

INQUIRY INTO CROSS CITY TUNNEL

Organisation:

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Date Received: 29/05/2006

Theme:

Summary

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SUBMISSION TO INQUIRY INTO THE LANE COVE TUNNEL

This submission deals as follows with issues canvassed by the Joint Select Committee in relation to the Lane Cove Tunnel project:-

1.g *the role of Government agencies in relation to the negotiation of the contract with the Lane Cove Tunnel consortium* - in this submission, topics including possible conflict between contractual commitments made by the RTA to the Lane Cove Tunnel company (now Connector Motorways) and to Hills Motorway (now Transurban Hills Motorway), and also contractual and/or enforcement constraints affecting environmental issues.

1.h *the extent to which the substance of the Lane Cove Tunnel contract was determined through community consultation processes* - in this submission, consultation within the City of Ryde, with particular reference to the project-impacted suburb of North Ryde.

1.i *the methodology used by the Roads and Traffic Authority for tendering and contract negotiation in connection with the Lane Cove Tunnel* - in this submission, concerning briefs to consultants for preparation of Working Papers and the EIS, and also the RTA's stance with regard to commissioning of further studies during project construction.

1.j *any other related matters* - in this submission, concerning realities of the consultation process.

The author's background, relevant to this Inquiry, is as follows.

F2 Castlereagh Freeway EIS and subsequent Commission of Inquiry:

- personal inquiries to RTA concerning proposed route of F2 County Road. *Note: Although information received was correct at the time, the route subsequently changed, resulting in compulsory acquisition and demolition of most neighbouring homes and severe damage to adjacent bushland.*
- pre-EIS representations to RTA concerning damage to bushland reserve and potential damage to private property by RTA surveyors.
- written submission to EIS.
- written and verbal submissions to Commission of Inquiry.
- consultation with RTA and Ryde Council at Commissioner's direction to those bodies. *Note: Commissioner's Report described inequitable dealings favouring large landholders at expense of small, residential landholders in small neighbourhood bounded by Epping Rd, Delhi Rd and Pittwater Rd at North Ryde.*

North West Transport Links (M2 Tollway):

- pre-EIS workshops and submissions, site tours, small group interviews by consultants, acquisition via research and FOI of RTA documents relating to the proposal, tendering, contracts, etc.
- support of Native Title Claim concerning various sites on North West Transport Link West.
- support in locating and identifying Aboriginal Heritage sites (including major rock shelters) not identified by EIS and Working Papers.
- support in locating and identifying protected species not identified by EIS and Working Papers.
- numerous formal submissions to EIS.
- major submission to Public Accounts Committee Parliamentary Inquiry into Infrastructure Management and Financing in New South Wales (Report No. 73, issued July 1993).
- participation in production of publications and public meetings to inform public and encourage submissions to EIS.
- participation (on demand) in on-site inspection at RTA Blacktown offices of consultants' activities in reviewing and assessing public submissions to EIS.
- participation as local member of Community Liaison Group during construction of the project.
- participation in RTA World Environment Day activity - an RTA-commissioned paper on community consultation.
- political lobbying concerning M2 contract, mitigation of M2 environmental impacts.
- protest and support of other protestors, concerning failures to observe Ministerial Conditions of Approval, EPA licensing conditions, etc.
- photographic and written documentation of breaches of conditions and legislation during M2 construction.
- cooperation with EPA in successful prosecution of waterways pollution during M2 construction.
- cooperation with WorkCover regarding public safety in relation to demolition sites, construction sites, blasting activity, pedestrian access adjacent worksites, motorists' safety adjacent worksites, etc.
- liaison with consortium and RTA concerning unacceptable conduct of employees and contractors.
- both direct and financial support of legal actions including injunction to prevent desecration and damage to Aboriginal sites, eg use of rock shelter as toilet, destruction of carved trees.
- court attendance and other support for more than 100 people arrested during M2 protests.
- among selected individuals subjected to SLAPP activity (Strategic Lawsuits against Public Participation).
- rescue, rehabilitation and relocation of wildlife displaced and/or injured during M2 construction.

Post-construction, M2-linked Activity:

- obtaining and disseminating previously undisclosed information re RTA proposals for further M2-related road construction, submissions to three REFs concerning RTA proposals for additional road-related construction within an approx. 1 km radius of the M2 eastern portal at North Ryde.
- post-construction submissions and liaison concerning rehabilitation of M2 corridor and adjacent bushland.
- participation in gathering and distributing previously undisclosed information, post-construction public meetings, submissions, site meetings and liaison with DUAP and RTA concerning zoning and use of so-called M2 Surplus Land.
- post-M2 contribution to Ryde Council 'State of the Environment' reports.
- post-M2 construction, physical clean-up of construction material and other litter on affected bushland sites, eg registration of Bundara Reserve, North Ryde as 'Clean-Up Australia' site.
- post-M2 construction weed eradication and bush regeneration (still in progress).
- workshops and submissions concerning proposed use of an M2 corridor site at Alma Rd, Macquarie Park as a

Ryde Council depot. *Note: The site was offered by the RTA in compensation for acquisition of other land identified for a Ryde Council installation. Public opposition successfully supported an alternative.*

-support of Ryde Council Land & Environment Court proceedings re protection of sensitive Cumberland Plain bushland and Threatened Species adjoining M2 Surplus Land released for development.

-granting interviews and provision of reference material to secondary and tertiary students preparing papers on topics including environmental and social impacts of major infrastructure projects, conflict resolution, etc.

-loan of materials for Police Museum exhibition on 'Protest'.

Ryde City Council North Ryde Transport Study, DUAP-Ryde City Council 'Better Cities' Planning including North Ryde Transport Corridor:

- Workshop, followed by unsuccessful nomination for focus group which included no resident of North Ryde.

Epping-Chatswood Rail Link (previously known as Parramatta-Chatswood Rail Link):

-submissions to EIS, (ongoing) participation as local member of Community Liaison Group.

Lane Cove Tunnel and Associated Works:

-submissions to preliminary proposal, EIS and Preferred Activity Report, direct liaison with RTA Project Manager, (ongoing) participation as local member of Community Construction Liaison Group 1, at times necessitating liaison with other NSW Government Authorities, Regional Bodies, and Ryde City Council.

-encouraging and supporting Ryde City Council's efforts to clarify ownership of Bundara Reserve at North Ryde.

Note: This bushland reserve has been designated as an Endangered Ecological Community. Despite post-M2 Ministerial advice that the County Road Reservation which affected the reserve was lifted on completion of the M2, the RTA continues to contend that the land is available to the Authority for road-building purposes without compensation. Despite the impact of M2-related landtake and incursion, the RTA also refuses to consider releasing a narrow strip of adjoining land acquired but unused for operation of the M2 and unnecessary as M2 corridor.

1.g the role of Government agencies in relation to the negotiation of the contract with the Lane Cove Tunnel consortium - possible conflict between contractual commitments made by the RTA to the Lane Cove Tunnel company (now Connector Motorways) and to Hills Motorway (now Transurban Hills Motorway), and also contractual and/or enforcement constraints concerning environmental issues.

ISSUES RELATED TO INTERSECTION OF EPPING RD, MOWBRAY RD, M2 AND LANE COVE TUNNEL:

There is reason to believe that the RTA has found itself caught in the middle of a dispute involving the Lane Cove Tunnel company (renamed May 2006 as Connector Motorways) and the Transurban Hills Motorway company (previously known as Hills Motorway).

