

**INQUIRY INTO IMPACT OF THE CBD AND SOUTH EAST
LIGHT RAIL PROJECT**

Name: Name suppressed

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Partially
Confidential

**SUBMISSION TO THE NSW LEGISLATIVE COUNCIL PUBLIC
ACCOUNTABILITY COMMITTEE INQUIRY INTO THE IMPACT OF THE
CBD - SE LIGHT RAIL PROJECT**

I am a resident in Surry Hills living on Bourke Street.

In this submission I will be particularly addressing terms of Reference numbers 1 (c and (d).

The project is a horrible waste of public money and has been woefully mismanaged within Transport for NSW (TfNSW). I understand that the idea of another light rail project within Sydney was first mooted by the current Lord Mayor in a meeting with the then shadow transport spokeswoman before the 2011 election and, after it was announced as a liberal election policy it was enthusiastically adopted within the bowels of the Transport Planning Division of TfNSW, at a mid-management level, where there seems to be an un-natural fetish for light rail projects.

This fetish within TfNSW for the inflexible 19th century transport technology is most notably the case with the horribly expensive CBD-SE LR project but, is even better exemplified by the Newcastle LR project where a heavy rail line, which connected that regional city to Sydney, is being ripped up only to be replaced along exactly the same route with a light rail project that will require people to make several changes of transport mode to connect with Sydney. This fails on all planning grounds as the LR project will separate the foreshore from the hinterland just as much as the pre-existing heavy rail line but, it will not offer single mode connection with Sydney.

I believe that many staff within TfNSW have misled the government about all three LR projects:

- grossly inflating the supposed transport and community benefits of each project and substantially ignoring the wider transport costs (reducing or elimination deliveries and service vehicles) of the proposals; and
- substantially and, I argue, deliberately deflating the projected financial costs of each project;
- Ignoring changes in technology that are either here or on the near horizon such as changing work patterns including more telecommuting which obviates the need to physically commute to work; point-to-point flexible small buses and, the revolution that is about to be introduced by autonomous vehicles.

I am therefore arguing that there appears to be evidence of a pattern of behaviour

within TfNSW in relation to each of these projects that should be further investigated. It appears that substantial inaccuracies have been, at least condoned, if not actually supported, at the senior management levels within TfNSW. This includes the Deputy Secretaries at the time of their formal proposition, who, as part of the agency's management committee, none of whom it seems did adequately robustly question the cases being made before the submission to the then Minister for Transport and thence to Cabinet for approval.

I could be persuaded that incompetence alone could be the reason for such failure in one case by itself but, for the failures to be repeated thrice over a couple of years appears to negate any argument for single incompetence and suggest a broader and much more worrying proposition, that the government is being knowingly misled by its bureaucracy.

Under the Australian system of government, any government must be able to rely on the veracity of the advice it is receiving from its bureaucracy and upon which it bases its decisions. Our whole mechanism of government fails when accuracy and truthfulness cannot be relied upon by the government in power.

All three light rail projects currently being pursued are an abject waste of public money.

Most damningly, the CBD-SE LR project and, the Parramatta project, will each badly damage the capability of the roads network to enable deliveries, to enable the maintenance of assets and construction of new buildings, and the removal of waste, and, the operation of emergency services, in the areas being traversed. This now evident in George Street in the Sydney CBD but, is also evident in Devonshire Street and parts of Elizabeth and Chalmers Streets, the latter of which, like parts of George Street, is being partly closed to all other vehicular traffic.

Particularly damaging is the centre-line location of the LR tracks on a road where the road is not wide enough for there to be both LR tracks and continued provision of truck-based deliveries of consumables and emergency services vehicle access along its entire length. This is the case with the CBD-SE LR project along much of its length in the City of Sydney council area. The tracks should have been laid to one side of the road centre-line, as is the case in Devonshire Street, so that in future deliveries and emergency services could occur without shutting down the LR system and offer the flexibility that a less fixated future City of Sydney administration could reopen the streets to road vehicles without the need to rip up the tracks.

