

**Submission
No 503**

**INQUIRY INTO IMPACT OF THE WESTERN HARBOUR
TUNNEL AND BEACHES LINK**

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Submission to NSW Parliamentary Inquiry - Impact of the Western Harbour Tunnel and Beaches Link

Introduction

I am a resident in the region impacted by the Beaches Link Tunnel. Until 2019, I was a resident of Serpentine Crescent, North Balgowlah, and have since sold the property and moved elsewhere.

I do not support the construction of the Western Harbour and Beaches Link Tunnels, on the basis that alternative transport solutions have not been considered, and planning has been inadequate. The Western Harbour Tunnel design funnels a large volume of additional traffic to an already over-congested pathway of the Warringah Freeway, instead of providing an alternate harbour crossing further west to the Lane Cove/Ryde region as early plans indicated. The Beaches Link Tunnel is an economically unviable project, bringing increased traffic congestion, car dependency and over-development to the Northern Beaches. The region currently has a lack of mass and well integrated public transport, and options for this were not considered at all in the project planning.

Since the project was announced in 2017, I have engaged extensively on the project; with Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), with my local MP James Griffin, with local councillors, and most importantly with my neighbours and the wider community. It has had a significant impact upon my life, requiring countless hours of work, taking time away from family and paid work, and contributing much stress and anxiety.

I have worked with and supported the community through the Balgowlah Residents Group, and currently hold the position of Treasurer.

I would also be prepared to appear before the inquiry to share my experiences.

Addressing Terms of Reference

I would like to address the following items in the terms of reference for the inquiry:

(h) whether the NSW Government should publish the base-case financial model and benefit cost ratio for the for the project and its component parts,

The Western Harbour and Beaches Link Tunnels need to be planned, assessed and justified as separate, stand-alone projects. They serve very different purposes in the transport network, and their traffic volumes, financial modelling and business cases will be very different.

The government has to date refused to publicly release the assumptions, business case and benefit-cost ratio for the Beaches Link Tunnel, including a comparison to different public transport alternatives. This transparency is essential to give the community confidence in the project.

The community are suspicious that the only way the project can be justified financially is to impose over-development of housing and a large increase to population on the Northern

Beaches, without parallel development of other infrastructure and services for those new residents.

The number of dwellings and population increases planned must be released publicly, particularly in the NSW government led Priority Growth Area of the Frenchs Forest Hospital Precinct, for all phases of the development.

(a) the adequacy of the business case for the project, including the cost benefits ratio,

Due to the Beaches Link Tunnel's business case not being released to the public, people in our community with relevant expertise made an estimate of the benefit-cost ratio. It showed a BCR of around 0.80 (using a discount rate of 7%).

Travel time savings released in the tunnel's marketing made grossly exaggerated, unrealistic claims about the number of minutes that would be saved (e.g. 38 mins Balgowlah to CBD). As the accumulated minutes of journey time saved is a component, the inaccuracy of these figures is a large risk factor in any BCR calculation. It also includes over-valued dollar benefits in both the business and public rate per hour of benefit.

During the EIS process, TfNSW staff informed us that the traffic demand data used for the EIS was from 2016 and does not consider impacts from COVID-19 on travel patterns. We were told by TfNSW staff that all changes to traffic patterns were "temporary".

(b) the adequacy of the consideration of alternative options,

There has not been consideration of other transport options such as increased public transport alternatives for either rail, tram, light rail, or bus options. There has also been no consideration of the impact of support for more active transport, increasing flexible work hours, working-from-home (WFH) or de-centralised business hubs.

An internal TfNSW memo was published by the Sydney Morning Herald on July 18, 2017, revealing a Cabinet directive for TfNSW to not consider public transport options in the planning of tolled tunnels, including both the Western Harbour and Beaches Link Tunnels. <https://www.smh.com.au/national/nsw/revealed-the-14-billion-western-harbour-tunnel-beaches-link-price-tag-20170717-gxcy6a.html>

Transparent consideration of public transport alternatives is particularly relevant for the Beaches Link Tunnel, an area currently under-served by public transport, where the tunnel leads to a "dead-end" and is not used by people transiting through the area.

