

**REPORT OF PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON THE CROSS CITY TUNNEL**

**INQUIRY INTO THE LANE COVE TUNNEL**

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**At Sydney on Thursday 15 June 2006**

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**The Committee met at 9.00 a.m.**

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**PRESENT**

Reverend the Hon. F. J. Nile (Chair)

**Legislative Council**

The Hon. A. R. Fazio  
The Hon. G. S. Pearce  
Ms L. Rhiannon

**Legislative Assembly**

Mr M. J. Daley  
Mr A. J. Constance  
Mr S. B. S. Pringle  
Ms K. K. Keneally

**DAVID ALAN POOLE**, Executive Director, Urban Development Institute of Australia, Suite 1.03, 37-41 Oxford Street, Epping, and

**STEVEN ANTHONY COY**, Senior Executive, Ford Land Company, 231 Pacific Highway, North Sydney, sworn and examined:

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Dr POOLE:** Yes.

**Mr COY:** Yes.

**CHAIR:** Welcome to the second public hearing of the Joint Select Committee on the Cross City Tunnel's inquiry into the Lane Cove Tunnel. Before we commence I would like to make some comments about procedure for today's hearing. It is possible that some questions directed to witnesses today may involve issues that may be considered commercial in confidence. If you are concerned that certain answers to questions are a matter of commercial in confidence, you may request that part of your evidence be heard in camera, which is a confidential meeting of the Committee. The Committee normally accedes to this request and will then exclude the public and the media from the hearing. Transcripts of this evidence are confidential. I must advise that the Legislative Council can reverse the decision of the Committee; however, this is extremely rare.

The Committee has also previously resolved to authorise the media to broadcast sound and video excerpts of the public hearings. Copies of guidelines covering the broadcast of proceedings are available from the table by the door. Witnesses, members and their staff are advised that any messages should be delivered through the attendants or the Committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person.

The Committee prefers to conduct its hearings in public. However, the Committee may decide to hear certain evidence in private if there is a need to do so. If such a case arises, I will ask the public and the media to leave the room for a short period. If any of the witnesses should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do either of you wish to make an opening statement?

**Dr POOLE:** Thank you, Mr Chairman and honourable members, for the opportunity to address you this morning. I represent the Urban Development Institute of Australia [UDIA]. We have about 500 organisational members across the State, from major developer companies such as Australand, Stockland, Lend Lease, Mirvac, A. V. Jennings and Landcom, to local government and consultant organisations. One of our corporate members is the Ford Land Company, and Steven Coy represents that member company today. The Ford Land Company has a range of industrial and commercial land and development interests. It is a major landholder within the Lane Cove West Business Park, and thus the reason for our attendance today. It also has significant interest in areas such as Seven Hills, North Sydney, Rosebery, Prospect, and elsewhere.

The UDIA's interests primarily arise from the fact that we have a very deep interest in the implementation of the Metro Strategy. As you would be aware, the Metro Strategy has a significant employment dimension to it, including employment lands and employment corridors. One of those is the global economic corridor, which roughly runs from Macquarie University through to the airport. The land in question, the Lane Cove West Business Park, is smack-bang in the middle of that global economic corridor.

We have some concerns based on the proposed plans for the Lane Cove tunnel and what it means for the surrounding roads in terms of the potential detrimental impacts for employment and the lifestyle of those who are currently employed in the Lane Cove West Business Park. Hopefully with your permission, Mr Chairman, I left a copy of an aerial photograph in front of each member, indicating the scope and size of the Lane Cove West Business Park, a business park that employs

several thousand people, amongst whom its major tenants include S. C. Johnson, thus the road Sam Johnson Way, being the main feeder road, the only road into and out of the Lane Cove West Business Park from Epping Road; Samsung; Cochlear; Doubleday; and a range of other very significant Australian and international organisations.

In broad terms, our key issue is whether the opening of a tunnel and the simultaneous closure of existing car lanes on Epping Road will impact detrimentally on the employers and staff of the Lane Cove West Business Park, both now and in the future. We think the answer to that question is yes, that it will. Why is that the outcome? In brief, I think that the traffic modelling undertaken to date indicates that very clearly. The consortium, the Roads and Traffic Authority, and the environmental impact statement for the tunnel all predict up to a maximum 60 per cent traffic reduction on Epping Road. Down to one lane in each direction, its capacity will be around 1,350 vehicles per hour. But the 60 per cent maximum traffic reduction from Epping Road still leaves at least 1,500 vehicles per hour during the peak periods eastwards and 1,700 vehicles per hour in the peak period moving westwards in the afternoon and evening. Those numbers are prior to an estimate of 3 per cent growth each year in traffic volumes along the road. As a matter of interest, of these, between 800 and 1,000 vehicles are estimated to travel from Epping Road into Sam Johnson Way to access the business park during these periods.

There is another way of looking at it. For Epping Road to be used at less than maximum capacity with single lanes, there must be a minimum 90 per cent use of the tunnel by vehicles that have the potential to use the tunnel. So there must be a minimum of 90 per cent in the take-up of vehicles that might use the tunnel, if the usage of Epping Road is going to be less than its maximum capacity. But that is based on the 2004 figures. Based on our 2006 figures, that capacity has already been breached, with 90 per cent of possible vehicles using the tunnel. The bottom line for us is that the capacity of Epping Road will always be exceeded one way or another, particularly westwards, given the increase there in the afternoon, even with 90 per cent or more usage of the tunnel.

As I mentioned, there are significant employers in the area. There is potential for employment expansion in the Lane Cove West Business Park. Both Ford Land and other organisations have the capacity to significantly increase their development in that area, and the traffic modelling accepts that there will be increases in and out of the Lane Cove West Business Park. There is a slipway, a separate lane coming from the east moving west, that one can use to drive along to get into the Lane Cove West Business Park and into Sam Johnson Way. It is proposed to be deleted, based on the traffic propositions that have been presented. That presents some problems, because anybody who is banked back will obviously have to wait a considerable additional time to access the business park.

As an aside, we also think that while the cycleway in the area is valid, there should be, and there probably are, other alternatives. You may have received evidence about this from Lane Cove Council yesterday. The local roads to the north of Epping Road seem to have the potential to carry a cycleway. With an estimated six cycles per hour during peak times using the road at the moment, and their proximity to the fumes and so on, which will be there particularly if cars are bumper to bumper, there are some question marks about it is positioning in any event I think.

In summary, before I pass to Mr Coy for some brief comments, I travelled along Epping Road to come here this morning, and I travel it regularly, as probably all of us do from time to time. When I think of similar roads where new options have been put in elsewhere, I think of the M4 at Parramatta. There is still congestion around the Great Western Highway close to Parramatta and Parramatta Road during the peak periods. I also think of the M2. Yet, the congestion on Carlingford Road heading towards Epping and Pennant Hills Road is still very significant, both in morning and afternoon peak periods. I do not think any of us who travel Epping Road regularly can imagine this wonderful, flowing road of single lanes over the tunnel at any time, but particularly during peak periods. For those reasons, I commend our issues to you. I now pass to Mr Coy.

**Mr COY:** Mr Chairman and Committee members, the UDIA does a sterling job, so I hope I am not going to repeat too much of what Dr Poole has already said. Many property owners and businesses in the Lane Cove West Business Park are deeply concerned as to the serious and detrimental impact on the viability of the Lane Cove West Business Park that will result from the proposed changes to Epping Road following the opening of the Lane Cove tunnel. As you will see from the aerial photograph, the only way in and out is Sam Johnson Way, off Epping Road; there is no

other way in and out. For a number of years it has been a problem for people to get onto Epping Road. We were all looking forward to the opening of the tunnel, because we all thought that Epping Road would remain as is and we could simply drive down the bottom of Sam Johnson Way and have a lovely drive down to either the city or the north west of Sydney. So, when in July of last year the tunnel consortium exhibited sub-plan C, we were shocked to discover that it was going to be reduced to one general traffic lane in each direction, a dedicated bus lane and a cycleway.

No notification at all was given to anyone as to this. We came across it because we looked at the web site. Otherwise we probably would not have spotted it. When we did discover it we got together with a number of owners and businesses who, as I say, were deeply concerned. One of the owners there did some traffic studies to do with a development application they had in 2004. It was prior to the knowledge of what was going to happen, and these traffic figures gave counts of the intersection of Sam Johnson Way and Epping Road. Using those figures and assimilating them with the impact that will happen with one single traffic lane on Epping Road following the opening of the tunnel, the tunnel operators and the EIS and the Roads and Traffic Authority [RTA] all predict up to 60 per cent reduction in traffic on Epping Road. That is, up to. So, based on the 2004 figures of the eastbound a. m. traffic, coming from the north-west towards the city, there were 3,565 vehicles in the peak a. m. traffic hour. Take away 60 per cent of that and you have 1,426 vehicles left. That is in 2004. The traffic capacity of a single lane on Epping Road, according to the experts, is about 1,400 vehicles per hour. So, already, based on the 2004 figures, it is not going to cope with that capacity.