It appears that this controversy is the result of:

(a) the RTA's refusal to address submissions and representations from Lane Cove Council and the public concerning the proposed and actual scope of works for the North West Transport Link East, i.e. eastern M2. The issue appears endemic to the RTA's strategy of providing transport 'links' which provide a limited stretch of high-speed roadway, inducing increased vehicle use and contributing to a new bottleneck . . . from which the RTA then may gain support for construction of another limited stretch of high-speed roadway. Prior to construction of the M2, it was already obvious that the position and design of the eastern portals of the M2 would create a point of network congestion and a major traffic hazard. The M2 portals are located in the centre of un-tolled Epping Rd.

The RTA exempted itself from responsibility for this bottleneck. By design, the eastern extremity of the North West Transport Links proposal was Epping Rd on the west side of the Lane Cove River at North Ryde. Submissions relating to the intersection were easily excluded from consideration, because they were not within the boundaries of the proposed project. However, soon after the opening of the M2, the RTA published 3 REFs concerning minor improvements and road-widening in the immediate vicinity of the intersection. (A Review of Environmental Factors is substantially a simplified EIS which may be prepared quickly and may or may not be displayed for public comment. These REFs were released for comment, but not simultaneously. Although they dealt with the same issue, it was impossible to consider and comment on the whole issue at one time.)

- The complex intersection is affected by: chronically heavy traffic; vehicles moving downhill from westbound Epping Rd, eastbound Epping Rd and Mowbray Rd; eastbound M2 vehicles on flat ground and departing from a high-speed motorway; the Lane Cove River bridge; traffic signal light changes; pedestrians; cyclists; an eastbound bus stop and shelter immediately east of the intersection; and vehicles entering and leaving a factory on the east bank of the Lane Cove River via westbound Epping Rd. Also on the east side of the river, eastbound and westbound Lane Cove Tunnel portals are under construction.

- Since the opening of the M2, eastbound M2 patrons exiting the tollway's portal have merged left across fast-moving, multi-lane Epping Rd traffic in order to access Mowbray Rd for West Chatswood. Although the manoeuvre was soon designated as prohibited, there has been no physical barrier to prevent it.

- Traffic exiting Mowbray Rd has had two options, left turn into Epping Rd or right turn into Epping Rd, followed immediately by merge into westbound M2 portal if so desired.

- The Epping Rd/Mowbray Rd intersection is regulated by traffic signal lights, but of course

these have no control over the left merge from an eastbound central lane to an extreme left lane. There have been numerous minor and serious collisions resulting from 'running the lights', last-minute attempts to avoid being funnelled into the westbound M2 portal, the frustrations of peak period traffic congestion, etc.

-The situation was compounded by a major increase in both vehicular and pedestrian traffic brought about by the sale of the RTA's West Chatswood depot nearby on Mowbray Rd. This land was redeveloped post-M2 for construction of an entire community of medium density and multi-storey housing.

-Epping Rd is a major bus route leading to Mowbray Rd, the Pacific Highway via Mowbray Rd or via Longueville Rd, the Lower North Shore, and the Sydney CBD. Public transport on this route is regularly held captive by the bottleneck. In the morning peak from approx. 7:00-9:00 a.m., eastbound traffic is regularly rendered stationary for a distance of more than a kilometre to the west, i.e. to the Delhi Rd/Epping Rd intersection.

-The M2 is a major private bus route, leading from the Hills District to the CBD. These buses also contribute to general traffic before and after traveling on the M2. Current news reports suggested that residents of the fast-growing Northwest will have no alternative to private or public road travel for many years to come.

(b) Soon after the opening of the M2, an attempt was initiated to prevent the disastrous left-merge manoeuvre from the eastbound M2 tunnel into Mowbray Rd.

A line prohibiting the left merge was painted on pavement at the M2 portal, and a sign was erected on the M2 directing Mowbray Rd-bound traffic to exit the M2 via the ramp at Delhi Rd (then proceeding eastward on Epping Rd to the Mowbray Rd intersection)..

Some nine years later, many M2 patrons have continued to perform the illegal manoeuvre, either because . . .

-They didn't notice the direction to use the Delhi Rd ramps, or

-They seek to avoid the congestion on Delhi Rd and Epping Rd and know that there is little likelihood that they will be prosecuted for an illegal manoeuvre at the M2 portals, a location which is too exposed and too congested for effective policing.

In recent times, the illegal manoeuvre has become much more hazardous, due to increased traffic and to construction works associated with the Lane Cove Tunnel.

(c) It appears that both the M2 operators and the Lane Cove Tunnel operators are deeply concerned by the hazard and congestion at what soon will be the confluence of the Lane Cove Tunnel, the M2, Epping Rd and Mowbray Rd.

It also appears that the two private operators hold conflicting views on what may be the desirable option for the improvement of traffic flow - each intent on protecting its own tollroad from congestion in order to achieve maximum toll revenue.

QUESTION: How does this dispute affect the public in terms of possible legal action relating to NSW Government contracts with the two private operators?

(d) With buses delayed on both Delhi Rd and Epping Rd, the STA also submitted that the situation was unacceptable and likely to worsen.

(e) Presumably to meet its own traffic management obligations and to mollify the STA and the two private tollroad companies, an extra lefthand turn lane from Delhi Rd to

Epping Rd is now under construction by Thiess-John Holland, in concert with the widening of Epping Rd which was described in the EIS and approved as part of the Lane Cove Tunnel project.

The work on Delhi Rd is designed to assist in accommodating vehicles exiting the M2 at Delhi Rd in order to access Mowbray Rd, as well as a general increase in traffic between the Pacific Highway and Epping Rd..

These roadworks do not appear to have been contemplated until some time after the Lane Cove Tunnel project gained Ministerial Approval and was presented with Ministerial Conditions of Approval. Accordingly, there was no consultation during the period for comment on the EIS and Preferred Activity Report, no environmental assessment of the sensitive bushland reserve adjoining these works, and no Ministerial Approval.

In fact, the author of EIS Working Paper, Traffic and Transport, clearly states that no further widening of Delhi Rd would occur until 2016, and that it was on a Sydney-wide list of 38 projects which were "*over and above the proposed Lane Cove Tunnel and its associated works . . . These projects are not committed in terms of their funding and most have not been through a formal planning process.*"

The site of this road-widening on Delhi Rd between the M2 and Epping Rd is shown in Fig. 1.1 of the Working Paper, labelled 'Immediate Study Area and Project Location'. However, the site is not flagged for work associated with the Lane Cove Tunnel project.

This is not to say that the RTA was unaware that traffic at the location would increase when the Lane Cove Tunnel was in place; the same Working Paper describes that section of Delhi Road as destined for "*immediate increases in future traffic volumes*" [Summary of Modelled Data in surround LGAs, Table 1.2]. Note that this document is dated October 2001.

The first notification that work on Delhi Rd was to be brought forward from 2016 or so and carried out in the same time frame as the Lane Cove Tunnel was an RTA letter to Ryde City Council in 2003, stating that a portion of the bushland reserve adjoining Delhi Rd would be compulsorily acquired for road-building purposes, as part of the Lane Cove Tunnel project.

QUESTION: Did the RTA's claim that the widening of Delhi Rd was part of the approved Lane Cove Tunnel project misrepresent the Project Deed, which is part of the contract?

The preliminary design required substantial landtake from an already-small Turpentine-Ironbark Reserve, designated as an Endangered Ecological Community under Threatened Species legislation. Of course, the activity had not gained approval as part of the Lane Cove Tunnel EIS process. There had been no formal planning process, no impact study of the Reserve and no allocated funding. Perhaps these factors aided the community to negotiate a more sensitive project design, which did not impact on the Reserve.

(f) It is assumed that the RTA's contract with Connector Motorways is similar to its contract with Transurban Hills Motorways in committing to refrain for some decades to any transport changes or initiatives which may adversely affect patronage of the private tollroad. In this instance, NSW Government through the RTA may have contracted to supply the same sun, moon and stars to two private corporations.