Recommendation:

The full assumptions, business cases and benefit-cost ratios for the Western Harbour Tunnel and Beaches Link Tunnel must be calculated and assessed separately, using the most-up-to-date data and comparing alternative public transport options. They must be publicly released and subject to a community consultation process.

(c) the cost of the project, including the reasons for overruns,

(d) the consideration of the governance and structure of the project including the use of a 'development partner' model,

The cost per kilometre of the Beaches Link Tunnel is more expensive than any road tunnel in NSW. It includes complex engineering, large topographical differences, very deep tunnelling, and hydrological complexities – all contributing to budgetary risk for contractors, and requiring excessive contingency budgets at taxpayers' expense.

Unlike other tunnels in Sydney where construction companies have been willing to invest in the project as a whole, the 'development partner' model involves the financing and associated risk being borne by NSW taxpayers alone.

The Beaches Link Tunnel has not yet been approved, or revealed to be financed under the 'development partner' model, but traffic modelling has shown the tunnel will not generate enough traffic to be financially attractive for operation to be privatised, and will require a multi-billion dollar subsidy from NSW taxpayers unaware of this fact.

(e) the extent to which the project is meeting the original goals of the project,

The stated objectives for the tunnel projects are vague statements about reducing congestion and making journeys faster. There are no benchmarks, measurable goals, KPIs or tangible outcomes detailed upon which performance can be assessed.

Numerous transport experts have detailed how the Beaches Link Tunnel will not achieve the general objective of improving journey times to and from the Northern Beaches. This includes Dr Michelle Zeibots and Mathew Hounsell from Institute for Sustainable Futures, University of Technology Sydney (UTS) have both briefed the community and media on how induced traffic growth from the tunnel will negate any time savings in the tunnel, and how public transport would be a better alternative.

<https://www.smh.com.au/national/nsw/beaches-link-should-not-be-built-transport-expert-20181102-p50dmx.html>

The Beaches Link Tunnel EIS shows traffic projections of significantly increased traffic volumes and longer journey times within the Northern Beaches and through Neutral Bay and the North Sydney region. These delays are dismissed and suggested they will be offset by "overall network improvements" with no specifics on how these time savings will be achieved.

For example, the EIS details at Warringah Rd & Wakehurst Parkway increasing delays from 4 mins 27 secs to 10 mins 7 secs (Beaches Link EIS Chapter 9, page 41). Also delays at the intersections of Military Rd / Ben Boyd Rd / Watson St, Neutral Bay and Berry St / Walker St, North Sydney (Beaches Link EIS Appendix F Part 1, page 269). It also states "there would be some localised increase in bus travel times through the North Sydney CBD area" (Beaches Link EIS Appendix F Part 1, page 279). It also details only a modest 10% reduction in traffic volume on Military Rd, Neutral Bay.

These examples clearly show the tunnel projects do not meet a goal of decreasing travel times due to induced demand and poor network integration – a large percentage of journeys will have delays but no time saving elsewhere.

The Beaches Link EIS assessed scenarios (“Do minimum”, “Do something” and “Do something cumulative”) but did not assess a scenario with the Western Harbour Tunnel, but without the Beaches Link Tunnel. This scenario must be assessed to evaluate whether objectives are achieved without the Beaches Link Tunnel.

(f) the consultation methods and effectiveness, both with affected communities and stakeholders,

I was first alerted to the tunnel projects on the day they were announced in 2017 as part of by-election campaigns in Manly and North Sydney, when I was door-knocked by RMS staff. They handed me a short glossy brochure but could provide no detail on the tunnel location.

I attended community consultation sessions in both Mosman and Seaforth, but found the experience disappointing because the numbers of people present made it difficult to ask numerous questions, and information provided was limited, generally marketing the projects’ supposed benefits. At one point, I asked an RMS staff member “I live on Serpentine Crescent, how close is it to me?”, and he replied “Are you in the upper half? They don’t have too much to worry about.” I read between the lines and realised that plans were somewhere on my street.

The first detailed information on the Beaches Link project was revealed in the media in July 2017, with the location of tunnel portals and exhaust stacks across the road from my house. This was extremely distressing, knowing that I had made all attempts to find out about the plans, but had had information deliberately withheld from me.

