All monitoring stations shall be established subject to the land owner's agreement. The Proponent must use the sampling method, units of measure, and sampling frequency specified in Table 4. The Proponent shall commence monitoring within 18 months of this approval or ensure monitoring occurs for at least 12 continuous months prior to opening of the tunnel. The establishment and operation of the 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 Director-General. The quality of the monitoring results shall be assured through a NATA accredited process prior to the data being considered as a basis for compliance/auditing purposes.

Table 1 – Ambient Air Quality Monitoring Methodologies

Pollutant	Units of measurement	Averaging Period	Frequency	Method1
NO	pphm	1-hour	Continuous	AM-12
NO ₂	pphm	1-hour	Continuous	AM-12
NO _x	pphm	1-hour	Continuous	AM-12
PM ₁₀	µg/m ³	24-hour	Continuous	AM-18 ¹ or AS3580.9.8-2001 ²
PM _{2.5} ⁴	ug/m ³	24-hour	Continuous	AM-18 ¹ or AS3580.9.8-2001 ² or method approved by EPA's chief scientist ²
CO	ppm	1-hour, 8-hour	Continuous	AM-6
Parameter ³	Units of measurement	Averaging Period	Frequency	Method1
Wind Speed @ 10 m	m/s	1-hour	Continuous	AM-2 & AM-4
Wind Direction @ 10 m	°	1-hour	Continuous	AM-2 & AM-4
Sigma Theta @ 10 m	°	1-hour	Continuous	AM-2 & AM-4
Temperature @ 2 m	K	1-hour	Continuous	AM-4
Temperature @ 10 m	K	1-hour	Continuous	AM-4
Total Solar Radiation @ 10 m	W/m ²	1-hour	Continuous	AM-4
Other	Units of measurement	Averaging Period	Frequency	Method1
Siting	NA	NA	NA	AM-1 & AM-4

Note: ¹NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales

² Standards Australia, 2001, AS3580.9.8-2001, Methods for the Sampling and Analysis of Ambient Air – Determination of Suspended Particulate Matter – PM₁₀ Continuous Direct Mass Method using Tapered Element Oscillating Microbalance Analyser.

³ Location for meteorological monitoring at Compaq/Corinthian station to be at the top of the building.

⁴ Appropriately modified to include size selective inlet for PM_{2.5} or as otherwise approved by the Director-General

Lane Cove Tunnel and Associated Road Improvements

◆ Operation Stage Monitoring Stations – Community Based Monitoring Station

165. The Proponent shall establish one (1) community based monitoring station (CBMS) associated with each ventilation stack to monitor ambient air quality consistent with the requirements in Table 4, the locations to be agreed to by the AQCCC, at least two (2) years prior to the opening of the Project to traffic. The Proponent shall meet all operating costs associated with the stations.

The CBMSs shall be operated independently of the Proponent and all other authorities and its establishment and operation shall be overseen by the AQCCC on behalf of the community. The establishment and operation of the stations is to be undertaken in accordance with recognised Australian standards and undertaken by a consultant accredited by NATA for this purpose. The quality of the monitoring results shall be assured through a NATA accredited process prior to the data being considered as a basis for compliance/auditing purposes.

Monitoring results shall be made publicly available and shall be subject to audit at 6 monthly intervals or at a longer interval if approved by the Director-General by an independent auditor agreed by the AQCCC, whose report shall be directly provided to the Proponent and the AQCCC.

The Proponent, following consultation with the AQCCC, shall review the need for the continuation of the CBMS after a period of three (3) years after the Project is opened to traffic. Any recommendation to close the CBMS shall require the approval of the Director-General in consultation with the EPA. The Director-General shall approve the independent operator.

◆ Operation Stage Monitoring Stations – 18-20 Orion Road (Compaq Building) and 401 Pacific Highway (Corinthian Building)

166. The Proponent shall install monitoring stations at the top of the building at 18-20 Orion Road and 401 Pacific Highway, in accordance with Condition of Approval No. 164 to monitor for pollutants identified in Table 4. Monitoring shall be undertaken over a period of at least 12 months from opening of the Project to traffic to correlate and verify impacts with the air quality modelling predictions. The results of the monitoring program shall be made available to the owners of 18-20 Orion Road and 401 Pacific Highway and the AQCCC.

◆ Operation Stage Monitoring Stations – Residents Living at Ground Level

167. The Proponent shall install two (2) ground level monitoring stations, in accordance with Condition 164 to assess ambient ground level impacts. The location of the stations and pollutants to be monitored shall be developed in consultation with the AQCCC and be approved by the Director-General and shall include the pollutants specified in Table 4 unless otherwise agreed by the Director-General in consultation with the EPA. The location of the ground level monitoring stations shall meet the siting requirements for a background ambient monitoring station in accordance with AS2922-1987.

The monitoring reports must be made available at six (6) monthly intervals from the date the Project commences operation. The reports must be made available to the Director-General, the EPA, relevant Council(s) and the AQCCC, and must be made publicly available. The total duration of the monitoring shall be for at least three (3) years unless otherwise requested by the Director-General. Any closure of the monitoring station shall be approved by the Director-General in consultation with the EPA at least three (3) months prior to closure.

Lane Cove Tunnel and Associated Road Improvements

◆ Verification of Air Quality Assessment

168. The Proponent shall validate the ambient air quality assessment undertaken for tunnel ventilation system as assessed in the Environmental Assessment for the Revised Ventilation Design for Lane Cove Tunnel (RTA, undated as submitted to DoP 25/10/02) for the Project utilising actual monitoring data recorded by the Proponent following 12 months of operation of the Project. Validation shall be to the satisfaction of the Director-General in consultation with the EPA.

◆ Air Quality Goals – Ambient Air

169. Should ambient monitoring of air pollutants exceed the following goals, the provisions of Condition 170 shall apply:

- (a) CO – 8 hour rolling average of 9.0 ppm (NEPM);
- (b) NO₂ – One hour average of 0.12 ppm (245 µg/m³)(NEPM); and
- (c) PM₁₀ – 24 hour average of 50 µg/m³ (NEPM).

Only monitoring station(s) that meet the requirements for ambient monitoring stations in Australian Standard AS2922 – 1987, shall be used for the purposes of assessing compliance with the ambient goals specified in this condition unless otherwise agreed by the Director-General.

170. Should the results of monitoring required under Condition 165, 166 and 167 show that any of the goals specified in Condition 169 have been exceeded for any given event (excluding extraordinary events such as bushfires, dust storms etc as to be defined in a Protocol), the Proponent shall immediately notify the DoP, EPA and NSW Health. The Protocol shall be approved by the Director-General in consultation with the EPA, DoH and the AQCCC. The notification shall be followed up with a detailed report within 10 working days which shall be prepared by an independent person/organisation to the Director-General on the cause and major contributor of the exceedance and the options available to prevent recurrence. The Director-General shall approve the independent person/organisation. This report must include consideration of improvements to the installed systems such as ventilation, and traffic management measures to address ambient air and/or the option of installing pollution control systems. If the Report does not propose the installation of pollution control systems then this recommendation must be justified. The Proponent shall comply with any requirements of the Director-General's review of the Report.

◆ Public Access to Monitoring Results

171. Results of hourly updated real-time ambient monitoring of PM₁₀, PM_{2.5}, NO₂, and CO at the approved ground level monitoring locations, in-tunnel CO and relevant meteorological data shall be provided on the Internet site and made publicly available each month in hard form in an easy to interpret format. These data shall be preliminary until a quality assurance check has been undertaken by a person or organisation accredited by NATA for this purpose. The availability of these data shall be conveyed to the local community by way of newsletter (including translation into common non-English speaking languages in the area) and newspaper advertisement at least one (1) month prior to the opening of the Project to traffic.