QUESTION: Was the widening of Delhi Rd, between the M2 bridge and the Epping Rd intersection, a late addition to the Lane Cove Tunnel contract? How is this work funded?

QUESTION: Is Transurban Hills Motorway satisfied that this road-widening will prevent Lane Cove Tunnel-related impacts on M2 patronage?

QUESTION: Is Connector Motorways satisfied that this road-widening will facilitate Lane Cove Tunnel patronage?

1.h the extent to which the substance of the Lane Cove Tunnel contract was determined through community consultation processes - in the City of Ryde, with particular reference to the suburb of North Ryde.

ISSUES RELATING TO PROVISION OF RYDE-RELATED EIS MATERIAL
- CONTENT OF EIS, MANAGEMENT OF CONSULTATION:

(a) Access to the EIS documents was difficult.

-In the period designated for submissions to the Lane Cove Tunnel & Associated Works EIS, the EIS and its more than 2 kg of Working Papers (Consultants' Reports) were available for sale only during business hours and only from RTA offices in Blacktown and Elizabeth Street, Sydney. Most members of the public wanting to study the materials in detail were therefore required to absent themselves from their own workplaces and to have the physical strength to carry a bulky, weighty package. (Previous RTA EISs and other documents inviting submissions had been distributed through RTA Motor Registries within the affected area. There are Motor Registries in Chatswood, North Ryde, North Sydney and Ryde.)

-Only one full set of Working Papers was supplied to relevant public libraries, representing a substantial barrier to in-depth study of the proposal due to time constraints and the difficulty of cross-referencing multiple documents.

-RTA notices published as late as 15-12-05 falsely stated that the EIS "*has been on display since 8 November 2001*". The Working Papers, which are designated as part of the EIS, were not available to anyone for any purpose prior to 15 November 2001. The loss of a week or more was not a minor matter for individuals attempting to prepare submissions in their "spare time".

(b) Consultation with people in Ryde was minimal.

b-1 Face-to-Face Consultation:

-Six RTA-publicised and RTA-advertised 'community information days' were held in other municipalities affected by the proposed project; none were held in Ryde. These events were held 15 November - 1 December. They were prominently and repeatedly advertised, and the advertisements displayed the RTA logo. The local newspaper covering the favoured areas is the *North Shore Times*, which is not distributed in Ryde.

-The main focus of the RTA publicity/information effort was Lane Cove, where residents with Council support had campaigned actively for construction of a tunnel to provide relief from M2-induced traffic on Epping Rd and Longueville Rd in their Local Government Area. The information centre established for drop-in discussion was located in Lane Cove.

-It is believed that the one information session held in Ryde was provided only at the direct request of a Ryde Councillor or Ryde Councillors. It was held in the Council chambers on the night of 3 December.

There was no RTA advertising for this one-evening event, held 3 December. The only notice given was incorporated in the weekly Ryde Council advertisement appearing in two local papers published 28 November, which would have been circulated 30 November. The notice was a six-line entry in the mayoral column of the council advertisement - enjoying less prominence than an 'Australian-Made' campaign and a 'Return-of-Unwanted Medicines' project.

At such short and subtle notice, the RTA information meeting achieved only light attendance by the public, Ryde Councillors and RTA consultants. From memory, only two consultants attended, meaning that no one was available to provide authoritative answers to questions concerning much of the 2kg of consultants' studies which are summarised in the EIS.

The centrepiece of the evening was an interactive visual representation of vehicles travelling through the Lane Cove Tunnel (at Lane Cove) and on a traffic-calmed Epping Rd (at Lane Cove). This much-used, on-screen presentation had been viewed by Members of Parliament and also had appeared on Sydney television. The gee-whizz entertainment factor was a strong component, since it was possible to alter the speed and movement of vehicles depicted, eg 'here's what happens if this car breaks down, or if this other one changes lanes'. At least on the night in question, there were no permutations accessible to represent traffic flow west of the tunnel portals, on Epping Rd at North Ryde.

b-2 Published Material:

Information most readily available to the public in Ryde took the form of glossy RTA pamphlets promoting the project in summary form and material based on RTA press releases and interviews. These materials appear to have been prepared for metropolitan media and/or for media in local communities where a positive response was probable, or at least, where a negative response was unlikely. Lane Cove residents and commuters generally would see the tunnel and associated roadworks as a good thing - relieving the daily peak period congestion at Lane Cove and supposedly providing a faster journey to work.

These 'good news' communications did not address the issue of unfiltered, concentrated emissions from unfiltered tunnel stacks or the surface roadworks contemplated for Ryde.

b-2 Where on Epping Road?

All promotion material conveniently overlooked the fact that Epping Rd runs through Beecroft, Cheltenham, Epping, Marsfield, Macquarie Park and North Ryde before crossing the Lane Cove River and entering Lane Cove. No distinction was made between Epping Rd west of the Lane Cove Tunnel and Epping Rd in and around the tunnel at Lane Cove.

Only at Lane Cove would the un-tolled surface road be reduced in width; only at Lane Cove would a considerable amount of traffic be funnelled underground, out of sight and out of hearing.

However, the broad Epping Rd in North Ryde was to be widened, not narrowed, between the Lane Cove River and Wicks Rd, with undeniable impact on residential amenity, sensitive bushland, traffic on feeder roads such as Pittwater Rd, Delhi Rd, Wicks Rd and Mowbray Rd, and on air quality affected by both increased traffic surface and by traffic in the Lane Cove Tunnel which would be emitted from the tunnel stack just across the river.

Examples of the misleading and/or the misled are as follow:

*"Shorter travel times
Better public transport
Reduced traffic on Epping Road
and Mowbray Road West
Better air quality"*

- cover wording, RTA letter-size leftlet, RTA/pub.01/110

"... the reduced pressures on Epping Road and Mowbray Road West would allow changes to Epping Road for use by buses, traffic travelling into the Lane Cove area, pedestrians and cyclists." - RTA booklet November 2001, LANE COVE TUNNEL AND ASSOCIATED ROAD IMPROVEMENTS Project Overview, RTA/Pub01.111

"... I was excited to recently witness computer modelling of the project that showed remarkable improvements to the flow on Epping Road and at the major Epping Road intersections at Delhi, Wicks and Pittwater roads."

- 'John Watkins You local MP writes', The Weekly Times 21-11-2001*

"... 'Recently I saw the computer modelling for the project. It shows remarkable improvements to traffic flow on Epping Road and at the major Epping Road intersections with Delhi, Wicks and Pittwater Roads,' John Watkins said."

- 'John Watkins Reports, A Newsletter from John Watkins, your local State MP', Issue 13*

*NOTE; selection of the Watkins statements is not a reflection of political bias. Successive Local Members for the Liberal-held seat of Lane Cove have supported the project, although the public demand for filtration of Lane Cove Tunnel stacks also is supported now.

(c) Omission of some potential impacts on Ryde in EIS documents ensured that the substance of the Lane Cove Tunnel contract was NOT determined through community consultation processes in Ryde.

c1 The 'Study Area' [EIS 17.2.1 Study Area Definition, fig 17.1]

The Social Impact Assessment Study and areas designated for Study, Modelling, Pre-construction Assessment and Post-construction Audit of environmental and social impacts are rubbery in the extreme and exceptionally inconsistent when designating study area(s) and project areas(s). Ryde is not a focus.

c2 Installation of 4m pedestrian-cyclist shared pathway plus additional road lane and related construction activity.

[EIS 7.3.1, 9.3 Epping Road and Longueville Road; 9.3.2 Context and Issues, Wicks Road to Pittwater/Delhi Road, Moore Street to Centennial Avenue' 9.3.4 Urban Design Principles, 9.7.3; Detailed Design, Bicycle Paths and Footpaths; 10.4.2 Local Land Use Impacts.