I contacted my local MP, James Griffin, and met in his office on 4th August 2017, to discuss details on the project. When referring to the media reports, he stated that it was disappointing that “conspiracy theories” got out about the project, and that locations of exhaust stacks and portals had changed, so we had nothing to worry about. When the next phase of the design was released, it was shown these tunnel facilities had indeed moved – now approximately 30 metres closer to both my house and the local primary school.

I attended a community meeting at North Balgowlah Public School on 3rd August 2017 that was attended by hundreds of residents. It was presented by a team of local residents who had been assessing the tunnel planning, showing their assumptions on the location of tunnel portals and exhaust stacks, their impact on the local community, and potential design changes that would have less impact on residents. This provided far more information than had ever been provided by RMS, and gave me confidence that others in the community cared about the project too.

Some residents and I on Serpentine Crescent arranged a meeting with RMS staff and James Griffin at my home in mid-2018. Attending was RMS Air quality expert _____, who told us that pollution from vehicle exhausts would certainly increase around our homes due to surface roads and the exhaust stack in the immediate vicinity, but that levels would be within WHO guidelines, so there was not a problem.

We had effectively been told that we were going to be subject to increased pollution, exposure to lead and carcinogens with the associated increases in lung disease, heart problems, asthma and developmental problems in children – but they could get away with it because it wasn’t as bad as other parts of the world. As far as I was aware, WHO guidelines

were a benchmark for countries in worse situations to strive to achieve, not a bare minimum for better off countries to be allowed to drop to.

In official published materials, RMS informed residents in very general terms about air quality impacts, using phrases like “the exhaust air is indistinguishable from surrounding air”, and that “air quality will be better because traffic is not congested”. These statements are more than marketing spin, and closer to outright lies told to the community.

A new draft reference design was released by RMS in October 2018, with significant changes to Balgowlah portal design, taking over the whole Balgowlah Golf Course as a construction site, and impacting many more residents than previous designs.

RMS consultation processes were entirely unsatisfactory to give the community information they needed on it's impacts, and subsequent confidence in the project.

Community consultation sessions were held locally, and I attended a session at Club Totem. In the session, there were too many people crowded inside, it was impossible to ask questions and hear answers, and some attendees were clearly drunk but still admitted. Some RMS staff at the session knew absolutely nothing about the project, others were simply out of their depth and couldn't cope with the numbers of people around them. Any information that was provided was spruiking the perceived positive aspects of the project, such as travel time savings, green bridges, bike paths etc. Any objections stated to the main components of the project such as construction impacts, air quality and exhaust stack locations were dismissed as being undecided or not available.

When talking to other residents afterwards, we found that the answers received were inconsistent and contradictory – if you talk to different RMS people, or even the same person on different days, you will get a different answer. The community received different answers about why houses needed to be acquired, different figures on traffic data and projected demand (and also told this info was cabinet-in-confidence so we couldn't be told this info), been told traffic signals were both final and not final in the design, and that air quality from the exhaust stacks would be both indistinguishable from surrounding air quality and be a measurable reduction – amongst many other examples. This ultimately meant that some residents were being told incorrect information.

Our community group conducted a brief survey with over 700 residents in late 2018, and asked people their level of satisfaction with the RMS process of community consultation. Of those who had interacted with RMS (or would have liked to), 63% said they were dissatisfied with the process and responsiveness, and only 14% said they were satisfied. People reported that the process is frustrating, simply a box-ticking or marketing exercise, feel all their submissions are falling on deaf ears.

The Beaches Link EIS was released in December 2020, and was closely followed by the Northern Beaches COVID-19 cluster, requiring a 2 week lock-down and subsequent limitations on gatherings. Our community group made a formal application to extend the EIS consultation period due to COVID-19 restrictions, but it was rejected as insufficient justification.

The experience of community consultation through this period was very poor, particularly in comparison to previous experiences. There were no face-to-face community consultation sessions due to COVID-19 restrictions, only online sessions conducted via Zoom. The sessions allowed no discussion with TfNSW staff, and queries could only be posted via the software's chat feature. I asked if the Q&A from the chat feature would be available after the session and was told that it would, however it was not made available.