Lane Cove Tunnel and Associated Road Improvements

Ventilation Stacks

◆ Monitoring

172. The Proponent shall install monitoring equipment to monitor pollutants inside the ventilation stack. Pollutant monitoring inside the ventilation stack (by sampling and obtaining results by analysis) shall be for the pollutants and parameters specified in Column 1 of Table 5. The Proponent must use the sampling method, units of measures and sample at the frequency specified in the other columns. Monitoring equipment installed under this condition is to be independently audited prior to its commencement of monitoring for compliance with the requirements set out in Table 5. Auditing is to be undertaken by an independent person(s) or organisation(s) approved by the Director-General and paid by the Proponent.

Table 5 – Stack Emission Monitoring Methodologies

Pollutant	Units of measure	Frequency	Method ¹
NO	mg/m ³	Continuous	CEM-2
NO ₂	mg/m ³	Continuous	CEM-2
NOx (as NO ₂)	mg/m ³	Continuous	CEM-2
PM ₁₀	µg/m ³	Continuous	AS3580.9.8-2001, AM18 or method approved by EPA's chief scientist ²
PM _{2.5}	µg/m ³	Continuous	AS3580.9.8-2001, AM18 or method approved by EPA's Chief Scientist ²
Solid Particles	µg/m ³	quarterly	TM15
PM ₁₀	µg/m ³	quarterly	OM-5
PM _{2.5}	µg/m ³	quarterly	OM-5
CO	mg/m ³	Continuous	CEM-4
VOC	mg/m ³	Continuous	CEM-8
Speciated VOC ³	mg/m ³	Annual	OM-2
PAH ⁴	µg/m ³	Annual	OM-6
Parameter	Units of measure	Frequency	Method ¹
Flow rate	m ³ /s	Continuous	CEM-6
Moisture	%	Continuous	TM-22
Temperature	K	Continuous	TM-2
Other	Units of measure	Frequency	Method ¹
Sampling locations	NA	NA	TM-1

- Note:
- ¹ NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales
 - ² Standards Australia, 2001, AS3580.9.8-2001, Methods for the Sampling and Analysis of Ambient Air – Determination of Suspended Particulate Matter – PM₁₀ Continuous Direct Mass Method using Tapered Element Oscillating Microbalance Analyser
 - ³ Must include, but not limited to; Benzene, Toluene, Xylenes, 1,3-Butadiene, Formaldehyde and Acetaldehyde
 - ⁴ Must include, but not limited to; 16 USEPA priority PAHs, namely; Naphthalene, Phenanthrene, Benz(a)anthracene, Benzo(a)pyrene, Acenaphthylene, Anthracene, Chrysene, Indeno(1,2,3-cd)pyrene, Acenaphthene, Fluoranthene, Benzo(b)fluoranthene, Dibenz(a,h)anthracene, Fluorene, Pyrene, Benzo(k)fluoranthene, Benzo(g,h,i)perylene.
 - ⁵ Appropriately modified to include size selective inlet for PM2.5 or as otherwise approved by the Director-General.

◆ Ventilation Stack Limits

173. The concentration and mass of pollutants discharged from the ventilation stack(s) referred to in Table 6 must not exceed the respective limits specified for that pollutant.

Table 6 – Mass Pollutant Concentrations

		Units of measurement	Averaging period	Total CO	Total NO _x	Total PM ₁₀	Total VOC
W Stack	Concentration limit	mg/m ³	30 minutes	62.5	32.8	1.6	6.3
E Stack	Concentration limit	mg/m ³	30 minutes	62.5	25.7	1.2	6.3
Combined Stacks	Combined Annual load limit	t/annum	annual	1530	229	14 ¹	153

1. or method approved by the EPA's Chief Scientist

Lane Cove Tunnel and Associated Road Improvements

An independent person or organisation, approved by the Director-General shall:

- (a) verify that compliance with stack limits detailed in Table 6 will not result in air quality impacts greater than predicted in Appendix C (Environmental Assessment for Revised Tunnel Ventilation Design for the Lane Cove Tunnel) of the Director-General's report;
- (b) undertake an appropriate assessment to the satisfaction of the Director General and in consultation with the EPA to indicate how stack discharge velocities have been optimised in consideration of energy requirements and air quality impacts at all sensitive receivers; and,
- (c) validate recorded monitoring data and certify compliance with the stack limits.

The ventilation stack limits detailed in Table 6 shall be reviewed on a five (5) yearly basis and may be lowered (*i.e.* made more stringent), subject to improvements in vehicle fleet emissions, if the Proponent is directed to do so by the Director-General following consultation with the EPA.

◆ Exceedance of Stack Limits

174. Should the results of monitoring required under Condition show that any of the stack limits specified in Condition 173 have been exceeded, the Proponent shall immediately notify the DoP, EPA and DoH. This notification shall be followed up with a detailed report within 10 working days to be prepared by an independent person/organisation to the Director-General on the cause and major contributor of the exceedance and the options available to ensure the prevention of a recurrence. The report must include consideration of additional traffic management measures to address air quality emissions and also the option of installing pollution control systems. If the Report does not propose the installation of pollution control systems then this recommendation must be justified. The Proponent shall comply with any requirements of the Director-General's review of the Report. Independent verification shall be undertaken by independent person(s) or organisation(s) approved by the Director-General.

◆ Emergency Discharge

175. Conditions 169 and 170, do not apply:
- (a) in an emergency to prevent damage to life or limb other than an emergency arising from a negligent act or omission from the Proponent. The Proponent shall as soon as reasonably practicable, notify the Director-General and the EPA of any such discharge.
 - (b) as a result of an incident (not including congestion in the tunnel), which is beyond the control of the Proponent or the tunnel operator and could not have been prevented by taking those steps which a prudent, experienced and competent operator would have taken.

Condition 160 and 161 apply in (a) but NOT in (b).

The Proponent shall, as soon as reasonably practicable, notify the Director-General and the EPA of any such discharge.

Note: Any exceedance of the goals or limits in conditions 160, 161, 169 and 170 which result from a negligent act by the Proponent/Company irrespective of potential damage to life or limb is a breach of these Conditions of Approval.

Lane Cove Tunnel and Associated Road Improvements

Local and Sub-Regional Air Quality Improvements

176. The Proponent shall assist the relevant Councils in developing an air quality assessment process for inclusion in a Development Control Plan or other appropriate planning instrument, in considering planning and building approvals for new development in the area which would be within a potential three (3) dimensional zone of affectation (buffer volume). This process shall include procedures for identifying the width and height of buildings that are likely to be either affected by the plume from the ventilation stack or affect the dispersion of the plume from the ventilation stack through building wake effects. The Proponent shall meet all costs for the development of this process and any necessary amendments to the planning instrument(s) required to implement the process.
177. Prior to the opening of the Project to traffic, the Proponent shall investigate, in consultation with the EPA the measures for smoky vehicle enforcement in areas surrounding the Project, taking into consideration cost effectiveness. Any measures implemented as a result of investigation recommendations shall be in accordance with the Smoky Vehicle Enforcement Program. The Proponent shall report on the effectiveness of the smoky vehicle enforcement.

General Air Quality Reporting Auditing and Quality Assurance

◆ General Reporting

178. The Proponent must develop and implement a reporting system for in-tunnel, ambient and ventilation stack limits to the satisfaction of the Director-General in consultation with the EPA. The reporting system must be approved, fully implemented and operational prior to the commencement of tunnel operations. Minimum analytical reporting requirements for air pollution monitoring stations shall be as specified in Section 4 of the EPA's *Approved Methods of Modelling and Assessment of Air Pollutants in NSW, 2001*.