PROJECT OVERVIEW The Proposal p6, Pedestrians and cyclists facilities, p9.

LANE COVE TUNNEL pamphlet RTA/Pub.01.110 'Why the Lane Cove Tunnel is needed'.

EIS WORKING PAPER Biodiversity]

At all the above-listed levels of presentation, there is wide separation between mention of the proposals for an additional westbound traffic lane and for a pedestrian-cyclist path.

Very few people grasped the combined impact of this double increase in paved surface on the

south side of Epping Rd at North Ryde. Many people continued to believe that 'their' Epping Rd would be reduced, not increased, in width. Few were aware that the 'pathway' at roadside would be wider than an actual traffic lane, i.e. 4m. Almost no one could imagine that in order to make the 'pathway' safe for users, trees and shrubs adjoining the pathway would be cleared, pruned regularly, or replaced by low-growing shrubs and grasses.

North Ryde locations directly affected by the 'double whammy' of additional paved surface are:

- Pages Creek bushland, Lane Cove River to Pittwater Rd/Epping Rd intersection;
- Gilda Street, parallel to Epping Rd and with north side homes backing onto Pages Creek bushland (receiver of additional traffic noise);
- homes on the southern side of Epping Rd, between Pittwater Rd and Wicks Rd intersections.

c3 Pages Creek [EIS Working Paper 8 Biodiversity]

Despite the requirements of the EPA Issues Statement published in the EIS, the Working Paper on Water Quality totally omits reference to Pages Creek at North Ryde.

The Working Paper on Biodiversity portrays the Pages Creek site as bushland of indifferent quality with few significant features. A remarkably slender volume, this document appears to represent a failure to access the many reports, studies and references to flora and fauna recorded there and in the immediate vicinity.

It has been noted in submissions to the EIS that the bushland was dramatically damaged and reduced in width by activities related to construction of the M2, 1995-1997. Indicative of the damage sustained, the EPA mounted a successful prosecution for pollution of the creek and the Lane Cove River, and NSW Government later contributed approximately \$80,000 for remediation of the creek and remaining bushland. Additional remedial work was carried out by a landscaping firm under contract to the road-builder and by Ryde Council contractors. (Lane Cove Tunnel-related works now have further reduced the width of the bushland. Also, and for valid reasons, improved drainage and retention facilities have been constructed within the bushland.)

The low level of fauna sightings recorded in the Biodiversity Working Paper may be attributed to the selection of a cold and blowy winter day for a survey which discovered few birds, no reptiles and limited evidence of nocturnal activity.

The absence of nesting trees noted in the document is a direct result of M2-related tree-felling, the reduction in land available for revegetation, and the construction of a high, steep bank where growing conditions are less than ideal. Additionally, the approx. five years between M2 completion and Lane Cove Tunnel survey provided little time for revegetation to mature and for surviving trees to develop nest hollows.

There is no reference in the document to Threatened Species and Communities which are recorded in North Ryde.

There is no reference to the fact that the surviving bushland is showing considerable resilience in recovering from M2 chainsaws, bulldozers and water pollution.

The implications of further spread of the M2-introduced weed, *Paspalum quadrifarium*, are not considered in the Working Paper. The impact of inappropriate roadside plantings and poor weed control at roadside and on both sides of the M2-related noise wall are not recognised. Flora and fauna discussion is generic in nature, much of it pertaining more to Lane Cove sites than to Pages Creek. Species present west of Pages Creek in North Ryde receive even less attention.

c4 Gilda Street, North Ryde

There is reason to question the assessment of impacts on residents of this street.

Although the RTA's extremely restrictive criteria for granting protection from traffic noise did not extend to Gilda St at the time the M2 was constructed, residents here eventually were allocated an acoustic barrier at street level on Epping Rd, above Pages Creek. Obviously, this barrier would become more necessary than ever as a buffer against the noise and light pollution of a widened roadway.

As recently as 18 May 2006, they continued to express opinions that the impact on their homes has never been adequately addressed. In addition to construction impacts, they remain apprehensive that the new acoustic barrier will not shield them adequately from noise and light pollution and will not provide adequate privacy. They have been particularly critical of see-through acoustic panels, included in the landscaping design for the benefit of motorists and users of the pedestrian-cyclist pathway. Eventually, complaints directly from the residents and through the CCLG1 group have effected some modification to the location and size of see-through panelling.

c5 South side of Epping Road, between Pittwater Rd and Wicks Rd, North Ryde

Previous widenings of Epping Rd have elevated the roadway and left residents little option but to reverse from their driveways onto a busy, multi-lane road with an 80kph speed limit. Lane Cove Tunnel-associated works will oblige them to reverse across a 4m pedestrian-cyclist path and then onto a road once more increased in width.

Many residents have provided themselves with visual screening in the form of shrubbery planted on the property line or on the nature strip. Those residing between the Delhi Rd and Wicks Rd intersections have also benefited from a median strip planted with trees and shrubs. The nature strip is gone, the median strip is reduced in width and screening effect, and shrubbery within property lines will be subject to regular pruning to maintain safe passage on the 4m pathway.

Few if any of the affected residents would have read and cross-referenced the seven published references to their situation which were available during the EIS display period.

Ironically, the RTA in its mass-distributed leaflet, RTA/Pub.1.110, mounted this argument in support of its proposal: "*Heavy traffic volumes make it harder for residents along Epping Road and Mowbray Road West to enter and leave their driveways safely.*"

Obviously, this concern was not extended to residents along Epping Road in North Ryde.

QUESTION: Why is improved driveway access for residents east of the Lane Cove River a justification for the Lane Cove Tunnel project, while worsened driveway access for residents west of the Lane Cove River by way of the same project is not addressed as an issue of importance?

Years later, Ryde Council has attempted unsuccessfully to secure a route change which would have transferred this one-block portion of the pedestrian-cycleway to government-owned land on the other side of the road.

According a noise consultant's briefing to members of CCLG1, these residents are not eligible under RTA Traffic Noise Guidelines for acoustic treatments such as noise walls or double-glazing. According to the briefing, these residents miss out because the noise increase is deemed to be 'natural' rather than project-related . . . although the road-widening, loss of roadside screening and reduction in road median screening is project-related..

QUESTION: Why are Epping Rd, North Ryde residents, directly adjacent the site of Lane Cove Tunnel-related road widening, less eligible for protection from traffic noise than residents at other heavily impacted locations?

c6 Absence of Traffic and Air Quality Modelling for North Ryde

The likelihood of determining the Lane Cove Tunnel contract through community consultation (in Ryde, on the base of traffic and air quality modelling) was zero.

As noted previously, pre-contract community consultation in Ryde was restricted to a single evening meeting, which was not advertised by the RTA.

The few expert consultants present at the meeting were unable to speak authoritatively on all Working Papers prepared for the EIS, but direct questioning did confirm the following:

-increased adverse traffic impacts on North Ryde were likely to occur as a result of the Lane Cove Tunnel project.

-The Traffic & Transport Working Paper [8.18p121 and 'Local Area Improvement Programme' 1.5, Table 1.2 p12] does intimate traffic increases at North Ryde.

- there had been no base-case monitoring and modelling of predicted air quality for the affected area of Ryde, including Lane Cove River Catchment and Delhi Rd Ridge.

- there are admissions deep within the Working Paper, Air Quality & Health Risk, that air quality in North Ryde will be worsened by the project impacts. [Appendix D, D2, para 2; 'Health Effects', p14, no. 6; p15, no. 7; p15 'conclusions'.]

It also was explained, twice-over, at the Ryde community meeting that North Ryde "*was not included in the study area*" for traffic and air quality modelling. It can be presumed that consultants would have devoted the same attention to Ryde as they gave to Lane Cove, if they had been instructed and contracted to do so by the RTA.