The RTA, I believe, did some figures in 1999-2000. They showed, based on the 2004 counts, that the growth in traffic between 1999 and 2000 was 3 per cent per annum. Using that 3 per cent per annum growth in traffic, in 2007, when we are told the tunnel will open, there will be 3,896 vehicle movements on Epping Road. So, if you take 40 per cent of that it will be about 10 per cent under capacity, right from the day the tunnel opens. From day one, the traffic capacity will be congested. So, we are obviously pretty concerned that from day one it will be worse than it is now. That is going eastbound. Going westbound it is even worse. There are more vehicle movements, and from day one it will be 24 per cent under capacity.

Bear in mind these figures are based on the 60 per cent usage of the tunnel. Anything less than 60 per cent and it will be worse. As each year goes by, with traffic growth at, say, 3 per cent per annum, you will get more and more congestion. This is obviously of great concern to us. As Dr Poole alluded to, the traffic counts that were done for this development application in 2004 looked at the volume of traffic coming into Sam Johnson Way, and in 2004, 850 vehicles were coming in in the peak hour, evening and morning. In addition, traffic has to go into Centennial Avenue.

So if you come from the west and want to go into Centennial Avenue to go to Hunters Hill, you cannot use the Lane Cove Tunnel, or if you want to go to the Longueville Road shops you cannot use the tunnel to get there either, or if you simply want to go to your home, if you are a resident, you cannot use the tunnel, you have to use Epping Road. Based on information provided by the council, this would add another 10 per cent to the general traffic. So, on 2004 figures you are looking at about 1,100 cars in the peak hour that cannot use the tunnel; they have to use Epping Road just to get to their destinations. So, you have only about 300 cars left to reach capacity for those who do not want to pay the toll or want to go somewhere else. It is just not going to cut it. That is our main concern.

As Dr Poole has alluded to, about 6,000 people, we think, work in the Lane Cove West Business Park. Cochlear is one of our tenants and it has 660 people. It is a fantastic company. It does a lot of good for Australia in trade and has a fantastic product. Doubleday Australia, big publishers, has been there for 20 years with about 200 people. It has been to meetings. We have all had meetings with the Minister for Roads in September last year. We tried to see the RTA but it seemed to have its head in the sand, I am afraid. We met with the chief executive of the Lane Cove Tunnel. We met with representatives of Thiess John Holland, with Leightons. They were all sympathetic and listened to what we had to say, but they say the problem is with the RTA. Anything on the surface the RTA has to decide on.

So, our request is that something be done to get the RTA to act on this. It really is a serious problem. There is going to be congestion from day one. As Dr Poole has alluded to, it is part of this growth corridor. There is potential for more growth in this area. It is attracting some good quality companies. It is a nice environment to work in, and people like being there. Doubleday, I know from

its managing director, has been there a long time and likes it. It is a nice environment to work in. It would be a shame if staff had trouble getting to work in the morning and leaving at night. It would be a real shame if companies had trouble getting their goods in and out, because then they would leave, and Lane Cove West Business Park would obviously deteriorate. That is our concern. We consider that it is essential that there be two general lanes of traffic on Epping Road in each direction and that the slipway coming from the east be maintained.

**CHAIR:** Our Committee drove through the business park looking at the vent. I noticed there are a lot of for sale signs on vacant blocks, so obviously there will be further development. I noticed as we came out onto Epping Road there were lights, obviously. If those rights give precedence to traffic on Epping Road, how long do you think employees in that business park would have to wait at 5 o'clock to enter?

**Mr COY:** This is a problem now. It has always had this stigma of getting onto Epping Road. That is why we were all looking forward to the opening of the tunnel, but when we found that Epping Road was going to be reduced to one lane we were in horror. It is a stigma. There is only one road in and out. There was some press on the Cross City Tunnel last December and all of a sudden the Lane Cove scenario what talked about. We have had a number of prospective tenants—I can name one or two, reasonable sized tenants—who said, "We do not want to go to Lane Cove West. We have heard about these looming traffic problems." We just want it to get fixed.

**CHAIR:** There has been talk about Epping Road being reduced to one lane for some time. You said you only found out about it last September?

**Mr COY:** No, last June, I think it was. One of the staff discovered it when he was looking at the Lane Cove Tunnel web site, when subplan (c) was being exhibited. It was hard to get hold of a plan that showed what was going to happen.

**CHAIR:** Obviously in the consultation process you had no need to argue about the problem because you did not think it would be a problem?

**Mr COY:** No, we all thought it would be great. We all thought the tunnel would open and Epping Road would stay the same. It was only last year, when we discovered from this subplan (c) that there was going to be one lane generally between Mowbray Road and Centennial Avenue.

**CHAIR:** So your proposition is that it should not be cut to one lane but left as it is?

**Mr COY:** Yes. There was an interview on the radio. I think one of the Ministers for Transport was being interviewed and someone rang up from their car and said, "I cannot understand how it is going to make a difference. At the moment there are three lanes on Epping Road in each direction and now you are going to put two lanes in the tunnel and keep one lane on Epping Road. There will still be only three lanes. It does not add up."

**Mr MICHAEL DALEY:** It is three lanes for most of the way in the tunnel—70 per cent and 60 per cent eastbound and westbound.

**The Hon. GREG PEARCE:** That is if you can drive through the stone to get to the first lane, to the entrance.

**Mr MICHAEL DALEY:** That is not true.

**Mr COY:** We were under the impression it was two lanes and in parts it was three lanes.

**The Hon. GREG PEARCE:** The Labor Party has decided it is three lanes now.

**Mr MICHAEL DALEY:** For the majority of the tunnel, in both directions it is three lanes—the majority of the way.

**The Hon. GREG PEARCE:** This line is going to go down really well with the public when they start driving through it.

**Dr POOLE:** With respect, even with three lanes going to two, we know what that causes. On the M2 at the moment, when the roads from Windsor Road and Pennant Hills Road join with the M2 of a morning the congestion is in the three into two situation.

**Mr MICHAEL DALEY:** It is not three into two; it is two into three. It expands in the tunnel.

**The Hon. GREG PEARCE:** So you piggyback one car on the two lanes going into the tunnel and then that one can jump off—

**CHAIR:** Can we just let the witnesses finish their evidence without any commentary from the Committee.

**Mr STEVEN PRINGLE:** Dr Poole, you mentioned the metro strategy. As part of that we have a continuing major development in the north-west, in the Rouse Hill, Mungerie Park area. Are you concerned that with the additional housing that will be coming there and, of course, the increased population that also would have to be using at some stage the Lane Cove Tunnel or Epping Road, how that will impact on this industrial park?

**Dr POOLE:** Yes, Mr Pringle. Not a possibility, but the fact that we will see massive development in the north-west. The north-west will have 90,000 new lots over the next decade. I live in Quakers Hill. It is hardly north-west, it is more west than north-west. Yet, every day I come into the city I come via the M2 and Epping Road because every other alternative is a complete disaster. There is no other alternative. Today, from the north-west—and we see it even with the busways, and the transitways will be taken up by this as well—the reality is that from the north-west there really is no other option to the city. In the absence of a heavy rail line to Rouse Hill, which is still some way off, the bottom line is that most of that transport—if not the vast majority—will be via car, with some buses, using that very route.

**Mr STEVEN PRINGLE:** So your preferred option appears to be to just leave Epping Road essentially as it is?

**Dr POOLE:** If you do not leave Epping Road as it is or at least leave two car lanes in each direction—given that there is an additional transitway at the moment which presumably could be used as the busway—Epping Road is going to be an unmitigated disaster, and metro strategy's employment elements will founder because there are implications not just for Lane Cove West Business Park but for access to the city from the rest of the global economic corridor eastwards back towards Macquarie University, who will need to go in and out of the city with great regularity.

**Mr STEVEN PRINGLE:** Dr Poole, are you concerned that this might impact adversely on employment growth and force further companies to Queensland or Victoria?

**Dr POOLE:** Yes. It will work against balanced employment growth across the city regions. As you know, metro strategy has a number of subregional strategies that have both residential and employment targets. Those targets will be compromised, particularly the employment targets, for subregions like the North Ryde through to Lane Cove sub-sector, unless the infrastructure is right. That is the bottom line.

**Mr ANDREW CONSTANCE:** Referring to Lane Cove West Business Park, do you find it extraordinary that in the development of the project the Roads and Traffic Authority [RTA] did not consult with businesses within that industrial park, particularly in relation to Epping Road? There was no consultation whatsoever about what impact it could have on businesses. Do you find it extraordinary that the RTA did not even bother to talk to individuals or representatives of the industrial park?

**Mr COY:** Quite incredible. Not to wish any detriment to cyclists, it seems that the cyclists' needs have been taken into account. As I understand it—and this is only hearsay—the environmental impact statement [EIS] for this tunnel showed that there were six cyclists per hour in the peak hour.