I made my own copy, and analysed the content of the Q&A – only 43% of queries received a reply, and the majority of these were simply a note to listen to the presentation as your question may be answered within it, or to later refer to TfNSW's FAQ page. It is most likely that the one moderator employed did not have sufficient time to address queries properly. Ultimately most questions posed were not addressed in either the presentation, or FAQ page; it seemed simply a method to turn queries away. In general, complex questions did not receive a response at all, showing the complete inadequacy of the format.

Other options available to engage with TfNSW were via email or phone, and neither provided adequate information. Emails sent to TfNSW took up to 2 weeks to receive a reply, and needed to be followed up via phone to receive a response. In the reply, often complex questions received only an instruction to refer to a particular chapter in the EIS, so were not adequately addressed. When calling the 1800 number, staff answering had limited information at hand and could not answer technical questions, but would pass the questions to more appropriate staff to give feedback via email. Email correspondence is also unsuitable for complex questions from the community, as it lacks the to-and-fro conversation available via phone or in person.

I was informed by TfNSW "Please note that due to the large volume of enquiries we have been receiving ahead of the submission deadline, we may not be able to get back to you before the close of business on Monday 1st March", and received an answer to one of my queries via email at 5:02pm on Monday 1st March. Clearly, TfNSW were unprepared for the volume of questions, understaffed to be able to process them, and many in the community had queries left unanswered.

The difficulty in getting access to complex information I required for my EIS submission left me extremely frustrated, annoyed and cynical with the process. I know many in the community simply gave up trying to have their questions answered, believing the government didn't care what they thought anyway.

Throughout the planning process, tunnel designs have changed unexpectedly, including moving the location of tunnel portal openings and exhaust stacks. The marketing material published with the August 2018 reference design stated the tunnel was "further away from schools and homes... reducing the number of homes needing acquisition". Premier Berejiklian also stated at the time that exhaust stacks will be "now away from schools, away from where people live". <https://www.abc.net.au/news/2018-07-26/nsw-government-says-tunnel-will-slash-travel-time-from-beaches/10040140>

However, the subsequent final design (published late 2019) required many more homes to be acquired in Dudley St, and moved the tunnel closer to homes and schools. Features that are used at one point to show how they are improving the project, are later revoked. This

has revealed to the community the amount of political marketing involved, which should have no place in the planning process.

Ultimately this has meant residents have had no certainty to plan and live their lives. A design published that may have minimal impact is suddenly changed, with no explanation provided on why the original design was inadequate.

Over the period 2017 to 2019, having spent extensive hours dealing with RMS and government representatives, I suffered increasing impacts to my mental health. I suffered panic attacks for the first time in my life, developed insomnia and generalised anxiety, and needed to seek medical help for these conditions. They were overwhelmingly caused by the uncertainty of tunnel planning and deceptive behaviour from RMS and government representatives.

I found the only solace and relief came from joining together with the community, sharing my thoughts and feelings with people in similar circumstances, and becoming empowered to have an influence upon the project planning. Under the normal RMS community consultation process, I felt only disempowered and disillusioned.

The Balgowlah Residents Group have organised several town hall style meetings and run a webinar via Zoom during the EIS consultation period – some in conjunction with local council, some run by our own community group. RMS staff attended some of these meetings, but always refused to speak or answer questions. I believe that a town hall style of meeting is the best format to provide clear and consistent information to a large number of residents at once, and allow questions from residents to be answered and shared.

I suggest these are actually not the goals for RMS / TfNSW community consultation. Having engaged in many interactions, I believe the actual goals are to keep the community isolated, knowing as little about the project as possible in the early stages, and to keep the community quiet. The goal seems to be to only give the impression they are engaging in good faith, dismissing negative consequences of a project as not yet decided, using small or insignificant modifications as evidence “we are listening”, and then presenting the project as already a “done deal”.

(g) the extent to which changes in population growth, work and travel patterns due to the Covid-19 pandemic have impacted on the original cost benefit ratio,

The changes to travel and work patterns as a result of COVID-19 impacts have not been considered in any traffic modelling, business case, or benefit-cost ratio. TfNSW staff indicated in an online community consultation session that the changes to travel patterns evidenced in 2020 and 2021, were “temporary”, and that they didn’t need to consider such changes.