QUESTION: Why was the North Ryde portion of the Lane Cove Tunnel project not designated as a study area for air quality modelling and interactive traffic modelling?

1.i the methodology used by the Roads and Traffic Authority for tendering and contract negotiation in connection with the Lane Cove Tunnel - concerning briefs to consultants for preparation of Working Papers and the EIS, and concerning the RTA's stance with regard to commissioning of further studies during project construction.

(a) Details apparently omitted from tendering and contract negotiation re studies, assessments and predictions for use in the EIS

-According to the consultants concerned, North Ryde was not included in their contracted study area with reference to some traffic and all air quality impacts.

-Despite the Minister's requirements, published in the EIS, Pages Creek at North Ryde was not included in the assessment of Water Quality impacts. It would be assumed that the consultant's study brief and contract should have been based on the requirement to address all waterways in the affected area.

-These omissions were mentioned in a submission to the EIS, but no action is known to have been taken to remedy them prior to receipt of Ministerial Approval by the RTA.

QUESTION: Did the RTA itself omit Pages Creek from the study brief and contract, or did the RTA fail to notice that the creek with the most potential for impact from the project had been omitted by the consultant?

QUESTION: Since this omission was noted in submissions to the EIS, why was no study initiated at that time?

(b) Details apparently omitted from tendering and contract negotiation for the Lane Cove Tunnel & Associated Works

Not being apprised of the contract or negotiations preceding it, this writer can only assume that issues concerning the project in North Ryde were not fully delineated. Environmental, health and social impacts had not been fully assessed. A creek had not been identified, and therefore impact on it had not been assessed.

It is possible to confirm that well into the construction stage of the project, Thiess-John Holland personnel continued to display confusion concerning the location of the creek which had been omitted from the EIS Working Paper on Water Quality. (A special meeting to discuss drainage issues was convened during the construction period. Those attending on invitation included two Ryde Council engineers and two community members of CCLG1. Construction consortium personnel present confused Porters Creek and Pages Creek. (Porters Creek is above-ground only near the waste depot at the north end of Wicks Rd, outside the project area. It is piped underground, between the Wicks Rd and Delhi Rd intersections, with potential for flooding homes in the event of damage to piping. Pages Creek is above-ground east of Pittwater Rd and issues directly into the Lane Cove River near the Lane Cove River Bridge on Epping Rd - the site of major TJH construction including bridge widening.)

(c) Widening of Delhi Rd

Not being privy to contractual agreements between the RTA and the Lane Cove Tunnel Company (now Connector Motorways), it is possible only to speculate on how and when the widening of Delhi Rd was included in negotiations.

It is possible to state, however, that the widening of Delhi Rd between the Epping Rd intersection and the M2 overbridge as part of the Lane Cove Tunnel & Associated Works project was not included in the EIS, the EIS Working Papers, the Preferred Activity Report, the Director General's Report, the Ministerial Consent and Conditions, or the Tender Document Designs.

Following after those documents, there also was no species impact statement (for a design specifying substantial landtake from an Endangered Turpentine-Ironbark Community), no known publication of an REF, and certainly no display of an REF.

(In contrast, the Thiess-Hochtief consortium engaged in Epping-Chatswood Rail construction published and invited comment on an REF concerning construction of a concrete batching plant within the confines of its worksite, directly across the road from the Reserve threatened by the RTA's preliminary design for widening Delhi Rd. This plant was not visible from the road, required no additional landtake, and created no discernible disturbance at the nearest receptor. However, noise monitoring was conducted regularly at the receptor site, which by coincidence, is the same Reserve threatened by the RTA.)

Late in 2003, Ryde City Council became aware of the RTA plan affecting the Reserve. Apparently, Council simply received a notice of compulsory acquisition.

NOTE: The RTA Project Manager for the Lane Cove Tunnel Project is deserving of full credit and the gratitude of the community, for securing a new design and agreeing to conditions which have prevented any landtake and most incursions into the Reserve.

(d) Pittwater Rd Auxiliary Works Depot, North Ryde

Well into the construction stage of the proposal, it was announced suddenly to CCLG1 members that an auxiliary works depot with amenities for workmen, storage facilities and car-parking would be established on the east side of Pittwater Rd near its intersection with Epping Rd - between project-impacted Gilda St and project-impacted Pages Creek. In addition to the consequences for Pages Creek and residents of Gilda St, residents contended that the site would present a substantial traffic hazard for vehicles entering Pittwater Rd from Epping Rd via westbound turning lane or eastbound right turn. Local opposition was strong and immediate.

A reference to possible additional worksites was discovered in EIS materials, but none that specified a location. After first insisting that no other appropriate site was available in the vicinity, the construction consortium secured larger premises at a more convenient location which is not on a major road (the grounds of North Ryde RSL, off Magdala Rd)..

(e) Pages Creek Species Impact Study, North Ryde

Also in the construction stage of the project, community members of CCLG1 continued to request an adequate species impact study, specific to Pages Creek bushland. Requests were confronted by flat refusal from the construction consortium and RTA environmental staff, on the basis that:

- the period for comment on the EIS was long gone,
- with or without assessment of Pages Creek, the project had gained Ministerial Approval, and
- CCLG groups are permitted only to consider construction details of the project.

It is believed that the eventual consent to initiate a study came about only through appeal to Government Authorities outside the project.

QUESTION: Why was there such resistance to initiating a species impact study specific to sensitive creekline bushland?

Once presented, the study required major revisions before community members of the CCLG would accept it as a useful working document. (The original report omitted conspicuous tree species and avian species which are constantly present. It also failed to identify as weeds the large clumps of *Paspalum quadrifarium* in the foreground of photographs bound into the document, or the reedbeds found at the creekmouth and now rarely occurring in the Lane Cove River. Reference to land alongside rail lines suggested that at least some of the original material had simply been recycled from a report completed for another client at another location.)

Sometime later, a community member of the CCLG identified a (Threatened Species) Powerful Owl in Pages Creek bushland. Since that time, the owl has been seen by many others including project workers. The presence of what appears to have been another Powerful Owl also has been witnessed at Bundara Reserve, adjacent the Delhi Rd widening activity.

1.j any other related matters - including realities of community consultation process

Comment tendered in this section of the submission is, to some extent, personal and subjective. The intention is to provide a picture of the reality of this private-public infrastructure project, from the viewpoint of the affected community.

Since it is possible that the Joint Select Committee may not consider these comments germane to its terms of reference, much of this material has been presented in outline format - simple lists of issues and events. Supporting detail and documentation is available, should it be required.

It is suggested that the key consideration in reviewing this portion of the submission is as follows.

QUESTION: Are Ministerial Conditions of Approval part of the Lane Cove Tunnel contract?

QUESTION: Does the contract include penalties for breaches of Ministerial Conditions of Approval?

QUESTION: Do contractual penalties extend to consultative and environmental breaches?

(a) Consultation prior to project approval

As described elsewhere in this submission, the degree, nature and depth of consultation before and during display of the EIS appears to have been governed by judgements concerning the likelihood that the project would gain support or at least acceptance. Consultation was directed at potential supporters but withheld from communities which would see little or no benefit from the project.

It may have been fanciful to expect that the project could have been stopped in response to negative submissions. However, it would have been reasonable to expect that the RTA might seek to consider mitigation of adverse impacts mentioned in detailed submissions from individuals and groups which were rightly concerned with the effects of the project on Ryde. (Long after the approved project was underway, construction personnel had no knowledge of several environmental issues raised in EIS submissions.)

QUESTION: Is there a statutory obligation on the part of the project proponent to read and address relevant issues raised in all submissions to an EIS?

QUESTION: Is the proponent obliged to give the same weighting to submissions from community groups and individuals that it affords to the submissions of large stakeholders, government authorities, and project-supporters?