But no-one seems to have taken into account or seems to have thought of the 6,000 people or so who work in Lane Cove West Business Park.

**Mr ANDREW CONSTANCE:** In relation to this concept of a bus lane which, in essence, has been driven by the RTA—it is the RTA's brainchild—have any studies been done of employees in the area about who might access that public transport?

**Mr COY:** Public transport would have been welcome indeed. In Lane Cove West Business Park there are two bus services. They are in the morning and the evening peaks. One goes to Chatswood and one goes to Queen Victoria Building. Lane Cove council put on a shuttle bus that runs between Lane Cove West Business Park and Longueville Road shopping area.

**Mr ANDREW CONSTANCE:** As I understand it, the buses do not travel 24 hours a day along that route.

**Mr COY:** No.

**Mr ANDREW CONSTANCE:** At what times do the buses travel?

**Mr COY:** In the morning peak they leave Chatswood and get to Lane Cove round about 7 o'clock.

**Mr ANDREW CONSTANCE:** What would be the purpose of a 24-hour bus lane if buses are not running 24 hours?

**Mr COY:** Presumably to take buses on other routes going to Pittwater Road and presumably coming to Epping from Chatswood.

**Mr ANDREW CONSTANCE:** So far as you are aware no surveys were conducted of any employees or businesses as to who might access public transport?

**Mr COY:** None to my knowledge. The original discussion on the tunnel was really to do with the smoke stack, air quality and that kind of thing. A number of people were running around raising that as a big issue. Certainly there was no talk or mention of a reduction in lanes on Epping Road.

**CHAIR:** From where do you think the pressure has come to reduce the lanes? Is that the consortium's proposal to the RTA?

**Mr COY:** Presumably.

**Dr POOLE:** I would think so.

**Mr COY:** I am not a road or traffic expert but, based on what one hears of the cross-city tunnel, it is designed just to funnel traffic into the tunnel.

**CHAIR:** Do you think that is the ulterior motive?

**Mr COY:** I cannot think what other reason there would be. Why would you want to reduce Epping Road? I can see some sense in a bus lane.

**Mr MICHAEL DALEY:** I am concerned with this premise that has suddenly arisen that these road closures are—

**Mr ANDREW CONSTANCE:** Are you going to ask a question or are you going to make a statement?

**CHAIR:** Let Mr Daley ask his questions.

**Mr MICHAEL DALEY:** Is it the case that current road configurations were contained in the 2001 EIS, which has been around for five years? Did you gentlemen ever read the EIS?

**Dr POOLE:** With respect, Mr Daley, we are living in 2006. There are processes of consultation that I think are not unreasonable.

**Mr MICHAEL DALEY:** You are the leader of a peak body representing 8,000 businesses.

**Dr POOLE:** Sure.

**Mr MICHAEL DALEY:** Presumably you are being handsomely remunerated for your efforts. Are you telling me that you did not take the time to read the primary document relating to this project?

**Dr POOLE:** We were requested by our members to be involved in this issue several months ago. There are thousands of discrete issues relating to urban development—

**Mr MICHAEL DALEY:** It was seven months ago. Is that all?

**Dr POOLE:** When they learned of it in the middle of last year, a completely inappropriate time to learn of something like this in the absence of consultation—

**Mr MICHAEL DALEY:** My question was directed to Mr Coy. Dr Poole has been involved in this project only for a few months. Mr Coy, presumably your business has been in the park for quite some time. Did you not have a look at the EIS, given that it was the primary document on which the contract was founded?

**Mr COY:** No. We bought the property, and spent a lot of money of it subsequently, in 2001. To my knowledge, in acquiring the property, there was no disclosure and none of the searches revealed the changes to Epping Road.

**Mr MICHAEL DALEY:** Which searches?

**Mr COY:** Property searches.

**Mr MICHAEL DALEY:** We are talking about what is contained in the EIS. It is quite clearly spelled out in the EIS what the current road configurations would be.

**Mr COY:** To my knowledge the EIS was published in about 2000.

**Mr MICHAEL DALEY:** It was published in 2000-01.

**Mr COY:** So that would have been at the time the property was acquired. Other owners in the area were not made aware of it. Can I just say this—

**Mr MICHAEL DALEY:** They are professional businesses. They do not need someone to knock on their door, do they?

**Mr ANDREW CONSTANCE:** That is what the Government and the RTA should have done in the first place.

**CHAIR:** Opposition members will let Mr Daley finalise his question.

**Mr MICHAEL DALEY:** If they were interested in the environment— they were carrying out multimillion dollar trading activities—would they not go to the web site, call the RTA, conduct their own searches and come here informed about what is supposed to have happened since 2001?

**Dr POOLE:** Perhaps in an ideal world the answer would be yes. But I do not represent every company in my organisation. Hundreds of environmental impact statements are completed in this State every year.

**Mr MICHAEL DALEY:** Not in relation to traffic on Epping Road there is not, and on a \$1.1 billion project underneath Epping Road there is not. There is one in the history of the nation and you have not read it.

**Mr ANDREW CONSTANCE:** And you did not consult. The Government did not consult.

**Mr MICHAEL DALEY:** Let these gentlemen make a statement.

**The Hon. GREG PEARCE:** So are you saying it is their fault?

**CHAIR:** Would Committee members please be silent and allow Mr Daley to continue his questions. He asked a valid question as to the whether the witnesses had looked at the EIS.

**Mr MICHAEL DALEY:** The witnesses made a statement that the current traffic configurations were brought to their attention a few months ago with the intention of funnelling traffic into the tunnel.

**The Hon. GREG PEARCE:** This is arrogant nonsense.

**Mr MICHAEL DALEY:** I am trying to elicit from these witnesses whether that is what occurred or whether they simply came here without information that has been available for five years.

**Dr POOLE:** Even if we had known, the point is that we are talking about this issue today. We are talking about it presumably because at some point after the eleventh hour, after it was constructed, issues of the cross-city tunnel arose which pointed to the potential for detrimental impacts and also to the potential for motivation for funnelling, which were not in the public policy debate until then. So there have been clear indicators in recent times that there was, therefore, the potential for similar impacts to arise of a detrimental nature to employment in this city as a result of this project. We have therefore responded to that. You are discussing it with plenty of time still to make requisite changes, if they are required. Whether or not we read the EIS, we are telling you now that there will be significant detrimental impacts on metro strategy and its employment targets and on city congestion because of this project, given that configuration, whatever year that configuration was noted.

**Ms KRISTINA KENEALLY:** Just to be clear, are you the same David Poole that was a Liberal Party councillor at Blacktown council?

**Dr POOLE:** Yes. I am the same David Poole who, when I took on this role two years ago, was welcomed.

**Ms KRISTINA KENEALLY:** I did not—

**Dr POOLE:** The honourable member should let me answer the question. I have not been a member of a political party for several years. If you speak to your colleagues like the Minister for Planning you will see that I have an excellent, apolitical, bipartisan relationship with this Government.

**Ms KRISTINA KENEALLY:** I am not—

**Dr POOLE:** You are implying that I am somehow politically tainted by being here today. I reject that totally.

**Ms KRISTINA KENEALLY:** You said in your submission that the Federal Government needs to be investing in city infrastructure. As the representative of a national group and as you just stated that you were someone with good apolitical credentials, what have you done to get the Federal Government involved in funding major infrastructure in Sydney?

**Dr POOLE:** Thank you; that is an excellent question. If you go to the transcript of my interview with Michael Duffy on ABC Radio National on Tuesday evening you will see that, on behalf of the industry, I make the strong point that the Federal Government needs to be involved in

urban development. In our submission, as you have rightly said, we said that infrastructure funding by the Federal Government should be multi-model. In other words, while the Federal Government has moved in positive directions in recent years with funding, for example, for interstate transport and so on—for Patricks and other companies and industries that benefit from that funding—the sad reality is that that funding tends to stop at the city boundary.

The firm recommendation in the "Sustainable Cities 2025" report, which released by the House of Representatives committee last year, was that the Federal Government needs to take some responsibility for urban leadership, and the urban development sector agrees with that. Thus when we mentioned a Federal piece of legislation from the United States in our submission we talked about a piece of legislation you might be aware of that funds or provides support for each mode of infrastructure on an equitable basis, whether that is roads, trains, light rail, and so on and so forth. So, yes, it is a strong argument. I am not sure whether it is relevant to this project but, in a general sense, yes, the Federal Government should be involved both in the co-ordination and funding of city infrastructure.

**CHAIR:** There already seem to be congestion problems at the moment. Are you saying that they will be far more serious if these lanes are reduced? Have you been doing anything such as promoting car pooling with employees or staggered working hours so that you can reduce congestion between 8 o'clock and 5 o'clock?

