

INQUIRY INTO CROSS CITY TUNNEL

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Theme:

Summary

I thank the Director of the Committee for this opportunity to lodge a written submission.

I am a Councillor on Willoughby City Council and represent the Naremburn Ward which takes in the suburbs of Artarmon and Naremburn and which has the Gore Hill Freeway running through it. The tunnel starts on the edge of the Ward. There have been extensive works all along the Freeway in the Ward.

The following points are submitted:

The EIS stage and consent authority
The terms of the contract of public/private works
The contracting department
Consumer protection issues

The EIS stage and consent authority

I was fortunate to take a delegation to see the Minister. This was extremely useful and the then Deputy Premier certainly took on board what was discussed and certainly changed some of the processes.

The comment that might assist future EIS phases in PPP works is that high level community delegation are received at a Ministerial level. But rather than wait to see what comes out in the EIS final document there should be the capacity for some further consultation to ensure all issues raised have been considered.

An example is noise barriers were raised as the original Gore Hill Freeways had none at Naremburn. We are assured that this has been rectified. What was not discussed was how the commercial liability was to be released by the contractor because a one hour meeting with a Minister does not lend itself to this detail. The details of the Deeds of Release is I understand to be put to the Hearing. Too many Deeds were signed as presented which from a legal perspective is a large release of individual rights without appropriate and proper advice. This is after all a Government project! Issue is raised in the SMH page 2 25 April 2006. All of this may have been smoothed out as a process of consumer protection if further discussion had occurred. It would have been more cost productive in all the time the deed has taken up along with other noise barrier issues. Another is the Local area traffic management regime which will kick in 6 months after the Lane Cove Tunnel works are completed. What is in place I understand arose in part from the EIS Ministerial representations. There are significant problems which could have been overcome had sensible on-going discussions occurred with a will to resolve the potential problems. So more up front consultation with the detailed community issues.

The terms of the contract of public/private works

The contract for Lane Cove Tunnel does require community consultation.

This has occurred. However, advice has been received on the day of the notified works or not at all.

At Naremburn the painted sides to the Freeway have attracted considerable adverse comment. One hour is all that would have been required to consult with the affected people as to colour etc. With the works done the contractor has not budgeted to rectify what is really an outcome that illustrates that community consultation as structured has not and will not work.

The same with noise and works conducted outside the permitted times. Plenty of complaints about this. Lots of follow up but it still occurs.

How a contract is structured might overcome the failure to have effective outcomes with community consultation unless one holds the view that all fines and penalties get capitalised back to the purchaser of the works. However compliance models that shame such as the mandatory reporting to Parliament in the event of certain circumstances certainly has altered corporate behaviours when hitherto recalcitrant.

The contracting department

Frankly all my comments concerning the RTA are unfavourable. The display of their intent has indicated that their concern is moving cars city wide and that is where their thinking stops.

The reality is that we are all in this together.

Some discussion in the conceptual stage could have made a substantial difference to traffic flows that now will be endeavoured to be rectified after the project, which in all likelihood will not occur.

The first thing is that it was very apparent that after the EIS stage put in place the LATMS requirement the RTA officers actually had to look at local traffic. Consultations sessions became briefing sessions with the locals telling the Department traffic details. Council project works of which the Department had knowledge had not filtered done out of the internal silos to officers put on the LATMS works. It was truly all an after thought.

The process can be made to improve this process without making it a great waste of time of people talking. It has been my experience at Willoughby Council that community concerns expressed through Council officers to the department does get outcomes. This model with proper reporting deadlines in the writing up of contract specifications would assist the community.

By the time this process was entered into at Willoughby, the EIS phase of the Lane Cove project, it really was too late given the Department's design timetable.

In the Community Consultative Committee process during the conduct of the works, whenever anything was raised that was a significant design change the direction was that it was not going to occur as it was too late. This caused wide spread cynicism with the Community representatives, one resigned, and the general community. Maybe that is the Department's standard model for consultation. Certainly this a locally held view!

The silly notion that seems to be in operation that because a road is a council road the department should not take it into its thinking is a nonsense. The sooner traffic planning becomes more encompassing the better.

The irony is that these works could in all likelihood create a rat run or two which will impact of the toll at Falcon St. When the Department and the consortium were informed of this they were incredulous.

Timing and a consideration of all traffic flows would assist.

Consumer protection issues

Comments on this subject are set out above. The point is that the locals around any infrastructure project are going to be highly inconvenienced and usually will receive no direct benefit from the works. Therefore to protect their legal rights and rights of amenity must be a high consideration in a civilised society. My observation in the Lane Cove Tunnel project is that this concept was given lip service in form only, it was a box to tick off with no high priority. Contractual mechanisms could make this different.

Stuart Coppock