QUESTION: What procedures govern the summarising and reporting of issues raised in submissions?

QUESTION: How is the review of submissions monitored?

QUESTION: What effect would inadequacies in reporting and addressing issues exert on Ministerial Approval of the project?

(b) Consultation during construction

b1 CCLG structure and operation

Community consultation processes are becoming increasingly sophisticated, not entirely to the benefit of the community.

Meetings are convened by an Independent Community Liaison Representative who is assisted by a minute-taker (both contracted by the tunnel company). The meetings are attended by one or more representatives of the RTA, one or more representatives of the construction consortium's community relations team, a variety of construction engineering personnel, and occasionally by an Environmental Management Representative. Specialist construction personnel and consultants sometimes attend by invitation, eg acoustician, landscaper, etc. Minutes are taken at the meeting and reviewed on-screen.

Much of the agenda is regularly devoted to presentations on work completed to date, followed by presentations relating to work to be initiated or continued. Outside this framework, specific issues and enquiries from community representatives are relegated to "other business" at the close of the meeting.

'Sub Plans' and 'Construction Method Statements' are the major documents provided for comment. These large and complex collections of annotated drawings usually have been presented on-screen, with hard copies distributed immediately before or during the meeting. There is little opportunity for study during the meeting, and deadlines apply to comments provided later. Community representatives are encouraged to provide any detailed comment in writing, before the next meeting. On one occasion, only a few days were allocated for comment on 29 pages of documentation.

Sub-Plans and CMSs are 'dynamic' documents which are amended and upgraded as the project proceeds. To view the latest update of what has become a large folio volume of complex, annotated drawings, it is necessary to visit the construction consortium offices. Contact outside formal meetings is maintained by post, phone (including 24-hr hotline to a call centre), fax and email.

The hotline is not a local installation with knowledge of the project. (Callers often are asked to spell words such as 'Epping' and 'Ryde' so that the operator may record them.)

The speed of responses from the ICLR or construction consortium generally appears to depend on the seriousness or severity of the complaint. Urgent contact with the ICLR or construction consortium personnel generally must be made by the more expensive option of accessing their mobile phones.

Replies to email enquiries usually are left until the end of the working day or the working week. Posted enquiries are answered much more slowly.

Community representatives without access to email appear to be disadvantaged.

The construction consortium regularly letterboxes local residents who are about to be affected by night work, extreme noise, extreme truck traffic, etc. However, personal contact with non-CCLG residents who are affected by the project often comes about only at the insistence of CCLG members.

b2 CCLG community members

These individuals attempt to act as go-betweens who transmit queries and complaints from residents to the CCLG, and CCLG information back to interested residents. Their activities also include study and comment on Sub-Plans and CMSs, attendance at monthly CCLG meetings, and at specially convened site visits and other meetings dealing with specific issues

or locations. If taken seriously, these un-remunerated responsibilities are demanding and likely to conflict with both employment and homelife.

As a community representative, this writer sees her role, somewhat fatalistically, as attempting to mitigate the adverse impacts of the project, e.g. preventing 'collateral damage' to bushland and private property, out-of-hours noise, unsafe conditions affecting the public, etc. and attempting to ensure that worksites are restored to an acceptable condition when vacated. We win some, we lose some. To win at all often requires inordinate effort.

At least two members of CCLG1, who often are present near Lane Cove Tunnel worksites, have frequently found it necessary to 'do it themselves'— re-erecting safety and sedimentation barriers, filling in or blocking off trenches and holes within pedestrian accessways, disposing of litter.

These efforts by the community generally take place out of hours, when it has become clear that a worksite will otherwise be left in an unsafe condition over night, over the weekend, or over a public holiday.

Representatives of project-affected Local Councils also attend CCLG meetings.

At CCLG1 meetings, three individuals originally represented the community and a heavily impacted commercial firm on the east side of the river, but the business member has left the company and has not been replaced. Three more individuals represent the community on the west side of the river at North Ryde. At the May 2006 meeting, a representative of a regional cycling organisation also joined the group.

b3 CCLG members representing RTA, tunnel company, construction consortium

With respect to the North Ryde section of the project, the RTA Project Manager and Public Relations Officer have been sympathetic and helpful. (Their contributions represent a distinct improvement on North West Transport Links (M2) CCLGs, in which the RTA Project Manager assumed the multiple roles of RTA spokesperson and CCLG member, CCLG chairman, and witness for the prosecution in court actions against CCLG members arrested for protest actions on M2 worksites.)

The tunnel company (formerly Lane Cove Tunnel company, now Connector Motorways) is the contract employer of the Independent Community Liaison Representative who chairs CCLG meetings, signs off on meeting minutes before they are published and distributed, and sometimes acts as go-between or circuit-breaker in disputes between the community and the construction consortium. CCLG1 has had two appointed ICLRs, each from a different consulting company. Occasionally, meetings have been chaired by stand-ins from the consulting company. Both ICLRs also have been engaged in other consulting activities while involved with Lane Cove Tunnel CCLGs. On occasion, they have been inaccessible to CCLG members, or accessible only by mobile phone call to another state.

Community Relations personnel employed by the Lane Cove Tunnel construction consortium, Thiess-John Holland, represent the main contact between the community and construction staff and contractors.

From the personal viewpoint of a member of the community, it appears that their roles are as follow:

- 'tick the boxes' concerning statutory obligations to consult the public, i.e. hold the required number of meetings, distribute plenty of paper, appear to listen, and record these activities as documented proof of consultation.

- control and keep a lid on opposition and complaint, ensuring that any issues which cannot be contained within the CCLGs are presented in a manner which minimises their news value.

-act as a buffer between their colleagues engaged in construction and the community.
-attempt to seek remedies when the activities of construction staff and contractors give unnecessary offence or when construction staff are engaged in activities which are visibly contrary to Ministerial Conditions of Approval and/or environmental regulation. (Their attempts are not always successful. In such cases, the ICLR may become actively involved. An Environmental Management Representative also may be called in to inspect a site and direct remedial activity.)

b3 CCLG consultation procedures

Community Liaison Groups are now called Community Construction Liaison Groups, meaning that only issues pertaining to construction activity are willingly addressed, i.e. there is resistance to proposals from the community concerning even minor refinements to details of design or execution on the grounds that these already had Ministerial Approval, or because some form of broad-stroke overview had been presented earlier to the CCLG, or because it was too late to effect changes even though they would not slow the project.

Examples:

- Protracted struggle to obtain a site-specific species impact study for Pages Creek bushland, followed by community insistence on revisions to improve the study.
- Community demand for recognition that flora and fauna communities on the Delhi Rd ridgetop differ from those at Pages Creek in the valley of the Lane Cove River.
- Fruitless attempt to retain 4m of roadside frontage for Epping Rd residents between Delhi and Wicks Rd, by relocating bike path to Government land on the opposite side of Epping Rd.
- Fruitless attempt to reduce width of pedestrian-cyclist path to 3m in front of affected Epping Rd properties (although the consortium itself effected similar design changes elsewhere).
- Fruitless attempt to consider small installations of kerbside pavers to accommodate waste collection from Epping Rd residences which will be left with no kerbside location for wheelie bins. Alternatives appearing to be available included blocking residential driveway, dragging bins across 4m paved pathway for deposit in landscaped strip at roadside, or depositing bins on the pathway. The same options would apply to bulky materials left for periodic 'council clean-ups'. Community concerns included OH&S issues for both residents and waste services operators, plus public safety.
- Protracted struggle to improve 'landscaping' plans on the edge of sensitive bushland, i.e. to use locally indigenous species propagated from locally collected seed in place of cultivars and native species found nowhere in the region, to avoid use of rainforest species at a dry and elevated location; in a narrow space adjoining pedestrian-cyclist path, to avoid use of large tree specimens with a tendency to drop limbs, etc. NOTE: The community's requests were denied first because the concept of landscaping and revegetation (although not the detailed species lists) had Ministerial Approval. Later on, resistance appeared to stem from the intransigence of individual personnel.
- Fruitless attempt to be granted a joint meeting of CCLG groups contending with a single, shared issue.
- Ongoing effort to reach constructive outcomes within a CCLG group arbitrarily composed from two quite different communities which are not impacted by the same worksites and construction activities. CCLG1 suffers reduced opportunity to address all issues arising. Two community representatives (originally three) are best acquainted with conditions on the east bank of the river - where part of an athletic field has become a major worksite, where tunnelling and portal construction began, where the infamous intersection of two major public

roads and two private tollroads is located, where parking and truck movements are paramount construction issues.