**Dr POOLE:** Sure. We promote a range of sustainable strategies that, in turn, will make our cities more sustainable. The urban development sector recognises that its future depends on levels of sustainability that include better use of existing or proposed transport options. So even in recent years when the Government suggested that asking for new rail lines was not particularly appropriate, given funding constraints, nonetheless we continued to call for things such as rail lines to the north west, for example, light rail along Parramatta Road, and so on and so forth. We have done it at both a State and a Federal level, if not a local level.

**Ms LEE RHIANNON:** I refer again to bus lanes. Are you suggesting that a dedicated bus lane is not needed, or that a bus lane is not needed for 24 hours a day?

**Dr POOLE:** No. I think it was one of your colleagues who suggested it might have been unnecessary for 24 hours. In our view I think a bus lane would be highly appropriate. If the demand were there to make it a 24-hour bus lane we would support that. If there were a way of creatively using bus lanes to alleviate congestion—although I am not sure how that would be done, given the congestion—the bus lane would be most appropriate at the times when there is maximum congestion. Then we could explore those options. But I have not heard them at this point.

**Ms LEE RHIANNON:** Does that mean you are not aware that the bus lane was part of the original project? It was a package deal and the dedicated bus lane was there from the beginning.

**Dr POOLE:** When we were made aware of the project and the issues around it we were aware that the bus lane was part of that proposal.

**Mr MICHAEL DALEY:** I have a question for Dr Poole. In your submission you talk about a statewide congestion tax. Will you explain how that might work?

**Dr POOLE:** Sure. I think we said that this is almost a reverse congestion tax. We would all be aware of the success of the congestion tax in London—Red Ken's congestion tax—which, despite many concerns, the record says has been relatively successful. The idea of a congestion tax is to alleviate congestion. I think what we are referring to here is that, even though we have the new tax to use the tunnel and thus there is the potential to alleviate congestion, the unintended consequence is that it could create additional congestion elsewhere. That is not the philosophy behind a congestion tax.

**Mr MICHAEL DALEY:** But does that not ignore the fact that this project is part of the whole orbital link? You cannot look at it in isolation.

**Dr POOLE:** Sure. Agreed. We are not, under any circumstances, opposing the use of a toll and so on. In fact, user pays is generally a reasonable principle. If that is a creative way of funding infrastructure, as long as those tolls are reasonable, it is a relatively appropriate mode of financing. Our key concern is the unintended consequences of a piece of infrastructure funded in that way. To the extent that tunnelling may occur around the tunnelling—I guess that is yet to be determined—you might get that detrimental unintended consequence of that tax, which will hopefully create better flows and less congestion in major locations, creating additional congestion elsewhere.

**Mr MICHAEL DALEY:** That would be alleviated by putting more people onto public transport in a dedicated bus lane, would it not?

**Dr POOLE:** That would certainly assist. But one of our core concerns—returning to our core issue—is about reasonable access for people who cannot use those modes of transport but need to access their workplace.

**Mr STEVEN PRINGLE:** My question is directed to both Dr Poole and Mr Coy. What outcomes would you like to see from this committee of inquiry?

**Mr COY:** From the point of view of the owners and the businesses in Lane Cove West Business Park, we would like to see Epping Road have two general traffic lanes in each direction. We are not opposed to a bus lane. A bus lane is fine. We believe there is room for two general traffic lanes and a bus lane. We would like to have the left-hand slip lane travelling west to be maintained because it is proposed that it be eliminated. What that would mean is that if you want to go into Lane Cove West Business Park travelling from the city you would be stuck at any lights that were red. At the moment you can just veer off to the left and it works reasonably well. They are our main two issues. We do not want to be stuck in a car park coming to work in the morning and leaving at night. We want to be able to get the goods in and out.

**The Hon. GREG PEARCE:** The slipway actually blocks off the bus lane. What is happening is that the 24-hour bus lane turns into the left-hand turn into Sam Johnson Way so when the lights are red you have a bank up of people queuing to go left, which blocks the bus lane. It seems an odd way to do it.

**Mr COY:** That is correct.

**CHAIR:** Thank you very much for appearing before our inquiry and for the information that you have supplied. You will understand that problems with the cross city tunnel have helped to focus attention on this issue.

**Mr COY:** Thank you.

**Dr POOLE:** Thank you.

**(The witnesses withdrew)**

**ROBERTA RYAN**, Director, Urbis JHD, and Independent Community Liaison Representative, Lane Cove Tunnel, affirmed and examined:

**CHAIR:** Thank you for agreeing to appear before the Committee, Ms Ryan. We appreciate your attendance. Are you conversant with the terms of reference of this inquiry?

**Ms RYAN:** Yes, I am.

**CHAIR:** In what capacity are you appearing before the Committee?

**Ms RYAN:** I am appearing as the independent community liaison representative of the Lane Cove Tunnel project.

**CHAIR:** If at any stage of your evidence you believe evidence you wish to give or documents you wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do you wish to make an opening statement?

**Ms RYAN:** Yes, I have some notes if that is okay with you.

**CHAIR:** Are they just notes or do you have some written material to give us?

**Ms RYAN:** I do have some written material. I am happy to leave these notes with you. I commenced with the project around mid 2004, at which time the community construction liaison groups [CCLGs] had been established. I replaced a previously appointed independent community liaison representative. I am a director of Urbis JHD and have some specialised skills in community consultation. When I was appointed initially I worked as an associate director at Elton Consulting. I am contracted to the Lane Cove Tunnel Company, now Connector Motorways, and work closely with Thiess John Holland, particularly the community relations team.

The role of the independent community liaison representative [ICLR] includes attending and chairing the CCLGs, involvement in the consultation processes when needed, being available for contact by the community during normal construction hours and periods of significant noise generation, and mediating and resolving community disputes. My role as ICLR is one of two for the project. Christine Marsden, who is the other ICLR, and I are appointed by the New South Wales Department of Planning, as required by the Minister's conditions of approval for the project. There are four construction community liaison groups, each geographically related to sections of the project. CCLG 1 covers Mowbray Road and Epping Road west. CCLG 2 covers Epping Road, Lane Cove to the Pacific Highway. CCLG 3 covers the Pacific Highway and Gore Hill Freeway improvements, and CCLG 4 covers the Falcon Street works.

I chair CCLG 1 and CCLG 4. Christine chairs the other two. We ensure that minutes are taken—in fact, the minute takers on the project are employed by me—and review those in the meeting. Subsequently the ICLRs sign them off as an independent record of events. We provide quarterly reports to the Department of Planning on emerging community issues and the work of the project. We are available for direct contact by the department if required, and the department avails itself of that from time to time. We also provides a liaison-mediation role if complaints are raised through the complaints mechanisms of Thiess John Holland that are not resolved at that level. They come up to us if there are complaints.

This role relates solely to the community consultation related to the construction impacts of the project. In reading the terms of reference of the inquiry, it seems to me that my ability to assist you may be limited. In fact, I wrote to you to that effect. As the ICLR is appointed quite some time following the letting of the contract, I have had nothing to do with the consultation process in determining that contract or during the EIS phase. The role of the ICLR and the CCLGs is limited directly to assisting with only part of the community input into construction impacts during the construction phase. This is what is called a "non-operational role". There is other extensive community consultation, which is undertaken by the Thiess John Holland group and is not part of my brief. While I am of course happy to assist the inquiry, as you can see from the foregoing explanation,

the role of the ICLR is limited to assisting with only part of the community consultation phase. Indeed, I was appointed after the initial set-up of the CCLGs. I am happy, depending on what suits the Committee, to go through some of the role of the group, the sort of issues that emerge and the kinds of emerging community issues, if that is helpful. I am also happy to take questions.

**CHAIR:** Perhaps you could summarise that information briefly. Could you explain how people get onto the group that you chair? How is it representative? Does it include anyone from the business park?

**Ms RYAN:** I will answer those questions as much as I am able. The broader community consultation for the project includes—others who appear before you will be able to talk about this in more detail—the community contact line, which is a toll-free number; reporting complaints and inquiries; the web site; newspaper advertisements; and the display centre and mobile displays. There is regular ongoing consultation with councils, including Willoughby, Ryde, North Sydney and Lane Cove. There are regular meetings with officers and presentations to councils. There are regular newsletter distributions—I have some copies here and they are available on the web site—newsletter drops and weekly traffic updates to key organisations. There are direct property owner consultations in bits that are directly affected. There are door knocks and ongoing direct contacts. There are special meetings, both proactive and reactive, such as precinct committees—apartment blocks might be directly affected by something. Of course, if there are disputes, mediation is provided by Christine and me.

So there are the four CCLGs—the community consultation liaison groups. There are lots of acronyms. There is the AQCC, which is chaired independently. That is the air quality consultation committee. There is the TTLG, which is the traffic and transport liaison group. In fact, the CCLGs do not deal with air quality matters or specific traffic matters. The Minister's conditions require specific consultations with some groups as well. In terms of the CCLGs, which I can talk to, recruitment and selection of these groups is as per stipulated by the Minister's conditions of approval for the project. I was not involved in that process, although I have subsequently been involved in the addition of a number of members to the groups that I chair. Those Minister's conditions require that there are at least two community representatives and one business representative in each of the CCLGs. The St James Ethics Centre was involved in the selection process to ensure transparency and a broad representation of interests.