Before particularly addressing the inquiry's ToR I make one other critical point. The nineteenth century tram technology was removed in most cities in the 1960s to 1970s because it fails to offer the flexibility that is required for a modern city to develop. It inhibits, complicates and makes prohibitively costly, the provision of deliveries upon which our modern society depends. It does not carry freight from warehouses to business premises including the dispersed deliveries of consumables to the increasingly dispersed small businesses that are being encouraged to start in our growing city, outside of what were previously the planning-recognised commercial centres.

Each new major apartment complex has on its ground floor a series of shops and supermarkets all of which require point-to-point deliveries and waste removal that cannot be made by trams.

The inflexibly nineteenth century tram transport technology of light rail blocks those deliveries and carries only passengers.

Now to what I believe are the prime causes of the delay in the construction schedule and, the blow-out in the cost, of the CBD-SE LR project itself. These two factors are intertwined and I have been astonished by the complete absence of comment by TfNSW as to the actual cause of both, and again, I am suggesting acts of misleading and inaccurate provision of information from within TfNSW.

Local and regional roads in NSW were under the responsibility of the Minister for Roads, Freight and Ports under the Roads Act 2009 but, that responsibility has been delegated for many years to the responsible local government authority and those local roads were therefore under the care and maintenance of the respective local governments for the areas within which the roads lie. Part of that duty of care and maintenance is the collection and maintenance of proper information of the asset, including its fitness for purpose as a road and a route for the removal of storm water.

Proper maintenance requires the keeping of accurate records of the road surface and what is under that surface. Every time the surface is disturbed accurate records of the reasons for the disturbance and what has been placed below that surface and, exactly where that was done, are part of the proper records keeping that should be maintained by the asset manager - the local council.

The City of Sydney has not maintained adequate records of what and exactly where its roads have been dug up for the installation of services such as gas, underground electricity reticulation, telephony and telecommunications services, storm water

drainage, etc.

The prime cause of the delay in the CBD-SE LR project has been directly caused by the failure of the City of Sydney to properly record what has been placed under the streets within its delegated responsibility for care and maintenance under the Roads Act 2009.

The most astonishing factor in this debacle has been the amazing silence from TfNSW that it has had to undertake lengthy investigations of what and where services were located under George Street and Devonshire Street, etc., purely because the City of Sydney has not maintained, over many years, proper records of its road assets. This need for lengthy investigation to determine what and where critical services were buried below the roads along which the LR is being built is the undoubted prime cause of both the delay and the cost blow-out of the CBD-SE LR project.

I argue that the delays and cost over-runs are almost entirely caused by the inability of the government to be able to rely on the poor records kept by successive administrations of the City of Sydney, the relevant legal roads authority, concerning what has been placed under its roads.

Not only has this poor record keeping caused delays in the construction of this project (irrespective of whether or not it is actually a sound transport project in its own right) but those delays have severely impacted on the lives of residents along, and near to, the route and those delays have ruined the livelihoods of many small business owners along and near the route.

The complaints by the City of Sydney about the damage to those lives and livelihoods along the CBD-SE LR route within the City of Sydney is one of the most amazing examples of brazen hypocrisy and disingenuous commentary that I have seen.

If compensation is payable to these people whose lives and livelihoods have been damaged or destroyed, it should be paid by the City of Sydney because of its failure to maintain proper and adequate records concerning its road assets and the conditioning that it imposed on the project by a contract it made with TfNSW in December 2013.

I referred above to the centre-line location of the LR tracks along George and Chalmers Streets etc and the way that prevents deliveries. It should be noted that if the tracks had been laid to one side of the centre-line, as is the case for Devonshire Street, and the platforms built between the tracks (as is the case with the tram system in Adelaide) there would have been sufficient room for deliveries and emergency

services vehicles to co-exist with an operational LR system. An emergency in George Street or Chalmers Street would, with the design dictated by the city council, in future, require the LR to stop operation because, unlike buses, trams cannot be rerouted past a blockage to the tracks.

This centre-line location of the tracks was a demand by the City of Sydney and is enshrined as one of its conditions in its December 2013 contractual agreement with TfNSW. Part of that agreement is that the City of Sydney would contribute \$230 million towards the project which, I believe, reflects the council's role as the project's original instigator.