◆ Auditing/Quality Assurance

179. The provision, operation and maintenance (including all auditing and validation of data) of all air quality monitoring and reporting shall be funded by the Proponent.
180. The Proponent shall appoint an external auditor to conduct an audit of the air quality monitoring (in tunnel and external) at six (6) monthly intervals or at any longer interval if approved by the Director-General. Air quality audits shall commence six (6) months from opening of the Project to traffic. The auditor shall 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. The Proponent must document the results of the audit and make available all audit data for inspection by the Director-General upon request. A copy of the audit report shall also be issued to the Proponent and AQCCC.
181. The Proponent shall undertake appropriate quality assurance (QA) and quality control (QC) measures for air quality and ventilation stack emission monitoring data. This shall include, but not limited to: accreditation/quality systems, staff qualifications and training, auditing, monitoring procedures, service and maintenance, equipment or system malfunction and records/reporting. The QA/QC measures shall be approved by an independent expert approved by the Director-General prior to monitoring of air quality and ventilation stack emissions as appropriate.

*Lane Cove Tunnel and Associated Road Improvements*Air Intake

182. Any air intake required for the tunnel ventilation system shall be located on the RTA owned land at 130-132 Epping Road or any other location as agreed by the Director-General following further assessment. The Proponent shall design the air intake to maximise the undergrounding of facilities in consultation with nearby residents and Lane Cove Council.

Dangerous Goods

183. The Proponent shall ensure that that all practicable measures are taken to prohibit any vehicle carrying any quantity of goods defined as dangerous under the Australian Dangerous Goods Code, from entering the Tunnel during either construction or operation.
184. The Proponent shall develop a program outlining measures to be implemented to restrict access of dangerous goods vehicles into the Tunnel in accordance with Condition of Approval No. 183. The program shall be submitted to and approved by the Director-General prior to the opening of the Project to traffic.

*Noise*Regenerated Noise

185. The Proponent shall not undertake any excavation using rock hammers below ground during the night time (10pm to 7am).
186. Regenerated noise from construction works shall not exceed the following criteria as measured at the nearest sensitive receptor:
- LAeq(15 min) 40 dB(A) between the hours of 6:00 pm and 10:00 pm; and
 - LAeq (15 min) 35 dB(A) between the hours of 10:00 pm and 7:00 am

If any exceedances are proposed they must be fully justified, prior to undertaking the work, through a detailed noise impact assessment report prepared by a qualified acoustic specialist.

The noise impact assessment report shall be prepared in consultation with the EPA and the proposed works must not be commenced without the prior approval of the EPA.

Operational Noise Management

187. The Proponent shall ensure that noise emanating from the tunnel ventilation system does not exceed the noise limits at the nearest sensitive receptor as specified in Table 7 in accordance with the EPA's *Industrial Noise Policy*.

Table 7 – Tunnel Ventilation System Operating Noise Limits

Noise Receivers	Day (Leq (15 minutes))	Evening (Leq (15 minutes))	Night (Leq (15 minutes))
Portal Entrance near Pacific Highway	54 dB(A)	45 dB(A)	40 dB(A)
Eastern Ventilation Stack	54 dB(A)	45 dB(A)	40 dB(A)
Portal Entrance near Mowbray Road West	60 dB(A)	50 dB(A)	42 dB(A)
Western Ventilation Stack	39 dB(A)	37 dB(A)	36 dB(A)
Air intake at 130-132 Epping Road ¹	45 dB(A)	45 dB(A)	45dB(A) ²

1. In accordance with Condition 182 if the air intake location changes limits will have to be revised and reset by the Director-General.

2. Limits can only be modified with the approval of the Director-General following a detailed noise assessment during the detailed design phase.

Appendix 6 Summary of Recommendations – The Joint Select Committee on the Cross City Tunnel First Report – February 2006

- Recommendation 1** **36**
 That the Working with Government: Guidelines for Privately Financed Projects be made more prescriptive in relation to the public interest evaluation of projects before the decision to consider them as a Privately Financed Project. Specifically,
- the part of Government responsible for making the decision should be clearly identified
 - the decision, including a summary of the evaluation, should be made public.
- Recommendation 2** **54**
 That toll levels for future toll roads should not be assessed only in terms of what the private sector offers during tender processes and contract negotiations. Mechanisms must be in place to ensure that appropriate environmental and planning consideration is given, in particular, to the impact of tolls and tolling regimes on mode shift, traffic inducement, and value for money for the motorist.
- Recommendation 3** **60**
 That the review of the Working with Government: Guidelines for Privately Financed Projects consider specific issues raised in relation to the Cross City Tunnel project, including:
- process to be followed where both conforming and non-conforming bids are to be considered by agencies contemplating the use of privately financed projects
 - clearer guidance on the role of the environmental planning and assessment process and its relationship to other processes and procedures required in entering into privately financed projects.
- Recommendation 4** **60**
 That a separate, more detailed, policy on privately financed projects be developed to guide government agencies. This will be further considered in the Committee's second report.
- Recommendation 5** **60**
 That both the Working with Government: Guidelines for Privately Financed Projects and the detailed policy on privately financed projects include review mechanisms to ensure that changes to relevant government policy, changes to key agencies and structures, and significant issues arising out of project reviews of privately financed projects can be incorporated in an efficient and timely manner.
- Recommendation 6** **79**
 That the Summary of Contracts for future infrastructure projects include a summary of the comparison of the Public Sector Comparator with private sector proposals. The summary should:
- outline the criteria used in the comparison and relative weightings assigned to those criteria
 - include details of the analysis conducted against the criteria.
- Recommendation 7** **83**
 That the NSW Roads and Traffic Authority request that CrossCity Motorway place daily and monthly Cross City Tunnel traffic use figures on their website.

- Recommendation 8** 85
That any policy of charging private consortia a fee for a ‘right to operate’ a piece of infrastructure be expressly discontinued.
- Recommendation 9** 90
That any information relevant to an increase in toll pricing resulting from contract variations should be transparent and publicly available. The information should include:
- the original toll price proposed
 - toll price projections for each period where a price escalation or Consumer Price Index increase is provided in the contract
 - the price component of specific contract variations that increase the toll price.
- Recommendation 10** 107
That the Government review existing community consultation practices, particularly in relation to major infrastructure projects, and develop standardised, plain English guidelines available to the community defining ‘community consultation’ in relation to such projects.
- Recommendation 11** 107
That the Government refer the issue of community consultation to the Standing Committee on Social Issues to conduct a review of the experiences of New South Wales residents with consultation processes, and perform a comparative study of best practice consultation methods.
- Recommendation 12** 114
That the NSW Roads and Traffic Authority ensure that the community consultation process in relation to Bourke Street’s future status is inclusive and considers the wide variety of opinions and views in the community. The process should be conducted with a view to addressing the opposing views and if possible develop a consolidated position.
- Recommendation 13** 114
The trial closure of Bourke Street ends on 28 February 2006. The Committee recommends that the NSW Roads and Traffic Authority immediately reopen the street while the review is being conducted.
- Recommendation 14** 126
That the NSW Roads and Traffic Authority immediately reverse the traffic measures identified in Appendix 5 of this report and categorised as category B, C or D and further investigate reversing those referred to as category A as soon as possible.
- Recommendation 15** 126
That the Government continue to encourage the operators of the Cross City Tunnel to lower the toll. A reduction of the toll to \$2.90, as suggested by the NSW Roads and Traffic Authority’s traffic consultants, would be revenue neutral and improve patronage of the tunnel.
- Recommendation 16** 134
That the Government finalise the revised guidelines for public release of documents, taking into consideration the recommendations of the Infrastructure Implementation Group’s Review of Future Provision of Motorways in NSW and the Auditor General.
- Recommendation 17** 134
That the revised guidelines for the public release of documents clarify the status of amendments or variations to existing contracts.