**Ms LEE RHIANNON:** You referred to the selection process for community people.

**Ms RYAN:** As far as I am aware of the process, advertisements were placed, particular groups were contacted and letterboxed and so on and invited to put in an application to be part of those groups. There were many more than were able to participate so a selection process was undertaken to ensure that, as a minimum, they met the conditions of the contract requirements. But, in fact, there are more in each of the groups than the minimum number required.

**Ms LEE RHIANNON:** Do you decide who is selected from the applicants?

**Ms RYAN:** Yes, although I was not the ICLR at the time that that occurred. The previous ones were. The membership includes council. So depending on which part of the project you are in there are different council members involved. There are at least two community people—in fact, there are generally three to four community people—and a business representative, the RTA, the independent environmental person and the TJH construction and community relations people for each of the areas. The role of the CCLGs is primarily to monitor compliance with the construction method statements and the environmental management statements and general construction issues. Issues such as processes to manage noisy works, particularly at night, or traffic switches—things that have direct community impacts—take up most of the time during agenda discussions. There is regular technical input as required. For example, landscaping co-ordinators, noise consultants and so on, are invited to provide input where required.

A typical agenda for a CCLG would roughly go as follows. There would be a construction update by the construction manager for that part of the site works. If it is the right sequencing and timing, construction management statements would be described and presented to the members of the group. There will be environmental management sub plans and documents of that kind and noise

impact statements. Then there is a general community update, which describes all the consultation that has occurred across the project, including an analysis of complaints and so on.

**Mr MICHAEL DALEY:** That includes communications across the other groups as well.

**Ms RYAN:** Yes. I have examples here and I will be happy to leave these documents, if that is helpful to the Committee, but I am also happy to go through it in detail. At each meeting there is a summary of the kinds of complaints, the sorts of issues, the number of letterbox drops, the number of leaflets and the number of particular meetings, and that he shared with all the members of the CCLGs.

**Mr MICHAEL DALEY:** Each community group is updated on communications for the project in to. It is that right?

**Ms RYAN:** Yes—otherwise I would not know the nature of the consultation that has taken place. There is also analysis of the inquiries that go through the Complaints and Inquiries Line. Ian Maher, the independent environmental monitoring appointment, and I also see all of the complaints that come through electronically. We are given the opportunity to read and monitor those, and look at the responses and so on.

**CHAIR:** You mentioned that you talk to the officers of councils?

**Ms RYAN:** The council officers are part of the—

**CHAIR:** The Committee heard some criticism that the mayors thought that they were not been consulted. Was the process more for the councils and your committees to consult, and that the council viewpoint was to be expressed through your committees, rather than directly to the Roads and Traffic Authority [RTA]?

**Ms RYAN:** Each of the CCLGs has, as part of its membership, the council or councils relevant to that geographical area. For example, in relation to CCLG 4, which deals with the Falcon Street works, North Sydney Council is the affected council area. Every meeting is attended by a representative of North Sydney Council, who is an official member of the group, and she receives all correspondence, notifications and so on. She brings forward issues from council directly to those groups. That is part of the process. It is part of her role, as I understand it, to communicate those issues back through to council. The community relations team of Thiess John Holland, as I understand it, also meets at least fortnightly with each of the council representatives and, when required or when asked, makes presentations to council around particular issues. There is quite extensive council involvement.

**CHAIR:** If the council had some strong objection and passed that to your committee, would you then making a priority to pass that on to the RTA?

**Ms RYAN:** Yes, absolutely. The RTA representatives are also present at those meetings and so they hear it directly. Each of the minutes has taken have actions that arise from those discussions. Each of the actions are dated and monitored and at each subsequent meeting they are included on a list and an update about the response to that action is required. It might be an action for North Sydney Council, for instance, to discuss what might be the maintenance of the trees after the project opens, and that information comes back through. It is collected and acted upon between meetings—it does not all just stop between meetings. It is all reported through that process and the minutes and all those documents are available on the project web site for people to look at and to review.

**CHAIR:** It would depend on the efficiency of the council representative in reporting back to the council and keeping the council fully informed.

**Ms RYAN:** Yes.

**CHAIR:** Whether that actually happens may be a question mark.

**Ms RYAN:** Certainly in CCLGs 1 and 4, the groups I chair, the council representatives attend very regularly, if not all the time, and raise issues as they come along. It is a fairly open and engaged process.

**CHAIR:** You would not be aware of what happened between that representative and the council?

**Ms RYAN:** No, I would not, unless they were prepared to report that or wanted to raise issues. Sometimes they table correspondence that, whilst it might not be directly relevant to an agenda item, is something that they would like the committee to know about or want on the public record. That would be done through that process as well.

**CHAIR:** Do you believe that recommendations from the consultative group were responded to? Did you have success in your feedback?

**Ms RYAN:** Yes. I think the groups have had considerable success over the period that I have been involved with them. There are some constraints, of course, in relation to the terms of reference for those groups, in relation to what it is possible to discuss, that causes some frustration.

**CHAIR:** Are you able to give the Committee an example of an instance where you succeeded in relation to a major item?

**Ms RYAN:** Yes. I will just go through the kinds of issues that arise. The primary purpose of these groups is to enable local input into construction impacts as the project is being built. It is not possible for me, or for others, to know what is like to live in a particular place and how construction activities might impact on what is going on there. The key purpose is to allow those groups to respond to the construction processes, notifications and so on. I took just a sample of these things from the CCLG 4 group—I note that members of the other groups are to appear before the Committee—of the sorts of successes that the group has had. There has been a higher level of commitment, particularly from the community and business members, and they are an incredibly useful source of ongoing local knowledge about impacts. They provide very useful feedback into the construction management statements, landscaping design plans in particular, and specific project documents.

They seek to minimise impacts on local communities around traffic management. You get statements such as, "Look, if you close off that road you will block access to these people [in these kinds of ways]. You would be better off doing it in this way." That type of ongoing local input is very important, particularly around the impacts on out-of-hours work. They might say, "Even though it might appear that that business closes at five o'clock, people arrived there at four o'clock in the morning. If you do not have at least one lane open ..." et cetera. It is that kind of localised input. In relation to CCLG 4, the Falcon Street works in particular, they have changed the locations of some of the variable message signage—that big gantry signage equipment that are put up—because the groups said, "That will impact on [that] school or [that] apartment block. We should move it back 50 metres in this direction." we have those kinds of discussions and that sort of input.

There has been significant input around preferred tree species plantings—the relationships between whether you should have a lawns, cultivars all this or that kind of plant. Knowing what preference local community people have, taking into account things like maintenance regimes and all that kind of stuff, that is the level and sort of input and general discussions that are held. They also have input into discussion around the urban design treatments on the noise walls, whether they should be this or that colour. That is also done in consultation with be directly affected residents. They constantly provide feedback on distribution areas for notification—"It has not been received down here," or, "This is an issue that will affect that group of people. We need to increase the way we communicate" here or there.

There has been close reconsideration of things in relation to changes around design relating to signage, improving minor design issues around safety and access, and looking at conflicts between pedestrians and cyclists and so on, relating to the shared use of paths. There is an enormous range of issues is dealt with by the groups. It is very detailed consultation and the input that the groups need to face is often quite technical. Coming back to your question, and this is the last of my prepared comments, there are challenges in the way that these groups operate. There are often differences

amongst the groups in regard to preferred views, which need to be resolved, and there are often differences between people who might be directly affected by something and, perhaps, people who are car users or pedestrians.

We have had an ongoing discussion about one of the noise walls—which you might have seen on your walk around yesterday—whether the panels should or should not be see-through. We understood that the views of the people who are behind that wall were that they do not want it to be see-through, so that they were not impacted on by lights from vehicles and so on. That has been the outcome in this particular case, but a number of people, particularly in one of our groups, feel that that is a less satisfactory outcome for pedestrians, cyclists and drivers having a view through into the bushland on the other side of that wall. These issues are not straightforward; they have to be negotiated and resolved through the processes of these groups and that causes some disquiet when particular members of the groups are not getting what it is that they think ought to be the answer. I use that as one particular example.

The sorts of challenges in respect of these groups are backed these are design and construct processes, so that final designs are often not available until quite near the point at which that part of the project is being built. There will be comments like, "We didn't know that this would look like this [or that]." In a design and construct process, as I understand it, it is quite difficult because there is a mountain drawings been done and sometimes fine-grained design drawings will not be available for certain parts of the work, in terms of sequencing, until some way down the path; or they do not realise when they are looking at plans six months before the impact of something six months later. Certainly from a non-engineering or non-technical perspective, these things are significantly challenging. Despite very good technical input from Thiess John Holland [TJH], sometimes things are presented to the group and people do not realise until afterwards the import of that. Sometimes we go backwards and forwards a bit in revisiting things. That is, of course, is fine but a design and construct project creates that kind of dilemma around consultation.