Three community representatives from North Ryde on the west bank of the river contend with issues unique to North Ryde, including the widening of Epping Rd and Delhi Rd and treatment of Pages Creek bushland.

The arbitrary formation of the group also has obliged all members to sit through a double load of lengthy presentations and commentary, many of no relevance to their local community. CCLG members support one another, but all are aware that their attempts to address specific issues are diluted by the wealth of issues (covering three Local Government Areas and a wide variety of environmental and social impacts.)

-No opportunity to discuss air quality issues within any CCLG; this topic is quarantined to a separate Air Quality Group.

-CCLG minutes are taken during the meeting and reviewed on a screen before the meeting closes. This may seem a wonderful improvement on spending time at the following meeting to review the minutes of the previous meeting. However, minutes are further edited after approval in the CCLG, and review of this additional edit is not a CCLG standard agenda item. Minutes eventually are posted on the project website, but to an outsider, they will disclose little. They are written that way during the meeting and further sanitised before publication and posting.

-In order to join the group, each community representative was required to sign a written undertaking not to repeat what was said within the group. This generally is interpreted simply as protection for all concerned against being misquoted. However, it is interesting to note that both the ICLR and the Community Relations Manager deemed it necessary at a recent meeting to remind community representatives at length of this undertaking, in the context of submissions to the Lane Cove Tunnel Inquiry.

b3 The spin cycle

All CCLG attendees are expected to use non-confronting language, an expectation which undoubtedly is good for the meeting process. However, 'issue management' sometimes reaches such extremes that the issue is trivialised or obscured.

WorkCover, the press and the public generally refer to the occasion when a block of units began to fall into a Lane Cove Tunnel excavation as a "collapse" or "subsidence". As project spokesperson, the Community Relations Manager refers to the event exclusively as "the incident", without reference to the nature or location of the event.

Internal records and correspondence to CCLG community members are similarly careful in tone and sometimes slip into statements which appear deliberately misleading.

Possibly, Community Relations personnel are misled by field staff, or perhaps the objective is to ensure that no information damaging to the employer or the project is on file.

Terms such as "it is understood" arise frequently, perhaps as code for "I'm only telling you what they told me."

Other examples:

- large chunks of concrete secreted in bushland, described in official report as "rocks".

- many 3x1 m panels of heavy, rigid galvanised mesh, plus heavy metal uprights used to support the mesh fencing, plus some orange webbing, described in letter as "some mesh and orange webbing".

-what once were described as complaints, then as concerns, then as issues, are now termed "enquiries".

A particularly bewildering example of spin applies to a device known as the Siegenia Aeropac. A report 12 April 06 in the *North Shore Times* (not distributed in Ryde) states: "Residents near the Lane Cove Tunnel are being offered air ventilators designed for 'highly polluted regions' in the lead-up to its opening next year.

The ventilators are being offered to residents near the widened Gore Hill Freeway, which will act as an exit from the tunnel.

Builder Thiess John Holland claim the ventilator offer was part of its noise reduction measures for the widened freeway but brochures for the product specifically describe it as being designed for highly polluted regions . . ."

Community Relations staff refused to supply a copy of the letter sent to selected residents, which is believed to have given the residents only a short time to accept or reject the offer of a free Aeropac. However, a cover note, a 'Noise Wall' fact sheet and an Aeropac brochure were provided.

The cover note emphasises that the consortium is "required to provide noise mitigation measures in compliance with the RTA's Environmental Noise Management Manual."

The two-page fact sheet deals exclusively with noise walls, with the exception of a brief final paragraph stating that "If noise levels are higher than predicted, then it may be necessary to undertake additional noise mitigation treatments. Following this noise monitoring, you will only be contacted if additional treatment is required."

From its front cover onward, the Aeropac brochure is described as 'healthy ventilation'. The references to noise extol the near-silent operation of the machine itself. The ventilator is described as "an ideal complement to soundproof windows", meaning windows which are double-glazed or permanently sealed against outside noise and air, but the filters within the machine would appear to act as air-cleaners.

QUESTION: Would the Aeropac Ventilator also be appropriate as noise mitigation for residents with no acoustic barrier separating them from a widened Epping Rd at North Ryde?

QUESTION: Is there concern in the RTA and in the construction consortium that recognition of the Aeropac Ventilator's air filtration capability would establish a precedent for thousands of Sydney residents, including residents affected by unfiltered tunnel emissions?

QUESTION: Will residents agreeing to installation of the Aeropac Ventilator be obliged to install air-conditioning at their own expense, to relieve the effect of sealed windows in summer?

QUESTION: Why will no compensation be offered for the added expense of running the Aeropac and an air-conditioner?

QUESTION: Has the hazard to residents in the event of a power failure been considered?

QUESTION: How does elevated power consumption sit with ESD objectives and Government initiatives for improved energy efficiency?

b4 The human element

Although differences (and aberrations) in human behaviour are unavoidable, some aspects of

the liaison process appear to cast a negative reflection on either management or commitment to the process.

Examples:

- Damage to Pages Creek bushland and worksite installations intended to protect the bushland: The incident was not mentioned during a lengthy summary of activities at the site. When the incident then was raised by a community representative, the first response was flat denial. This was followed days later by a painfully slow effort to remove tonnes of broken concrete and repair siltation fences at the worksite adjacent Pages Creek bushland. The community requested information on 'how it happened', to ensure that safeguards would prevent repetition. No satisfactory response was provided.
- Major obstruction to pedestrian access at same location, due to storage of materials on the pathway at the time of above-mentioned incident. A partial clean-up followed, in which some obstructions were removed from the right-of-way and thrown into the bush.
- Metre-deep trench left unfenced in narrow dirt pedestrian right-of-way at worksite on Epping Rd near Delhi Rd, this hazard compounded by poor lighting due to concrete barriers at kerbside.
- Disposal of scrap metal and large pieces of concrete in bushland Reserve at same location, dumped out-of-sight-out-of-mind where not visible from road or worksite. Apparently in good faith, Community Relations personnel relayed assurances that the right-of-way had been made safe and clean-up had been effected. This was misinformation.
- Despite written and verbal commitments to avoid incursion onto a bush regeneration area adjoining the Epping/Delhi Rds worksite, workers have used the site as a dump and/or repository for heavy materials on at least two occasions - as recently as 20 May 2006.
- Following personal assurances that no damage to the reserve would be done during a trenching operation this month, May 2006, two workmen were observed in the trench, hand-sawing major roots from at least three mature trees.

The workmen are consortium employees, not contractors. They have been present on the site many times and are aware of its sensitivity from previous incidents. The root-severance could not be construed as accidental damage by the excavation machine used at the site. The incident was in progress at approx. 4:15 pm on a dark and stormy afternoon. Workmen usually vacate the site by 4:00 pm or earlier.

There is reason to believe that at least two mature, Threatened Species Turpentine trees will be lost. Incredibly, roots were removed from the direction which would ensure that if the trees fall, they will fall onto pedestrians, cyclists and motorists.