Appendix 7 Summary of Recommendations – The Joint Select Committee on the Cross City Tunnel Second Report – May 2006

- Recommendation 1** **18**
That the Government encourage the operators of the Cross City Tunnel to lower the level of the toll to \$2.90 at the conclusion of the current reduced toll period.
- Recommendation 2** **18**
That the RTA ensure that all toll roads, whether publicly or privately operated, advertise the cost of use at entry points.
- Recommendation 3** **22**
That the Government ensure that motorists are advised to take appropriate precautions against possible adverse air quality in tunnels, with such advice displayed on entry to road tunnels or by any other means.
- Recommendation 4** **22**
That the Roads and Traffic Authority investigate ways to improve the operation of bus lanes in the Central Business District.
- Recommendation 5** **23**
That the Roads and Traffic Authority investigate methods of improving the dissemination of information regarding changes to metropolitan Sydney road infrastructure to potential country users.
- Recommendation 6** **27**
That for future private toll road infrastructure projects, information on vehicle numbers be made publicly available on a regular basis.
- Recommendation 7** **61**
That NSW Treasury, and relevant government agencies or parliamentary committees, conduct regular reviews of world best practice in the area of PPP policy, including examples of failed or problematic PPP projects, with the reviews to be made publicly available. Where possible, the reviews should be timed so that they can influence future revisions of PPP policy and guidance documentation.
- Recommendation 8** **68**
That the documents to be publicly released for any Public Private Partnership or Privately Financed Project include:
- the full contract and any material variations
 - a contract summary (verified for accuracy by the Auditor General)
 - details of the public interest evaluation conducted prior to the decision to enter into the PPP or PFP
 - a summary of the Public Sector Comparator and the comparison between it and the successful project (verified for accuracy by the Auditor General)
 - the base case financial model
 - The Public Sector Comparator.

That, notwithstanding the above paragraph, an independent body, such as the Auditor General, be authorised to assess the question of whether elements of any of the above documents be considered commercial in confidence, on the request of the parties to the contract.

That the NSW Government take proactive steps to ensure that the public are made aware that these documents are publicly available.

Recommendation 9

72

That the NSW Treasury continue to collaborate with other Australian jurisdictions and pursue a standardisation of approaches in relation to Public Private Partnerships.

Appendix 8 Minutes

Minutes No 14

Wednesday 12 April 2006

Room 814/5, Parliament House, at 9.00am

1. Members Present

Revd Nile (Chairman)

Mr Pearce

Mr Constance

Mr McLeay

Ms Fazio

2. Apologies

Mr Turner

Mr Brown

Ms Rhiannon

3. Public Hearing

...

4. Deliberative Meeting

...

4.3 Extension of Inquiry – Lane Cove Tunnel

Resolved, on the motion of Ms Fazio: That advertisements calling for submissions be placed in the following newspapers:

- The Sydney Morning Herald
- The Daily Telegraph
- The North Shore Times
- The Northern District Times.

Resolved, on the motion of Ms Fazio: That members provide names of people and organisations to write to seeking submissions to the Secretariat by Wednesday 19 April 2006.

Resolved, on the motion of Ms Fazio: That members provide names of potential witnesses to the Secretariat by Wednesday 19 April 2006.

4.4 Hearing and meeting schedule

Resolved, on the motion of Mr McLeay: That the Chairman's hearing and meeting schedule be confirmed.

Resolved, on the motion of Mr McLeay, that hearings be held on Wednesday 14, Thursday 15 and Friday 16 June, 9am to 5pm.

Resolved, on the motion of Mr McLeay: That consideration of the Chairman's draft third report take place on Tuesday 15 August 2006.

4.5 Site visit

Resolved, on the motion of Mr McLeay: That a site visit take place on the morning of Wednesday 14 June 2006 between 9 am and 12 noon.

5. Other Business

...

6. Adjournment

The Committee adjourned at 12:30 pm until Monday 15 May 2006 at 10 am.

Simon Johnston
Clerk to the Committee

Minutes No 15

Monday, 15 May 2006

Room 1153, Parliament House, at 10.05am

1. Members Present

Revd Nile (Chairman)
Mr Brown
Ms Rhiannon
Ms Fazio
Mr McLeay
Mr Pearce

2. Apologies

Mr Turner
Mr Constance

3. Confirmation of Minute No.14

Resolved, on the motion of Mr Brown: That Minutes 14 be confirmed.

4. Correspondence

...

5. Chairman's draft Second Report

...

6. Lane Cove Tunnel Inquiry

The Committee considered the list of potential witnesses and agreed to provide additional witnesses to the secretariat no later than the afternoon of Thursday, May 18 2006.

7. Adjournment

The Committee adjourned at 12:10 pm until Wednesday 14 June 2006.

Victoria Pymm
Clerk to the Committee

Minutes 16

Wednesday 14 June 2006

At Jubilee Room, Parliament House, at 12 noon

1. Clerk of the Parliaments opened meeting

The Clerk of the Parliaments declared the meeting open at 12 noon according to the Resolutions of the Legislative Council on 24 May 2006, Minutes 3, Item 6, page 33 and Legislative Assembly 25 May 2006, Votes and Proceedings No. 4, Item 24, page 67.

The Clerk tabled the Resolutions establishing the Joint Select Committee, and confirmed the membership of the Committee.

The Clerk advised the Committee that the Legislative Council Standing Orders would apply for the duration of the Committee's existence.

Revd Nile took the Chair.

2. Members Present

Revd Fred Nile (Chairman)
 Ms Amanda Fazio
 Mr Greg Pearce
 Ms Lee Rhiannon
 Ms Kristina Keneally
 Mr Andrew Constance
 Mr Michael Daley
 Mr Steven Pringle

3. Confirmation of Minutes

Resolved, on the motion of Ms Fazio, that Minutes No.15 be adopted.

4. Correspondence

The Chairman noted correspondence sent and received.

Sent

- Chairman to Hon Morris Iemma, Premier, inviting him to give evidence to the inquiry, dated 25 May 2006
- Chairman to Hon Carl Scully, Minister for Police, inviting him to give evidence to the inquiry, dated 25 May 2006
- Chairman to Hon Eric Roozendaal, Minister for Roads, inviting him to give evidence to the inquiry, dated 25 May 2006

Received

- Mr Frank Stilwell, private citizen, to the Committee, received 15 May 2006
- Mr Ian Hunt, Chief Executive Officer, Connector Motorways, to the Committee, received 17 May 2006
- Mr John Pierce, Secretary, NSW Treasury, to the Committee, received 19 May 2006
- Ms Lisa Corbyn, Director General, Department of Environment and Conservation, to the Committee, received 22 May 2006
- Mr Alan Jones AO, Broadcaster, to the Committee, received 25 May 2006
- Mr Alan Jones AO, Broadcaster, to the Chairman, received 30 May 2006
- Mr Ian Hunt, Chief Executive Officer, Connector Motorways, to the Committee, received 9 June 2006
- Hon Morris Iemma, Premier, to the Chairman, received 9 June 2006
- Hon Carl Scully, Minister for Police, to the Chairman, received 14 June 2006

5. Submissions

Resolved, on the motion of Mr Pringle, that submissions to the Lane Cove Inquiry be made public.

6. Procedural Resolutions

The Committee considered the draft initial motions, previously circulated.

Resolved, on the motion of Ms Fazio, that the following initial resolutions be adopted for the life of the Committee:

1. Sound and television broadcasting

That in accordance with the resolution of the Legislative Council of 11 October 1994, the Committee authorises the sound and television broadcasting as appropriate, of its public proceedings, unless the Committee decides otherwise.

2. Arrangements for hearings and site visits

That the arrangements for the calling of witnesses and for visits of inspection be left in the hands of the Chair and the Secretariat after consultation with the Committee.

3. Media statements

That media statements on behalf of the Committee be made only by the Chair, if possible after consultation with the Committee.

4. Advertising

That the Secretariat be empowered to advertise and/or write to persons, bodies and organisations inviting written submissions relevant to the terms of reference for the Committee's inquiries.