**CHAIR:** Did you make any request for a scale model for lay people to look at so that they might comprehend roadways and bypasses? That aspect was referred to by other witnesses before the Committee.

**Ms RYAN:** That request has not come through my groups.

**CHAIR:** Would that have been of assistance?

**Ms RYAN:** Perhaps, yes. It is difficult to know. Drawings can be difficult to access and can be difficult to read by people when it is not their day-to-day business. Much of the input that the groups are required to consider is technical in nature around noise, drainage and plantings—the relative value of this kind of plant over that kind of plant. Many of us do not have that expertise. We occasionally get into what I refer to as the "competing expertise claims". A member of the community will say, "This is a better way to go," and the expert who is there as part of the project will say, "Well, no, this is." so you get into that kind of competing expertise claim and we have to work through those kinds of issues.

**Mr MICHAEL DALEY:** How do you resolve those?

**Ms RYAN:** Sometimes you bring in another expert, and sometimes we simply work through them. Sometimes we might go on site visits. At the moment to we have an issue about drainage in one place where it appeared to casual observation that one of the drainage channels was being blocked and might create some localised flooding. That has been reviewed. We have had another look at that and produce more information, and people seem satisfied at that point. Sometimes it is about more information or going out to have a look or providing someone to come in and have a talk about that. Some of those things cannot be resolved.

**CHAIR:** Do you get a consensus of opinion at the end of the process, or do you vote?

**Ms RYAN:** No. In my meetings we have certainly never voted. We try to thrash it out until we get to the end, or, as Chair, I will rule on something. It does not often come to that. In many of the important areas such as noise mitigation designed around safety there are many failsafe processes

within the construction and design process, and sometimes they just need to be explained and they are told, " It is not only this person who has looked at this design, it has gone up to be reviewed again here and to be reviewed again there and, as far as we are able to tell at this point, your concerns have drawn our attention to that issue and it has been reconsidered." It may even be changed in response to that concern, but the project has quite significant review processes attached to all of the major technical components of it. But the value is in members of the community in particular saying, "Is there going to be an issue in this particular place when people come from that side and not the other side. Can you have another look at that?" That is the nature of those discussions.

**The Hon. GREG PEARCE:** You used the example of the noise barrier and the differing views in relation to it. The Committee heard evidence yesterday that the clear barrier was not selected because of a cost issue. In other words, it was going to be more expensive. Are you able to comment on that?

**Ms RYAN:** That is not my understanding at all. It does not matter one way or the other in terms of the cost. The issue as it was being played out in my committee was in relation to computing views about what was preferred did—whether it should be opaque or clear—and, depending on who you were, you had a different view about that. That was resolved in favour of the views of the residents who were closely affected.

**The Hon. GREG PEARCE:** I take it from what you said earlier that the majority of your time is spent on construction detail, sequencing and making sure that there is a limit on disruption. Is that right?

**Ms RYAN:** That is right. These groups are construction community liaison groups as part of those ministerial conditions. A whole lot of other consultation goes on, some of which I described before. These groups—and I chair only two of the four of those groups—are just one part of the process, designed to ask people to look closely at construction impacts and, as much as possible, to reduce those impacts.

**Ms LEE RHIANNON:** You would be aware that there is a lot of criticism of this consultation process. You often hear the term that it is a bit of a Mickey Mouse process; that it is more like a briefing and information giving process, rather than a consultation process. Consultation carries an implication of exchange and often a change therefore by the proponents. Are you picking up on anger from people who realise that so much of this project is set in stone and that they cannot have an impact?

**Ms RYAN:** The process of selection and briefing for members to participate in the CCLGs goes to some length, including having them sign a protocol for participation, to explain to them that the role of these groups is quite limited in relation to the CCLGs; that the terms of reference for these groups relate to construction impacts. In my view, in relation to community consultation, you can have all those conversations, but of course as things come up and things go along, other issues will be raised in those groups, and I think that is appropriate as well. So the groups certainly comment and engage more broadly. A lot of the time—

**Ms LEE RHIANNON:** Would it not be the case that nothing can be done about those wider complaints?

**Ms RYAN:** I think that is not true at all. In fact, a number of the things that I referred to before are significant issues in relation to design, or other issues that are beyond the immediate construction impacts. I agree on the scale of consultation in relation to information giving, through to being involved in decision making: these groups operate at the information exchange end, and that is how they are set up under the terms of conditions in relation to the Minister's conditions of consent. That certainly, for some members, creates some frustration.

**Ms LEE RHIANNON:** So it is acknowledged that it is not actually about consulting; it really is about providing information. So it is more of a one-way street?

**Ms RYAN:** No. It is about consulting, and it does more than provide information, but it is limited to the terms of reference of the groups, and those terms of reference are referred to, they are signed off on when people participate in those groups, and they are regularly revisited.

**Ms LEE RHIANNON:** On another committee, to do with the Pacific Highway, when we discussed the issue of community consultation, it came up that participants often had to sign agreements that they would not disclose any information—secrecy clauses. Does that come into any aspect of your work?

**Ms RYAN:** Not in terms of my work. The protocol that people are asked to sign requests that they do not report independently that he or she or other members of the group said this or that. Those are the sort of chaplain house rules, I guess. The other thing that it asks members of the group to do is not to speak independently to the media about the deliberations of that group. People do and will speak on behalf of their own communities if they want to, but they are asked not to say the CCLGs said blah blah blah, without the CCLG saying that that is okay. That has not come up in my groups.

**Ms LEE RHIANNON:** Going back to the chaplain house rules: there is an expectation that people will not actually speak about what happens at these meetings.

**Ms RYAN:** They can speak about what happens, and all of the documentation from the meetings is on the public record. But we request that I do not say: Lee said blah blah blah at the meeting. That is to enable people to feel free to bash around ideas and discuss these things.

**Mr MICHAEL DALEY:** So there is no verballing of other members, basically?

**Ms RYAN:** Yes, if you want to put it that way.

**Ms LEE RHIANNON:** You were saying that it was more at the briefing end of the consultation umbrella. Do you find that once people come along to these meetings and start to realise that things are fairly limited, numbers drop away?

**Ms RYAN:** That has not happened to any great extent. In the time that I have been chairing those two groups, the members have been fairly stable.

**CHAIR:** What are the numbers, approximately?

**Ms RYAN:** The groups, including the RTA and the council and so on, have 8 to 10. But there are 3 or 4 community people involved in the groups.

**CHAIR:** So half the committee consists of officials?

**Ms RYAN:** Yes.

**CHAIR:** And the other half consists of community representatives?

**Ms RYAN:** Yes.

**Ms KRISTINA KENEALLY:** Is that how they are set up by the Minister's conditions?

**Ms RYAN:** Yes. The Minister's conditions prescribe the minimum numbers. In fact, all groups exceed those minimum numbers in terms of community representation. But the Minister's conditions say they should be a minimum of two community representatives and one business representative, where applicable, for each of the CCLGs, and each of them has more than that. In terms of whether members drop away: in both groups that I chair there has been some changing of the community members. In one case, the business representative has moved on, has a different job and I think is living somewhere else. There was an effort to replace him, but that has not been successful.

In the other case, the member who moved on was a person who joined that group with a particular interest in a particular issue, and when we completed dealing with that issue they chose no longer to participate. But you are certainly right: there is some underlying frustration about the groups

being constrained tightly to construction impacts because, again, in a design and construct project it is difficult to draw up those boundaries because the detailed design is not available, or it is only available on an ongoing basis, and so it is hard to get interaction into that phase.

**CHAIR:** For clarification, could I ask you whether you are paid by Connector Motorways?

**Ms RYAN:** Yes. I am contracted to the Lane Cove Tunnel company, and now Connector Motorways.

**CHAIR:** Does that affect community representatives if they feel perhaps you yourself are not really independent, or should these chairmen be independent?

**Ms RYAN:** That is raised often, and it is raised all the time in the sort of work that I do. Our independence is assured by our requirement to report to the Department of Planning and in terms of the way we conduct ourselves in terms of our independence.

**The Hon. GREG PEARCE:** Some might say that that might be even more compromising.

**Ms RYAN:** They may.

**Ms LEE RHIANNON:** I want to ask you about selection. You explained at the beginning that you are the person responsible for actually selecting these people.

**Ms RYAN:** Yes.

**Ms LEE RHIANNON:** We have all had the experience that when people from the community come in, you get a range of people.

**Ms RYAN:** Yes.

**Ms LEE RHIANNON:** I suppose I am asking for a very frank answer here, but do you select people who will be more co-operative? If you get someone who is very articulate and will be outspoken, or someone who has a particular point of view and may be a bit difficult, how can we be assured that you will give those people a fair go, and not go for somebody who will make your life, as the organiser of this group, much easier?