A stopwork on trenching was demanded by a CCLG community member and went into effect the following morning. It is believed that senior engineering and environmental personnel from the construction consortium made an inspection.

This event occurred 23 May 2006. On Saturday 27 May, a construction consortium employee requested water from a private householder, in order to complete instructions to fertilise and 'deep-water' the injured trees. Due to asphaltting operations in progress, there was no water available to the worksite. The householder also provided a bucket, since the staff member had been furnished only with a watering can.

This incident is described in detail because it remains unresolved and has occurred so late in the construction process, after literally years of effort to protect the reserve from damage of this nature.

Supervision on ground-level sites in North Ryde appears to be minimal. No supervisory personnel were on site during the 23 May incident, or during the subsequent inspection by

Council Officers. (On that second occasion, there was no pedestrian access available and no one designated to shepherd pedestrians through the worksite, which is the only direct pedestrian route north to a cemetery, two crematoria, a business park, a hotel-restaurant and the worksite of the Delhi Rd train station.)

b5 Staff changes

Changes in key contact personnel have been a source of frustration for community members of CCLG1. The Community Relations Coordinator present early in the process soon disappeared. The CR Manager attended most CCLG meetings but had little contact with CCLG1 members until recently. Another CR Coordinator who became well-known and well-accepted in the CCLG1 area left and was replaced, part-time, by a CR Co-ordinator who also performed part-time in a similar capacity on the Epping-Chatswood rail project. Now the part-time Co-ordinator also has departed and has not been replaced.

There is an impression that the project is winding down, and so is the effort to consult with the community. The immediate consequence of each personnel change is a need for CCLG community representatives to start again in establishing their credibility and informing the new appointment of what has transpired prior to his/her appointment.

(c) Post-construction consultation

The project has not yet reached completion, but it is known already that:

- remediation by the construction body of project-related damage is restricted to a period of two years; remediation is difficult to obtain from the time the road becomes operational.
- maintenance of landscaped or revegetated areas after two years becomes the responsibility of RTA contractors and/or the Local Council. At most, this will entail mowing, lopping or removal of overgrown shrubbery and overhanging trees, and occasional weed eradication.
- any issues arising from project design or project construction are unlikely to be addressed unless they affect the image and revenue of the owner-operator of the tunnel and tolled roads.
- retrofitting of filtration for emission stacks will be resisted vigorously by at least the current Government and quite possibly by Governments which succeed it. The RTA will continue to deny the health effects of unfiltered tunnel stacks. Retrofitting will cost more than installation as part of the original project. Filtration of one Sydney road tunnel will naturally increase demand for filtration of all Sydney road tunnels.
- residents who find that vehicle emissions from the project's surface roads and tunnel are affecting their health will receive little or no support from bodies responsible for the project.
- the RTA will use bottlenecks surrounding the project, and possibly created by it, to promote additional road proposals.
- future EISs and community consultations will demonstrate ever-increasing refinements which limit the community's ability to inform itself, to influence the outcome of a proposed project, and to mitigate the adverse impacts of a project which has received approval.

The devolution of public participation has proceeded steadily with regard to:

- * degradation of the EIS process, including accuracy of information and constructive response to issues raised in submissions;
- * FOI data increasingly expensive, slow and unrevealing;
- * REFs produced and approved with or without public participation;
- * the reticence of other Government Authorities to object to an EIS or to act against breaches occurring during construction of an approved project;
- * the complexities of dealing with the parties in a private-public infrastructure partnership;

SUMMARY

Sometime in coming months, the Lane Cove Tunnel and Associated Works project will be completed. It is well understood by this writer that efforts at community consultation on such a project can at best mitigate its local impact.

With inordinate effort, the community has achieved some improvement beyond the original planning (or lack of planning) for Lane Cove Western Works in North Ryde:

- gradual acquisition and dissemination of more accurate and site-specific information on the project,
- air quality monitoring at Magdala Park,
- location of works depot off Magdala Rd (a location with less impact on traffic, residents and creekline bushland than the original nomination on Pittwater Rd between Gilda Street homes and Pages Creek bushland),
- prevention of landtake and incursion at Bundara Reserve,
- sporadic improvement in pedestrian access during construction,
- better separation of worksite from creekline bushland at Pages Creek,
- reduction in use of see-through noise wall panels affecting residents of Gilda Street,
- some improvement in species selection for revegetation,
- sympathetic approach to relocation of a gas line,
- sympathetic approach to relocation of services and signage on Delhi Rd.

The primary motivation of this author in preparing a submission to the Inquiry is the hope of improvement when additional RTA activity inevitably occurs in the future.

D D Michel,
CCLG1 Lane Cove Tunnel project
28 May, 2006



References:

Letter 5-9-05, Hills Motorway to RTA General Manager, Motorway Constructions, HM reference 01999-36-JCL, a document released to the public during the Lane Cove Tunnel Inquiry. (Copy attached).

EIS, Lane Cove Tunnel & Associated Improvements

EIS Working Paper, Traffic and Transport

EIS WORKING PAPER, Air Quality & Health Risk

EIS WORKING PAPER, Biodiversity]

EIS Working Paper, Water Quality

Preferred Activity Report, Lane Cove Tunnel

Conditions of Approval, Lane Cove Tunnel

Why the Lane Cove Tunnel is needed RTA/pub.01/110

Lane Cove Tunnel & Associated Road Improvements Project Overview, RTA/Pub01.111

The Weekly Times 21-11-2001

A Newsletter from John Watkins, your local State MP', Issue 13

North Shore Times 12-4-06, 'Ventilators put wind up locals'

Aeropac brochure - Siegenia Intelligent Ventilation

Lane Cove Tunnel fact sheet, Noise Walls, 15 December 2005



Our Reference: 01999-36-JCL

5 September 2005

Mr Garry Humphrey
General Manager, Motorway Construction
Roads and Traffic Authority
PO Box K198
HAYMARKET NSW 1238

| |
|----------------------|
| LCT |
| Rego # 1814 |
| Date Received 6/9/05 |
| Date Reply Due |
| Registered to SA |
| File # Q2MS239 |

Dear Garry

LCT/M2 Interface Agreement – THML Concerns re Epping Road Merge

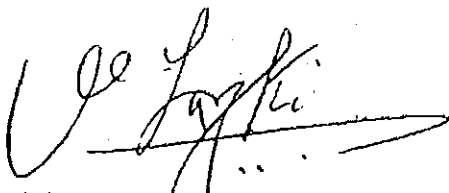
I refer to your letter dated 22 August 2005 which responds to our concerns about the physical separation between the M2 and Epping Road traffic lanes on the eastbound approach to the Lane Cove Tunnel. Reference is made to our letters dated 16 June 2005 and 21 February 2005 and to the meeting on 20 May 2005 regarding this issue.

Following the 20 May meeting, Parsons Brinckerhoff (PB) prepared a document, 'PB Technical Memorandum 42: Eastbound M2/LCT/Epping Road Tie-in, Rev C-0, dated June 2005' which was forwarded to The Hills Motorway Limited (THML) on 23 June 2005 by Lane Cove Tunnel Company (LCTC). Sinclair Knight Merz (SKM) prepared a six page document on our behalf, titled 'SKM Response to Parson Brinckerhoff's Technical Memorandum No 42 dated 28 July 2005' which responded to all of PB's criticisms and concerns and effectively rebutted their comments on our proposal.

The SKM response was forwarded to LCTC on 28 July 2005 and a copy is attached for your information. Would you please confirm that the RTA considered the SKM document dated 28 July 2005 when you issued your letter dated 22 August 2005. The issues raised by SKM are very important to THML and we would be happy to arrange a meeting with SKM to consider these issues.

Yours sincerely

for



John Collier
Operations Manager