5. Publication of transcripts

That, in accordance with section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 223, the Committee authorise the Director to publish the transcript of evidence taken at public hearings, unless the Committee decides otherwise.

6. Committee correspondence

That the Secretariat be empowered to respond to correspondence on behalf of the Committee, where the correspondence concerns routine or administrative matters. In all other cases the Chair must approve replies to correspondence.

7. Dissenting statements

That any member who wishes to append a statement of dissent to a report in accordance with Standing Order 228 must advise the Committee of their intention to do so at the last deliberative meeting considering the report.

7. Site Visit

The Committee undertook a site visit to the Lane Cove Tunnel, escorted by Mr Ian Hunt, Chief Executive Officer, Connector Motorways, Mr Brendan Donoghue, Project Director, Thiess John Holland and Ms Sue Netterfield, Community Relations Officer, Thiess John Holland.

Mr Bill Orme met the Committee at the Falcon Street intersection to discuss pedestrian amenity issues.

8. Public Hearing – Lane Cove Tunnel Inquiry

Commenced at 3:33pm.

The witnesses, public and media were admitted.

The Chairman made an opening statement regarding procedures for the hearing and other matters.

Councillor Ian Longbottom, Mayor of Lane Cove Council, and Mr John Lee, Director, Major Projects, both of Lane Cove Council, were sworn and examined.

Mr Ross Selleck, former Executive Manager, Open Space and Urban Services, Lane Cove Council was sworn and examined.

Councillor Genia McCaffery, Mayor and Ms Penny Holloway, General Manager, both of North Sydney Council were affirmed and examined.

Mr Lee tendered documents. Resolved, on the motion of Ms Rhiannon, that the documents be accepted and published.

Questioning concluded and the witnesses withdrew.

Mr Keith Anderson, Representative of the Artarmon Progress Association, sworn and examined.

Mr Ronan Ahern, Mr Jan Esman and Mr George Farrell, Representatives of the Naremburn Progress Association sworn and examined.

Mr Anderson tendered a document. Resolved, on the motion of Ms Fazio, that the document be accepted and published.

Mr Ahern tendered a document. Resolved, on the motion of Mr Daley, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

9. Adjournment

The committee adjourned at 5:30pm until 9:00am on Thursday 15 June 2006 in the Jubilee Room, Parliament House.

Simon Johnston
Clerk to the Committee

Minutes No 17

Thursday 15 June 2006

At Jubilee Room, Parliament House, at 9:04am

1. Members Present

Revd Fred Nile (Chairman)
Ms Amanda Fazio
Mr Greg Pearce
Ms Lee Rhiannon
Ms Kristina Keneally
Mr Andrew Constance
Mr Michael Daley
Mr Steven Pringle

2. Public Hearing – Lane Cove Tunnel Inquiry

The witnesses, public and media were admitted.

The Chairman made an opening statement regarding procedures for the hearing and other matters.

Dr David Poole, Executive Director, Urban Development Institute of Australia and Mr Steven Coy, Ford Land were sworn and examined.

Dr Poole tendered a document. Resolved, on the motion of Ms Fazio, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

Ms Roberta Ryan, Community Liaison Officer, Department of Planning, was affirmed and examined.

Ms Ryan tendered a document. Resolved, on the motion of Mr Daley, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

Mr Bill Orme, Coordinator, Walking Volunteers, Mr Harold Scruby, Chairman Pedestrian Council of Australia and Ms Carolyn New, Member, Bike North were sworn and examined.

Mr Scruby tendered a number of documents. Resolved, on the motion of Ms Keneally, that the documents be accepted and published.

Questioning concluded and the witnesses withdrew.

Ms Wendy Machin, Board Director and Mr James Endres, Economist, Public Policy Division both of the NRMA, were affirmed and examined.

Questioning concluded and the witnesses withdrew.

Ms Cathy Merchant, member of Construction Community Liaison Group (1); Ms Diane Michel, member of Construction Community Liaison Group (1); and Ms Eva Wiland, representative of the Parkes Road Action Group, were sworn and examined.

Ms Wiland tendered a document. Resolved, on the motion of Ms Keneally, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

Ms Fazio tabled a document detailing the Lane Cove Tunnel lane widths, provided by the A/Chief Executive of the RTA in response to a request from the Chairman. Resolved, on the motion of Ms Keneally, that the document be accepted and published.

Mr David Archibold, member of Construction Community Liaison Group (1), and Mr Stewart Begg, member of Construction Community Liaison Group (3), were sworn and examined.

Mr Begg tendered a VHS tape. Resolved, on the motion of Ms Rhiannon, that the VHS tape be accepted and published.

Questioning concluded and the witnesses withdrew.

Mr Ian Hunt, Chief Executive Officer, Connector Motorways; Mr Brendan Donohue, Project Director, Lane Cove Tunnel Project, Thiess John Holland; and Mr John Martin, Head of Structure Finance, ABN AMRO Australia, were sworn and examined.

Mr Hunt tendered a diagram. Resolved, on the motion of Ms Fazio, that the diagram be accepted and published.

Questioning concluded and the witnesses withdrew.

3. Adjournment

The committee adjourned at 5:00pm until 9:00am on Friday 16 June 2006 in Room 814/815, Parliament House.

Simon Johnston
Clerk to the Committee

Minutes No 18

Friday 16 June 2006

At Room 814/815, Parliament House, at 9:04am

1. Members Present

Revd Fred Nile (Chairman)
Ms Amanda Fazio
Mr Greg Pearce
Ms Lee Rhiannon
Ms Kristina Keneally
Mr Andrew Constance
Mr Michael Daley
Mr Steven Pringle

2. Public Hearing – Lane Cove Tunnel Inquiry

The witnesses, public and media were admitted.

The Chairman made an opening statement regarding procedures for the hearing and other matters.

Dr Ray Kearney, Chairman, Lane Cove Tunnel Action Group, was affirmed and examined. Ms June Heffernan, Deputy Chair, Lane Cove Tunnel Action Group; and Mr Mark Curran, President, Residents Against Stack Pollution, were sworn and examined.

Mr Curran tendered a document. Resolved, on the motion of Ms Fazio, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

Mr John Pierce, Secretary, NSW Treasury was sworn and examined.

Dr Kerry Schott, Executive Director, Private Projects and Asset Management, NSW Treasury, was affirmed and examined.

Questioning concluded and the witnesses withdrew.

3. Deliberative

Confirmation of Minutes

Resolved, on the motion of Mr Daley, that Minutes No 16 and 17 be confirmed.

Correspondence

The Chairman noted correspondence received.

Received

- Mr Keith Anderson, Member, Artarmon Progress Association, to the Chairman, received 15 June 2006
- Mr Ronan Ahern, Member, Naremburn Progress Association, to the Chairman, received 15 June 2006
- Mr Andrew Tink MP, forwarding an email from Mr Paul Dirago, to the Committee, received 16 June 2006
- Mr Ian Hunt, Chief Executive, Connector Motorways, to the Committee, received 16 June 2006

Submissions

- Submissions 118 – 119

Resolved, on the motion of Mr Daley, that the Committee accept and publish submissions 118 – 119.

Resolved, on the motion of Mr Daley, that the Committee conduct a hearing *in camera*.

The public and the media left the room.

4. In camera hearing

Witness A, Tenant of 11-13 Longueville Rd, Lane Cove, was sworn and examined.

Staff of the Committee were also in attendance: Mr Steven Reynolds, Clerk Assistant – Committees, Simon Johnston, A/Director, and Victoria Pymm, Principal Council Officer.

Hansard reporters were also present.

Following initial questions from the Committee, Witness A was requested to leave the room so the Committee could deliberate.

The Committee deliberated.