This is contrary to extensive research demonstrating the long-term take up of work-from-home changes, and Opal Card data demonstrating the shift from public transport to private vehicles, that will move again when COVID-19 risk is minimal.

<https://www.smh.com.au/national/road-traffic-returns-to-pre-covid-levels-as-commuters-shun-public-transport-20210129-p56xw7.html>

Research from Institute of Transport and Logistics Studies (ITLS), University of Sydney

<https://www.sydney.edu.au/news-opinion/news/2020/09/28/australians-want-to-work-from-home-more-post-covid.html>

(i) whether the project is subject to the appropriate levels of transparency and accountability that would be expected of a project delivered by a public sector body,

Transport Minister Andrew Constance has stated publicly on multiple occasions that his aim is for contracts for the Beaches Link Tunnel to be signed before the state election in 2023. These statements were prior to the EIS process, and have given the community no faith in a transparent planning process to assess projects fairly. It is seen that the Minister has already decided that it will be built, without any detailed planning information available to him.

This arrogant stance from the Minister also puts undue pressure on government departments involved (including Department of Planning, Industry and Environment (DPIE)) to rush the process, cut corners and make a “favourable” determination that won’t place their jobs at risk.

(j) the impact on the environment, including marine ecosystems,

I have read and endorse submissions from Save Manly Dam Committee and Baringa Bush Residents’ Group in detailing the impacts to the local environment from the tunnel projects.

We have found the EIS documents are severely limited in addressing numerous environmental impacts; there seems to be an attitude of “she’ll be right” and “we’ll be able to cover that up if it happens” to planning assessments.

The impact on the local environment will be huge to the community with open green space permanently removed, including over 2500 established trees without local biodiversity offsets. Water table impacts in North Balgowlah and Seaforth and falls of up to 96% of natural groundwater flows into Burnt Bridge Creek are not fully addressed or mitigated. The community needs to know what the impact will be from the local creek becoming nothing more than a stormwater drain, and what impact the dropping of the water table will have on all large trees in the streets and gardens of the suburb. Will these trees simply die? Or will they seek another water source and crack drains and plumbing to be fixed at residents’ expense?

We know the impacts to the Grey-headed Flying Fox camp at Balgowlah have not been adequately addressed in the EIS process. The EIS stated that the flying-foxes “may” not be impacted by construction noise, as they live in an urban environment (Beaches Link EIS Chapter 19, pages 63-64), and that a person ‘experienced in flying-fox behaviour’ would be contracted to monitor the camp for impacts.

The Ku-ring-gai Bat Conservation Society contributed a scathing submission to the EIS, condemning the planning as inadequate, based on no expertise in the area, and that plans would likely lead to numerous flying-fox deaths, and/or abandoning the camp entirely.

We also know that the Beaches Link Tunnel will contribute significantly to greenhouse gas emissions both during construction and operationally. The EIS stated yearly operational emissions of 45.3 kt in 2027, then rising each year to 52.5 kt in 2037, which equates to 0.04% of total NSW emissions per year - just from the one road. Construction has been estimated to contribute approximately 1.3% of NSW yearly emissions.

It is clear greenhouse gas emissions are significantly increased from investment in this project, compared to increased investment in public transport in the form of electric buses

or trackless trams for the region. The project is not consistent with NSW greenhouse gas emissions reduction policy and Net Zero by 2050 goals to deal with climate change.

(k) the adequacy of processes for accessing and responding to noise, vibration and other impacts on residents, during construction and operationally,

Reading the Beaches Link EIS documents, it reveals protections for residents and schools from noise, vibrations, dust and traffic are vague and/or inadequate. The 2018 Parliamentary Inquiry into the WestConnex Project found “That the various noise mitigation measures offered by Roads and Maritime Services are wholly inadequate to substantially reduce heavy construction noise.” (Finding 14). No tangible improvements to the process have been evidenced to give residents confidence if these tunnel projects are built.

Under current guidelines detailed in the EIS, the onus is upon residents to both know what restrictions to noise levels exist, the time of use permitted, or choice of equipment / method applies to each construction activity. It also requires residents to be in a position to lodge a complaint when construction activities are occurring in breach of restrictions. Residents have no input into these “agreed” restrictions, but are expected to understand them and be the watchdog to protect themselves. It should not be a resident’s responsibility to monitor TfNSW’s worksites.