As I understand it, that contract was negotiated by TfNSW and signed by Mr Chris Lock, then a Deputy Director General of Transport. I also understand that this negotiation was undertaken without the knowledge of Roads and Maritime Services even though it is the agency that is required to deal mostly with matters that are roads related under the Roads Act 2009 and within the portfolio responsibility of the Roads, Freight and Ports portfolio under the Acts Administration Act 2011, not TfNSW. I also understand that the then Minister for Roads had no knowledge that the contract, which would fundamentally affect the design and network operation of roads in and around the Sydney CBD, was being negotiated or, that it had been signed by TfNSW which, raises the question of whether it was and, potentially is still, ultra vires.

The existence of this contract was kept secret by TfNSW from the Minister for Roads, Freight and Ports and, RMS and, they only became aware of its existence when I inadvertently discovered it on the City of Sydney website about 12 months after it was signed and drew the Minister's attention to it and also to the attention of Peter Duncan CEO, RMS. This culpable and I would argue deliberate action to exclude the responsible Minister for roads, over whose portfolio the agreement has significant affect, in the communication flows must have been known to all members of the TfNSW executive at the time.

I have no reason to believe that the respective Ministers for Transport knew about this information being withheld from Roads.

This failure of the obligation of proper communication within the Transport cluster highlights the disastrous failure of the current fad of portfolio cluster arrangement where, one agency can dictate its wishes on another portfolio and agency despite the allocation of the enabling Acts to a different portfolio.

That 150 odd page December 2013 contract verifies my point that the City of Sydney

does not approach the project's current problems, and their impact on local residents and business people, with clean hands, despite its protestations.

Since I first drafted this submission I note the press reports that the council of the City of Sydney is withholding some \$60 million of its contractual payments to the project supposedly because it is worried that the project will lead to flooding along parts of George Street.

It should be understood by the Committee that one of the conditions of the above-mentioned contract between the City of Sydney and TfNSW is that there be no kerb and watertable to cater for storm water along the pedestrianised parts of George Street so, the potential future difficulties with storm water removal are entirely due to that condition, imposed by the council in the December 2013 contract. I presume that the various pedestrian tunnels under George Street which are clearly close to the road surface (the footpath used to vibrate when heavy vehicle like buses crossed over them) mean that there is limited capacity for subterranean drainage to replace the stormwater drainage capacity previously provided by the at grade kerb and watertable.

If the press reports are correct, it seems to me disingenuous of the council to now raise concerns about the consequences of a condition that it imposed on the project when it should have been fully familiar with the constraints of subterranean drainage by what it had allowed to be built under George Street. Again a failure of record keeping.

The awful landscaping along George Street and the dangerous tripping hazard of the 450mm concrete cubes scattered on the footpaths along parts of George street are the product of a joint landscaping committee between TfNSW and the City of Sydney that was also a requirement under that 2013 contractual agreement with TfNSW.

My supposition is that the unwillingness of TfNSW to adequately draw proper attention to the failings of the City of Sydney as the prime cause of both the delays in the project and the prospective cost blow-outs is the fear that the council would renege on the contribution of \$230 million if the blame was to be sheeted to its proper cause. Such allocation of blame would also have drawn attention to the disgracefully one-sided contract that TfNSW entered into with the city in 2013 to support the fetish of light rail.

My supposition that TfNSW was and still is concerned that the council would withhold its obliged payments, seems to be fully supported by the press reports of 2 July that the council is now withholding \$60million in payments that were due in

December 2017 because of inter alia drainage problems.

Another example of the abject failure of TfNSW to carry out its functions with due diligence was the tender documents for the tram vehicles themselves. These did not include readers for the ticketing system that was in the process of being introduced because it “was forgotten”! This has meant that at each stop numerous Opal ticket readers have had to be installed substantially inflating the costs of each stop and resulting in a plethora of poles cluttering the stop designs to the chagrin of the city council.

In conclusion, the CBD-SE Light project is a woeful waste of public money using a technology that is obsolete and, will become even more evidently obsolete when point-to-point public transport is introduced within the next decade, as is forecast by Minister Constance, but, the project’s current tribulations are largely the result of the poor record keeping by the City of Sydney and the many foolish requirements that the city council imposed on TfNSW by its long, many-conditioned, December 2013 written contract as part of its offer of a contribution of \$230 million to the CBD-SE light rail project which, it first proposed.