**Ms RYAN:** I was not involved in the selection of any of the people who sit on this committee; I came in after as one of the ICLRs. That is not my experience of the way those groups work. You could hardly describe the members of the CCLGs as welcome flowers. So, if that was the intention of the person who made those selections, that is certainly not the outcome. I do not think that that is the intention. The intention is to get a range of views. I think it is very difficult. I think the notion of representatives is quite fraught in the area that we work in. I cannot be representative of all women who are middle aged with three children—even though I might fit that category. Representativeness is a very difficult concept, and when you are not talking about a group of 40 people, but a group of 3, 4 or 5, it is difficult to identify which interests people might need to have representative input to.

Certainly, in relation to CCLG4, which is the Falcon Street works, geographical location played an important part. So, because of the very constrained nature of that construction area—as I understand it, and as the group plays itself out—people live and oversee the construction in parts of the geography of the site. They, of course, have other interests, but they are largely geographically determined in that case. In relation to CCLG1—which is at the other end of the project—the business interests are those of the Penfords business; the construction site is right at their place, and that is a very appropriate business interest for that group. The person who represented Penfords, as I said, was I think the boss of Penfords. He has moved on, and the works are trailing down, but there is contact with that group anyway. So, yes, there has been a serious attempt to get a broad range of views. But three or four people are not broadly representative of any community.

**Mr MICHAEL DALEY:** Does either of your groups cover the area in which the Lane Cove West Business Park resides?

**Ms RYAN:** No.

**Mr MICHAEL DALEY:** Do you know whether they are represented on any of the community liaison groups?

**Ms RYAN:** I do not. But the community relations team from Thiess John Holland could answer that question.

**Mr MICHAEL DALEY:** We have spoken about the way these groups are set up. Do they have any rules about the way the representatives on the groups are to report back to the people that they purport to represent?

**Ms RYAN:** No.

**Mr MICHAEL DALEY:** So it is possible that a business person on one of the groups, or a council officer on one of the groups, might fail to go back and report directly to the mayor or directly to their CEO or their shareholders or their employees?

**Ms RYAN:** That is certainly possible. Certainly I, as chair, ask people to bring issues forward from their constituents and so on. But I have no idea how they report back.

**Mr MICHAEL DALEY:** So it is possible, at least in relation to your knowledge of 2004, that we might face, as members of this Committee, people who come in here to give evidence and who simply have not had the benefit of the reporting mechanisms that should have worked properly and have not?

**Ms RYAN:** Yes, that could be so. In fact, you could have members of the community coming before you purporting to represent interests when they may or may not do so. Those are the same issues that we confront in the groups, as you do in any of these consultation processes.

**Ms KRISTINA KENEALLY:** How many years have you been involved in this sort of consultation work?

**Ms RYAN:** About 25 years.

**Ms KRISTINA KENEALLY:** In that time, can you recall a project where everyone has been happy after the consultation process?

**Ms RYAN:** I do not think consultation processes are designed to give people what they want. It is not about the voice that shouts loudest. Consultation should be about a range of inputs. The better informed those inputs are, the more sophisticated and useful those inputs will be. But decision making is a function of leadership, and it is a function of policy, as much as it is a function of consultation. I do not think anyone would—I certainly would not—argue for any reduction of the capacity of the community to input into these processes—quite to the contrary. That is what I am in the business of. But the community has a range of views, and they are often conflicting. It is not appropriate for a consultation process to be the site for the resolution of those processes. They need to be done as part of the broader objective of a project, whether it is a construction project or something else, and the broader public interest.

**CHAIR:** You mentioned the very large directional signs and that your committee would discuss where they should be located. Did you have any involvement with the ones in Miller Street, in the North Sydney CBD? There was some complaint that they were not where they wanted them, or that they were intrusive?

**Mr MICHAEL DALEY:** Too large.

**Ms RYAN:** That was not raised, to my knowledge.

**CHAIR:** Would that be a matter for one of your committees?

**Ms RYAN:** Yes. I am responsible for the Falcon Street works and our committee, but that discussion did not come through my committee, as far as I can recall.

**Ms KRISTINA KENEALLY:** So North Sydney council officers have not raised that matter, as far as you can recall?

**Ms RYAN:** No. It may have occurred before I was chairing.

**CHAIR:** No. It is only a recent matter.

**Ms RYAN:** My memory is reasonably good. No, it was not raised in that forum.

**The Hon. GREG PEARCE:** Do you find that the community representatives have generally read the EIS at the time it was exhibited?

**Ms RYAN:** It is hard for me to generalise. Some certainly have, and some were actively involved in the EIS process. Whether they all would have read it or not, I could not say.

**The Hon. GREG PEARCE:** What sorts of views do you get on whether the EIS process, and in particular the exhibition of it, is a satisfactory way to inform the public about these projects?

**Ms RYAN:** That discussion comes up sporadically, particularly in relation to the Falcon Street works. I understand your particular issues in relation to the scope of the EIS and the design at the Falcon Street works, and so the issue of the capacity of the community to engage at the EIS stage round the Falcon Street works does get raised in discussions in our group from time to time. But it is not something that is within the terms of reference of the CCLG. Nor am I in a position to comment whether that is so or not. But that issue gets raised.

**Mr MICHAEL DALEY:** Following on from the Hon. Greg Pearce's question, given, Ms Ryan, that you have been involved in community consultation 25 years, I think we all know that environmental impact statements [EISs] are lengthy documents. Their proponents often, as is the case here, put summaries of EISs out.

**Ms RYAN:** Yes.

**Mr MICHAEL DALEY:** Would it be prudent for a chief executive officer [CEO], a chairman or someone involved in a high level of multimillion-dollar business to at least have regard to the summary of the EIS?

**Ms RYAN:** I think it would be inappropriate for me to say what was prudent for a CEO.

**CHAIR:** You said you have been doing this for 25 years. Have you been organising for some other major projects?

**Ms RYAN:** I work across a range of community consultation areas. I work in the health area—consultations for people with disabilities. I work in the property industry. It is not the only thing I do, but it is part of the work that I do. I would be seen to have some expertise in that area, I guess.

**CHAIR:** Thank you very much for appearing before the Committee.

**Ms RYAN:** It is a great pleasure. Will I leave those documents?

**CHAIR:** Yes.

**Mr MICHAEL DALEY:** I move:

That the documents be accepted.

**Motion agreed to.**

**Documents tabled.**

**CHAIR:** We will include those as your submission to the Committee.

**(The witness withdrew)**

**(Short adjournment)**

**PETER CHARLES MANINS**, Chief Research Scientist, CSIRO—Marine and Atmospheric Research, PMB 1, Aspendale, Victoria, 3195, sworn and examined:

**CHAIR:** In what capacity are you appearing before the Committee?

**Dr MANINS:** As a scientist of CSIRO.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Dr MANINS:** Yes, I am.

**CHAIR:** At any stage if you have certain evidence you wish to give or documents you may wish to tender that should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do you wish to make an opening statement, Dr Manins?

**Dr MANINS:** Just to say who I am, and that is a chief research scientist in CSIRO, a science manager for a number of years with 33 years of experience in air pollution and air pollution meteorology. I am published internationally. I have been involved in the M5 tunnel, giving advice to the former Department of Urban Affairs and Planning [DUAP] on stack heights. I have been involved in the Cross City Tunnel as a member of the air quality community consultative committee, or at least as an adviser to that committee, and occasionally a similar role in the Lane Cove Tunnel, including just a few weeks ago.

**CHAIR:** Have you been involved in giving advice on the Lane Cove Tunnel relating to the air quality issues?

**Dr MANINS:** Yes, for quite a lengthy period, reviewing the environmental analyses and design parameters that were prepared for the constructors. Through the director, I have given some possible questions and answers that might help the Committee in my submission that was given a week or two ago. I could address those questions, or other questions you choose.

**CHAIR:** Yes, you could just relate that information to us.

**Dr MANINS:** One of the questions that I suggest you might like to ask is: will the tunnel levels in the Lane Cove Tunnel within a year be at levels not forecast until 2016, as has been claimed by some reports of my work in the press?

**Mr MICHAEL DALEY:** I will ask that question.

**CHAIR:** Thank you. We will clarify that for the record.

**Dr MANINS:** Thank you. The information available to me, and that is from traffic experts—and I am not a traffic expert—is that the estimates used by the designers are accurate and they are virtually the same numbers—very close to the same numbers that have been available to the public for at least five years. There are no surprises on the total traffic numbers. There are some surprises in truck numbers, and truck numbers are quite important because of the air pollution. There is much greater air pollution for trucks than for passenger cars. There are surprises in truck numbers in that the current design estimates for trucks are substantially lower than was in the original design some five years ago. That is generally a good news story in terms of truck numbers.