Resolved, on the motion of Mr Daley, that:

1. The Committee advise Witness A upon his return to the room that it has resolved, in his best interests, that he should obtain legal advice in relation to the contractual agreement he has entered into before seeking to give further evidence.
2. Once Witness A receives advice the Committee will consider whether he may write to the Committee seeking to reappear at a mutually agreeable time, or may make a written submission. If the Committee agrees to hear his evidence, Witness A may be accompanied by a legal adviser.

Witness A was called back to the meeting and was advised of the resolution.

The witness withdrew.

Resolved on the motion of Mr Daley, that the Committee conduct the rest of its hearing in public.

The public and the media were re-admitted.

5. Public Hearing

Mrs Chikarovski, former leader of the NSW Liberal Party, was sworn and examined.

Questioning concluded and the witness withdrew.

Dr Denise Robinson, Chief Executive Officer, NSW Health; Dr Vicky Sheppard, Senior Policy Adviser, NSW Health; and Dr Michael Staff, Director, Centre for Environmental Health, was affirmed and examined.

Questioning concluded and the witnesses withdrew.

Ms Lisa Corbyn, Director General, Department of Environment and Conservation; Mr Joe Woodward, Executive Director – Operations, Department of Environment and Conservation and Mr Sam Haddad, Director General, Department of Planning; was affirmed and examined.

Questioning concluded and the witnesses withdrew.

Mr Mike Hannon, Acting Director General, Roads and Transport Authority; Mr Les Wielinga Director, Motorways, RTA; Mr Brett Skinner Director, Finance, RTA; and Mr Phil Margison Acting Director, Traffic and Transport, RTA, were sworn and examined.

Mr Wielinga tendered a document. Resolved, on the motion of Ms Keneally, that the document be accepted and published.

Questioning concluded and the witnesses withdrew.

6. Adjournment

The committee adjourned at 4:45pm until 9:00am on Tuesday 16 August 2006 in Room 1108, Parliament House.

Simon Johnston
Clerk to the Committee

Tuesday 15 August 2006

Joint Select Committee on the Cross City Tunnel
At Room 1153, Parliament House, at 11:05am

1. Members Present

Revd Fred Nile (Chairman)
Ms Amanda Fazio
Mr Greg Pearce
Ms Lee Rhiannon
Ms Kristina Keneally
Mr Andrew Constance
Mr Michael Daley
Mr Steven Pringle

2. Deliberative

Confirmation of Minutes

Resolved, on the motion of Ms Rhiannon that Minutes No 18 be adopted with one correction.

3. Correspondence

- Received
 - Dr Ray Kearney, Chairman, Lane Cove Tunnel Action Group, to the Committee
 - Copy of letter from Mr Andrew Stoner MP, NSW Leader of the Nationals, to Mr John Evans, Clerk of the Parliaments, forwarded to the Secretariat, 21 June 2006
 - Mr John Lee, Director Major Projects and Mr Craig Wrightson, Acting General Manager, Lane Cove Council, to the Committee, 5 July 2006
 - Mr John Evans, Clerk of the Parliaments, to the Chairman, 9 August 2006

Resolved, on the motion of Ms Fazio that the letter from the Clerk of the Parliaments, and other correspondence, be noted.

- Submissions
 - Submission 120 and 120a – Mr Alex Unwin, Bicycle NSW
 - Submission 121 – Mr Graeme Woodward, BikeNorth

Resolved, on the motion of Ms Fazio that the submissions be published.

- Answers to Questions on Notice
 - Mr Brendan Donohue, Project Director, Thiess John Holland, to the Committee, received 3 July 2006
 - Mr Ian Hunt, Chief Executive Officer, Connector Motorways, to the Committee, received 3 July 2006
 - Mr Sam Haddad, Director General, NSW Department of Planning, to the Committee, received 3 July 2006
 - Mr John Pierce, Secretary, NSW Treasury, to the Chairman, received 4 July 2006
 - Ms Lisa Corbyn, Director General, Department of Environment and Conservation NSW, to the Committee, received 7 July 2006
 - Mr Mike Hannon, Acting Chief Executive, RTA, to the Committee, received 10 July 2006

Resolved, on the motion of Mr Pearce to publish answers to questions on notice.

4. Chairman's draft Third Report

The Chairman tabled the draft Third Report, which having been circulated, was taken as being read. The Committee proceeded to consider the draft Third Report in detail.

Chapter One read.

Resolved, on the motion of Ms Fazio: That paragraph 1.30 be amended by deleting "Ms Rhiannon disputed this claim" and inserting instead "The claim was disputed."

Resolved, on the motion of Mr Daley: That paragraph 1.34 be amended by deleting "...concluded that the documents provided by the RTA concerning the project were not subject to a claim of privilege and inserting instead "...did not uphold the RTA's claim for privilege due to the public interest in disclosure."

Resolved, on the motion of Mr Daley: That paragraph 1.37 be amended by deleting "Minister Scully" and inserting instead "Minister Tripodi".

Resolved, on the motion of Mr Daley: That paragraph 1.44 be amended by inserting "subject to obtaining planning approval".

Resolved, on the motion of Mr Pearce: That paragraph 1.44 be amended by deleting the second sentence.

Resolved, on the motion of Ms Rhiannon: That paragraph 1.46 be amended by inserting "It was reported that..." before the last sentence.

Resolved, on the motion of Ms Fazio: That paragraph 1.47 be deleted.

Resolved, on the motion of Mr Daley: That, following paragraph 1.46 a new paragraph be inserted to read “Clause 19.2 of the Cross City Tunnel Project Deed obliges the Cross City Motorway company and the RTA to negotiate in good faith if the events have a material and adverse effect on the ability of the trustee and Cross City Motorway to carry out the project in the project documents, the ability of CCM Finance, the trustee, or Cross City Motorway to pay financiers under the debt financing documents in accordance with the terms of those documents, or the equity return.” (RTA, Cross City Tunnel Project Deed, Clause 19.2)

Resolved, on the motion of Mr Pearce: That paragraph 1.48 be amended by deleting “The Committee notes that the Government has responded quickly to community demands, as expressed through the recommendations...” and inserting instead “The Committee notes that the Government has responded quickly to the recommendations of the Committee’s First Report which reflected community demands.”

Resolved, on the motion of Mr Daley: That paragraph 1.48 be amended by inserting after the final sentence “Alternatively, instead of compensation, the Cross City Tunnel project deed contemplates that other outcomes may be achieved such as variation of the term of concession and adjustments to the toll schedule.”

Resolved, on the motion of Mr Pearce: That paragraph 1.49 be amended by deleting “...project being a Public Private Partnership” and inserting instead “...tender and contract”.

Resolved, on the motion of Mr Pearce: That Chapter One, as amended, be adopted by the Committee.

Chapter Two read.

Resolved, on the motion of Mr Daley: That paragraph 2.3 be amended by deleting “toll figure” and inserting instead “project deed theoretical toll”.

Resolved, on the motion of Mr Daley: That paragraph 2.6 be amended by deleting “9 May” and inserting instead “10 May”.

Resolved, on the motion of Mr Daley: That paragraph 2.17 be amended by deleting the words “...authorise the Minister for Roads” and inserting instead “...to enter to enter into the guarantee on behalf of the Government and to authorise the entering into a joint financing arrangement.”

Resolved, on the motion of Mr Daley: That paragraph 2.19 be amended by deleting the second sentence and inserting instead “Approval must be given by the BCC for the first two stages.”

Resolved on the motion of Ms Fazio: That paragraph 2.53 be amended by inserting “summary” after “contract” in the last sentence.

Resolved, on the motion of Ms Fazio: That Chapter Two, as amended, be adopted by the Committee.

Chapter Three read.

Resolved, on the motion of Mr Daley: That the following sentence be inserted after paragraph 3.40 “The Committee notes that the RTA acted lawfully in accordance with the EP&A Act, which sets out the level of consultation required.”