Numerous examples can be found from similar recent projects of contractors breaking restrictions during construction, and residents’ frustrations and difficulties with negotiating the complaints process. Imagine elderly or vulnerable residents, being unable to sleep due to excessive construction noise, calling a phone number in the middle of the night to complain - only to be told to provide evidence of the noise, that it would be processed only in the next few business days, and lead to a statement that there was no evidence available of a breach of noise restrictions. Who would find this acceptable?

In regards to operational impacts, hundreds of residents in the area around tunnel portals will suffer increased pollution from the tunnel exhaust stacks, increased traffic and rat-running (and associated surface road pollution), and extra noise and light. Due to topography in the area, many residents will not benefit from suggested mitigation strategies such as noise walls. The impact without appropriate mitigation strategies is simply put in to “too hard basket”, so nothing is available for these residents.

The calls for filtration on exhaust stacks across all tunnels in Sydney (as built to world-best standard overseas) have been repeatedly dismissed by government as too expensive – the known impacts to public health from increased pollution are simply not significant enough to force a reduction in tunnel operators’ profit margin. Has the experience of COVID-19 not put a clear value on our lives?

Recommendation:

A fully independent advocate or arbitrator must be appointed to work on behalf of residents and the community, appointed external to government to ensure independence. They would work onsite during both standard hours of construction and out of hours construction to monitor contractor compliance with regards to noise, vibration, choice of

machinery, night work, worker parking and truck movements, and hold stop work powers if breaches to appropriate work conditions are found.

(m) any other related matter.

I have read and endorse the submission to this inquiry made by Mr John Gray, a resident of Dudley St, Balgowlah, who explains his experiences of the compulsory acquisition process. The treatment of John and his wife by TfNSW and their representatives has been devastating and show the complete injustice of the current process, particularly considering such issues were meant to be resolved since the experiences of homeowners acquired for WestConnex. It demonstrates there has not been a true willingness to improve the process for people affected, only that a need to appear to be doing so.

My own experiences of being a homeowner in the vicinity of the project footprint has had a profound impact upon my day-to day life and mental health.

In the early stages of the project, the method of community liaison and planning led me to feel frustrated, isolated and anxious, with RMS communication deliberately withholding information. It was designed to keep interactions on a one-to-one basis, so residents could not organise and share information easily.

My home was located very closely to the project footprint - within 50-200m in various designs - and running my own business from home everyday, led me to decide early that we could not stay in our home if the project were to proceed.

We attempted to sell our home in late 2017-early 2018, but could not achieve normal market value for the property. Both RMS publicity and media reports were readily available, some naming Serpentine Crescent as being highly affected, so all serious potential buyers were aware of the tunnel plans.

During 2017-2018, my experiences liaising with both RMS and our local MP James Griffin were frustrating and disillusioning. It felt we were simply "being managed to be quiet"; our concerns were dismissed, our suggestions for design improvements ignored, while publicly, government was pushing the message that they were "listening to the community".

We put our home on the market again in August 2019 and eventually sold the property. Again, all potential buyers were informed about the tunnel plans and current design, and ultimately our home was de-valued by approximately 8-10% - as estimated by our real estate agent prior, and as shown in the price achieved. When stamp duty on a new property is also taken into account, the experience has cost us approximately \$300,000.

I consider myself lucky that I could afford this cost; I know many in the community who cannot afford to sell, and must stay in their homes through construction. I also think about the people who purchased my previous home and will live in it during construction. RMS / TfNSW staff and government representatives state frequently that property values will increase because of the increased transport links when the tunnel is complete – but we know this is simply not true for many residents due to their proximity to the tunnel portal, and exposure to increased pollution and loss of visual amenity from exhaust stacks.

No compensation is offered to residents in situations such as mine, whether they decide to sell and pay the financial cost, or to stay and suffer the continuing devaluation of their biggest asset.

I thank the members of the committee for the support and opportunity from this NSW Parliamentary Inquiry. We value the transparency and accountability that can be achieved through this process, and know it's importance to our democracy.

Nerissa Levy