Resolved, on the motion of Ms Keneally: That paragraph 3.49 be amended by deleting “...with concern remaining” and inserting instead “...some sections of the community expressing strong concern”.

Resolved, on the motion of Ms Keneally: That paragraph 3.53 be amended by deleting “are likely to” and inserting instead “may”.

Resolved, on the motion of Ms Keneally: That paragraph 3.55 be amended by deleting “does nothing to assuage community concern” and inserting instead “may increase community concern”.

Resolved, on the motion of Mr Daley: That paragraph 3.58 be amended by deleting “apparent passivity” and inserting instead “role” and inserting the words “may raise” in the second sentence.

Ms Rhiannon moved: That following paragraph 3.59 the following sentence be inserted: “The Committee heard evidence from the Department of Planning that the RTA has not been prosecuted for any breach of its conditions.”

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Ms Rhiannon moved: That the following recommendation be inserted after paragraph 3.59: “That where a serious breach occurs of conditions of consent the Department of Planning prosecutes the offending parties, and ensures that corrective action is implemented immediately.”

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Resolved, on the motion of Mr Daley: That the following sentence be inserted after paragraph 3.75: “The Auditor General acknowledged that in this case, where Parliament was not sitting when he signed off on the summary of contracts on 2 July 2004, the delay was not as marked as for the *Cross City Tunnel Summary of Contracts* but the Auditor General nevertheless commented that contract summaries should have been tabled ‘significantly earlier than dates shown.’ (NSW Audit Office, *Auditor General’s Report to Parliament 2005, Volume Four*, tabled 16 November 2005, p4)

Resolved, on the motion of Mr Daley: That paragraph 3.84 be amended by inserting “as detailed in paragraphs 3.87 to 3.89”.

Resolved, on the motion of Ms Rhiannon: That the following recommendation be inserted after paragraph 3.89 “That Connector Motorways Group Pty Ltd publish monthly reports on its website of the number of vehicles using the Lane Cove Tunnel, commencing the month after the date of its opening”.

Resolved, on the motion of Ms Keneally: That paragraph 3.89 be amended by inserting the distance “3.6km into the tunnel”.

Resolved, on the motion of Ms Fazio: That paragraph 3.90 be amended by deleting “In evidence to the Committee, Dr Ray Kearney, Chairman, LCTAG, elaborated on this point:

[T]he opportunity to put in a portal such that it was wide enough to accommodate three lanes going in eastbound and three lanes coming out was lost. The only option now was to carve the portal into the middle of Epping Road, and there are limits to the width of that portal. On the one hand the curtailment was to have two lanes going eastbound up to the point where the tunnel went under Stringy Bark Creek and there it would spread out into three lanes. The westbound tube had three lanes all the way. It was a compromise situation caused essentially by the sale of RTA land, despite the proposal that was put out by the Lane Cove Tunnel Action Group.” (Dr Ray Kearney, Chairman, Lane Cove Tunnel Action Group, Evidence, 16 June 2006, p6)

Resolved, on the motion of Mr Daley: That paragraph 3.92 be amended by inserting instead “confirmed his previous verbal evidence”.

Resolved, on the motion of Mr Daley: That paragraph 3.110 be amended by deleting “is a” and inserting instead “may be” in the first sentence.

Resolved, on the motion of Mr Daley: That paragraph 3.110 be amended by inserting “Clause 19.2 of the Cross City Tunnel Project Deed obliges the Cross City Motorway company and the RTA to negotiate in good faith if the events have a material and adverse effect on the ability of the trustee and Cross City Motorway to carry out the project in the project documents, the ability of CCM Finance, the trustee, or Cross City Motorway to pay financiers under the debt financing documents in accordance with the terms of those documents, or the equity return.” (RTA, Cross City Tunnel Project Deed, Clause 19.2)

Resolved, on the motion of Ms Fazio: That paragraph 3.110 be amended by deleting the last sentence.

Resolved, on the motion of Mr Daley: That paragraph 3.111 be amended by deleting “in the community” and inserting instead “by community groups and local government representatives”.

Resolved, on the motion of Mr Pearce: That paragraph 3.112 be amended by deleting “relatively good” and inserting instead “significant”.

Resolved, on the motion of Ms Keneally: That paragraph 3.113 be amended by deleting “Media reports referring to future ‘traffic chaos’ on surface streets have already appeared, with the opening of the untolled traffic ramp at Falcon Street, North Sydney.”

Resolved, on the motion of Ms Fazio: That paragraph 3.119 be amended by deleting “of twelve months” and inserting instead “reasonable”.

Ms Fazio moved: That Recommendation 4 be amended by deleting the last sentence of the first bullet point and inserting instead “The Government give consideration to reviewing” and that the second bullet point be deleted.

The Committee divided.

Ayes: Ms Fazio, Mr Daley, Ms Keneally, Rev Nile
Noes: Ms Rhiannon, Mr Pearce, Mr Constance, Mr Pringle.

Given an equality of votes, the Chair cast his vote with the ayes.

Question put and passed.

Ms Fazio moved: That paragraph 3.120 be amended by deleting “but is concerned that an opportunity to construct an additional lane as part of the project, even if reserved for future use in a traffic corridor with expanded capacity, has been missed.”

The Committee divided.

Ayes: Ms Fazio, Mr Daley, Ms Keneally, Rev Nile
Noes: Ms Rhiannon, Mr Pearce, Mr Constance, Mr Pringle.

Given an equality of votes, the Chair cast his vote with the ayes.

Question put and passed.

Ms Rhiannon requested that the Chair recommit the motion.

The Committee divided.

Ayes: Ms Fazio, Mr Daley, Ms Keneally, Ms Rhiannon, Rev Nile
Noes: Mr Pearce, Mr Constance, Mr Pringle.

Question put and passed.

Resolved, on the motion of Mr Pearce: That paragraph 3.121 be deleted.

Ms Rhiannon moved: That Recommendation 5 be amended by inserting “retain the 24 hour bus lane...”.

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Resolved, on the motion of Ms Fazio: That the following sentence be inserted after paragraph 3.129: “Dr Kerry Schott noted that the RTA’s preference the Lane Cove Tunnel project was to have no business consideration fee and a shorter concession period.”

Resolved, on the motion of Ms Fazio: That paragraph 3.135 be amended by inserting “...as happened on this occasion.”

Resolved, on the motion of Mr Pearce: That Recommendation 6 be amended by inserting “...and details should be made public with the contract”.

Ms Rhainnon moved: That Recommendation 6 be amended by deleting the second bullet point.

The Committee divided.

Ayes: Ms Fazio, Mr Daley, Ms Keneally, Ms Rhiannon, Rev Nile
Noes: Mr Pearce, Mr Constance, Mr Pringle.

Question put and passed.

Ms Rhiannon moved: That a new Recommendation be inserted after paragraph 3.139 to read “That the *EPA Act 1979* be amended to prevent approval of developments with modifications from those initially proposed unless those modifications have been exhibited for public comment and independent scrutiny.”

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Resolved, on the motion of Mr Constance: That Chapter 3, with amendments be adopted by the Committee.

Chapter Four read.

Resolved, on the motion of Ms Fazio: That paragraph 4.28 be amended by inserting “unless the Director General of the Department of Planning” in the last sentence.

Resolved, on the motion of Mr Daley: That paragraph 4.29 be amended by inserting “as the RTA considered they were consistent with the Conditions of Planning Approval.”

Resolved, on the motion of Mr Daley: That paragraph 4.31 be amended by inserting “whilst consistent with the Conditions of Planning Approval” at the beginning of the last sentence.

Resolved, on the motion of Ms Keneally: That Recommendation 7 be amended by inserting” to ensure that the community is fully informed of substantial modifications” at the end of the sentence.

Resolved, on the motion of Mr Daley: That paragraph 4.34 be amended by deleting the last sentence.

Resolved, on the motion of Mr Pearce: That paragraph 4.63 be amended by inserting “cooperation” in the first sentence and deleting “is a critical factor” and inserting instead “may contribute to the”.

Resolved, on the motion of Ms Fazio: That Recommendation 8 be amended by deleting “to five” from the last sentence.

Resolved, on the motion of Mr Pearce: That paragraph 4.111 be amended by deleting the last sentence.

Resolved, on the motion of Ms Rhiannon: That Chapter 4, with amendments be adopted by the Committee.

Chapter Five read.

Resolved, on the motion of Ms Rhiannon: That Recommendation 10 be amended by inserting “and the results of” in the first sentence.

Resolved, on the motion of Mr Pearce: That Recommendation 10 be amended by inserting “and are promptly made available on the Department’s website” at the end of the last sentence.

Ms Rhiannon moved: That a new Recommendation be inserted after Recommendation 10 to read: “That, if the results of the NSW Health study are unclear or inconclusive, the Government should pursue a more comprehensive health study with improved methodology.”

The Committee divided.

Ayes: Ms Rhiannon, Mr Pearce, Mr Princple, Mr Constance

Noes: Ms Keneally, Mr Daley, Rev Nile, Ms Fazio

There being an equality of votes, the Chair cast his vote with the noes.

Motion defeated.

Resolved, on the motion of Ms Rhiannon: That a new Recommendation be inserted after paragraph 5.41 to read: “That the NSW Government continue to implement the requirements of the Action for Air plan and strive to constantly improve and update the air quality standards.”

Resolved, on the motion of Mr Daley: That paragraph 5.69 be deleted.

Resolved, on the motion of Ms Fazio: That Recommendation 11 be inserted after paragraph 5.80.

Resolved, on the motion of Ms Keneally: That paragraph 5.68 be amended by deleting the last sentence after “...in relation to air pollution.”

Ms Rhiannon moved: That Recommendation 13 be deleted and the following Recommendation be inserted instead “That all future road tunnel projects be build with in-tunnel filtration:

That all future road tunnel projects be built with the world’s best treatment process for a particulate and nitrogen dioxide removal

That the RTA immediately calls for international expressions of interest for the installation of world’s best treatment process for a particulate and nitrogen dioxide removal in the LCT

That the NSW Government establish an independent panel of experts, including a community representative, to evaluate and oversee implementation.

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Resolved, on the motion of Ms Keneally: That the last sentence of Recommendation 13 be deleted.

Resolved, on the motion of Ms Keneally: That Recommendation 11 be amended by deleting “be monitored carefully by the RTA, with an independent report prepared twelve months after the filtration trial” and inserting instead “That the assessments for the proposed in-tunnel filtration trial for the M5 East be promptly made available on the RTA website.”

Resolved, on the motion of Ms Fazio: That Recommendation 15 be amended be deleting “binding” and inserting “M5”.

Ms Rhiannon moved: That Recommendation 15 be deleted and the following Recommendation be inserted instead “That, considering the rising cost of petrol, dwindling oil supplies and the global warming contribution from vehicle

emissions the Government should draw up plans to expand public transport options with a particular focus on fast tracking the north west rail link.”

Question put and negatived.

On the question being put, Ms Rhiannon, being the only member voting for the Ayes, asked for her vote to be recorded in the Minutes.

Resolved, on the motion of Ms Rhiannon: That Chapter 5, with amendments, be adopted by the Committee.

Resolved, on the motion of Ms Fazio, that the report, with amendments, be adopted by the Committee, signed by the Chairman and presented to the House on 23 August 2006.

The Chairman indicated that he would endeavour to circulate a copy of his Foreword to the Committee on Thursday 17 May.

Resolved, on the motion of Ms Fazio: That the Committee Secretariat be authorised to make any typographical or grammatical changes to the report prior to tabling of the report.

Resolved, on the motion of Ms Fazio: That dissenting statements be submitted to the Secretariat no later than 10am Thursday 17 August 2006.

5. Adjournment

The committee concluded its deliberations at 3.20pm.

Victoria Pymm
Clerk to the Committee

Appendix 9 Dissenting report – Lee Rhiannon MLC

Statement of dissent – Lee Rhiannon

I have written this dissenting report as I believe the main report does not adequately represent a number of issues associated with the Lane Cove Tunnel (LCT) project or concerns raised in public hearings and submissions to the inquiry.

Bike, pedestrian and bus facilities

In the inquiry support was voiced for existing bike, pedestrian and bus facilities associated with the tunnel. This is particularly important in light of recent government moves to erode cycle and bus lanes associated with the Cross City Tunnel.

Recommendation

The government should not erode improvements to bike, pedestrian and public transport facilities associated with the LCT project.

Fast track the North-West Rail Link

The authors of some submissions disagreed with the LCT being built. The rising cost of petrol, dwindling oil supplies and the global warming contribution from vehicle emissions were highlighted by Matt Mushalik¹ as reasons why public transport should be favoured over projects that encourage the use of the private car.

Urban and transport planning expert Dr Garry Glazebrook stated, "Lack of agreed 20 year plan backed by guaranteed funding support for public transport and rail leads to inefficiency, lost opportunities and poor quality outcomes."² Dr Glazebrook advocated for "a more balanced transport investment strategy based on long-term goals, which cover full economic, social and environmental costs." Dr Glazebrook detailed a number of key rail infrastructure projects that should proceed, including the North-West Rail Link.

Recommendation

The government should draw up plans to expand public transport options, with a particular focus on funding and fast-tracking the North-West Rail Link.

Scrutiny of modifications made to the EIS process

After the Minister for Planning approved the LCT, the RTA self-approved \$60 million in changes to the ventilation design with no scrutiny of the health or environmental effects. These changes included extending the tunnel length by 145 metres, deleting about 1600m of exhaust air tunnel and reducing fan capacities by more than 20%. The changes were adopted with no consultation with the Department of Environment and Conservation or the Department of Planning.

¹ Matt Mushalik submission No 92

² Glazebrook and Associates submission No 74

Another example of the impact of modifications to the approved design was the collapse of the Lane Cove flats near LCT construction works.

The submission of Residents Against Polluting Stacks states, "The adverse impacts (of modifications of the approved design) have been well documented, especially by three Parliamentary inquiries, but the protective measures have not been implemented. The 1999 Parliamentary Inquiry [GPSC No 5 – M5 East Ventilation Stack] recommended (recommendation 5) the EP&A Act be amended to prevent such a situation re-occurring, and repeated this recommendation in both the 2001 and 2002 inquiry reports, but this has been ignored."³

Recommendation

The Environmental Planning and Assessment Act 1979 should be amended to prevent a determining authority from approving a development with modifications that have a significant impact on the environment or a different group of citizens to those affected by the proposed development, unless those modifications have been exhibited for public comment and independent scrutiny.

Filtration technology

A number of submissions highlighted the need for in-tunnel filtration for the LCT. The submission from the Lane Cove Council stated, "The call for proven filtration technology has been consistent. ... The project deed is silent of [sic] filtration and makes no requirement to consider PM₁₀ in the ventilation design. No details have emerged to demonstrate that space is provided in tunnel for electrostatic precipitators or what filtration solution has been considered and what is its estimate of cost. To date, no detailed costing to filter the Lane Cove Tunnel has been made public."⁴

Recommendation

That the government ensures that -

- all future road tunnel projects be built with in-tunnel filtration involving world's best treatment process for a particulate and nitrogen dioxide removal
- the RTA immediately calls for international expressions of interest for the installation of world's best treatment process for a particulate and nitrogen dioxide removal in the LCT
- an independent panel of experts, including a community representative, is established to evaluate and oversee implementation of the in-tunnel filtration in the LCT.

³ Residents Against Polluting Stacks submission No 58

⁴ Lane Cove Council submission No 116