There is a controversy, though, between me and the designers in that I believe they have substantially underestimated the number of trucks in the early afternoon, due to a technical issue—a means of estimating the early afternoon numbers. I believe they are substantially in error, low, but overall the truck numbers are not in error and this substantially lower number does not really have any overall impact on the air quality of the tunnel, as it turns out.

**CHAIR:** Do you anticipate any problems with the Lane Cove Tunnel as occurred with the M5 tunnel where there has been such a huge increase in usage of the M5? You do not anticipate that that with the Lane Cove Tunnel?

**Dr MANINS:** I personally do not have that expertise, but I think we can all look at the experience so far with the Cross City Tunnel. The rate of the rise in numbers of vehicles using the tunnel is much slower than the M5 East Tunnel. While the M5 East is way over capacity already now—it has been operating for quite a few years—the anticipated levels for the Cross City Tunnel look like they might get there, but quite slowly get to their desired level, quite slowly. With the Lane Cove Tunnel, it appears to have a more captive clientele in that they have little choice once the tunnel is opened and other diversions occur. The experience would seem to indicate that drivers will go to all manner of lengths to avoid using the tunnel, at least for quite some time, so the numbers again, I would expect and I think others expect, would build up quite slowly in the Lane Cove Tunnel.

**CHAIR:** You say they have little choice.

**Dr MANINS:** They have little choice, but still the drivers—

**CHAIR:** Why do they have little choice?

**Dr MANINS:** Because of the nature of the connection between the western end of the tunnel and the eastern end of the tunnel and the slowing down of traffic on Lane Cove Road when the tunnel opens.

**CHAIR:** Epping Road?

**Dr MANINS:** I am sorry, yes, Epping Road, when the tunnel opens.

**CHAIR:** Do think there is some tendency now to have a funnelling operation, forcing people to use the tunnel?

**Dr MANINS:** I am not the traffic engineers. I am not involved in the design, but from the air quality perspective I drew attention to possibilities of this funnelling causing increased air pollution in the eastern end of the neighbourhood of the tunnel, yes. Though since that time, which was a year ago I was drawing attention to that, the constructors have done another analysis—I think a very robust analysis—showing that the traffic is going to be so freed up in the eastern end of the tunnel that even though the numbers are a bit higher than currently exist, the existence of the tunnel will improve the air quality at the eastern end. It will not deteriorate, as I anticipated, due to the funnelling that will occur at that end.

**CHAIR:** Are there any other matters on which you just want to set the record straight while you are before the Committee where you have been quoted?

**Dr MANINS:** There is another controversial question or statement which was that the pollution of the tunnel might be twice as high as designed. That has been featured in the press a couple of times. That statement or that report comes about because I have been saying that the truck emissions, per truck—I expect each truck to emit 50 per cent to 100 per cent more pollution than the designers used for particles. However, that is balanced off by the number of trucks being somewhere around 30 per cent or more lower than the design. So the two issues cancel out, and the level of emissions from the trucks as a fleet will be little different from what the original designers contemplated.

**CHAIR:** So the two errors neutralise each other?

**Dr MANINS:** Two errors neutralise each other. That is right.

**CHAIR:** The only question, I suppose, is whether, with the industrial growth in Sydney, anyone can really anticipate the number of trucks that will be using it in, say, five years time. There is obviously going to be tremendous growth, even with Lane Cove business park as an example—and there could be other business parks further out in the Castle Hill area, and so on.

**Dr MANINS:** Yes. The number of trucks may well increase but probably within expectations. There is a countervailing factor there, though, in that trucks especially are coming under

very much more stringent emission controls over the next few years. Eventually the Euro 4 and 5 standards will make trucks cleaner than cars unless cars also improve. While the number of trucks may increase, the expectation of the next 15 years is for overall pollution emissions from motor vehicles to decrease quite substantially.

**CHAIR:** So you mean that will be more successful in reducing the pollution because of diesel motors used in trucks?

**Dr MANINS:** New diesels are extremely clean. It is when they are badly serviced or poorly maintained or overloaded that they are very dirty. But new diesels, and the way diesel trucks are maintained and have to meet regulations in Europe means that they are very clean vehicles.

**CHAIR:** There is always this question now about whether the road tunnels should be filtered, either in the tunnel or through the ventilation stacks. Do you have a view on that?

**Dr MANINS:** Yes, I do, and I have addressed that in my submission. I believe that in order of importance, the M5 tunnel is the most important of the three major tunnels in Sydney, then the across Sydney and then the Lane Cove Tunnel. The M5 tunnel, I believe, requires filtration now. The evidence supports the public's perception of emissions from portals and emissions from the stacks and residents looking into the stack with the stack located in the valley. They are all dreadful features of the M5 tunnel. Filtration is a very important need for the tunnel.

The Cross City Tunnel is quite different. The tunnel has a stack at the western end and emits pollutants into a relatively calm area, Darling Harbour. The mixing of the pollutants is not very good in that area, but the emissions are sufficiently low that we do not expect a substantial problem in the region. There is another issue there, though: the way that the tunnel is designed is that it pumps all the air from the eastern end to the western end and then up the stack. That means that there is a huge electricity bill to pump this area, so there is quite an excessive greenhouse gas emission from the tunnel's design. We do not think of that as a local pollutant, but it is a global pollutant of considerable importance.

The best tunnel of all, in my view, will be the Lane Cove Tunnel. It is a very conventional design, with chimneys at each end. It will cause a small increase of air pollution to the neighbourhood, but I am quite convinced that the monitoring stations will not be able to discern any impact from that tunnel. There is substantial background air pollution in the region. That will decrease a little bit because of the operation of the tunnel, but only a little bit because most of the pollution being measured at these monitoring stations is actually regional pollution from that whole general area of Sydney. Good design practice would indicate that you should have filtration on the tunnels, but in terms of the value for money, in terms of reducing air pollution in the neighbourhood, it would be very small to Lane Cove Tunnel.

It is not very sensible either to speak about or to factor filtration of the emissions from the chimney. The filtration should be in the tunnel, if there is going to be any filtration at all, because you need to protect the motor vehicle users more than you need to protect the people in the community. It is the people who are actually using the tunnel who are exposed to much higher concentrations than the people in the neighbourhood. If you filter the air in the tunnel to improve the motor vehicle user experience, that automatically improves the neighbourhood experience. But if you only filter the chimney or the stack, you do not improve the motor vehicle user experience at all. It is often said that you should filter the stack's emissions. Well, that is not right.

**CHAIR:** We inspected the Lane Cove tunnel and saw a huge clean air shaft in the centre, which was going to pump in clean air and get rid of the polluted air. Do have any comments to make on that as an innovation, as to the value of it?

**Dr MANINS:** You have to have a lot of air ingested. Some comes in from the portals as well, the in-points. It is very valuable. You have to get a lot of air in. These are big tunnels; the Lane Cove tunnel is a very big tunnel. Huge volumes of air have to be moved; you have to get the area in, so you have to have huge air inlets. You cannot push all the air in through the portals; you would end up with motor vehicles in a gale, not being able to move perhaps.

**Mr MICHAEL DALEY:** But this project does have huge air inlets, in your view?

**Dr MANINS:** Yes, it does have huge air inlets, as you saw yesterday I understand, somewhere near the centre of the length of the tunnel. It also has air coming in from the portals, but that is at controlled speed so that people are not either being sucked in tremendously fast or being resisted from going in.

**The Hon. GREG PEARCE:** I think you had a view that the PM10 concentrations in the tunnel could be underestimated by between 50 and 100 per cent. What is your view on that now?

**Dr MANINS:** I had the view that the PM10 emissions from trucks are underestimated by between 50 and 100 per cent. The number of trucks, however, is predicted to be substantially lower than the original design estimates for the tunnel, and that means that the two areas cancel out. I am quite convinced that—

**The Hon. GREG PEARCE:** So if the number of trucks is what was originally forecast, do you still see a problem?

**Dr MANINS:** Yes, I would, in the sense that the pollution levels would be twice as high. But there is another consideration there. They are twice as high, but they are still very low. They are double the low number, but still low. That is a factor.

**The Hon. GREG PEARCE:** But your conclusion is that the Lane Cove tunnel should be filtered?

**Dr MANINS:** As best design practice, yes, that is right. The benefit to users is quite small, though—substantially smaller than the M5 East Tunnel would be if that were filtered.

**CHAIR:** If it were to be filtered, it should be filtered now, before construction is finalised?

**Dr MANINS:** Retrofitting is possible, but always more expensive than earlier. Although, I suppose at this stage of the construction it is still a retrofit.

**The Hon. GREG PEARCE:** Do you have any idea of the estimate of cost to filter?

**Dr MANINS:** That is not my area. No. Numbers were tabled at the Lane Cove Air Quality Consultative Committee. I think you will speak to Ian Hunt either today or tomorrow, so ask him.

**The Hon. GREG PEARCE:** In relation to traffic projections, what is your view on whether there will be less traffic on the Gore Hill Freeway as a result of the opening of the tunnel?

**Dr MANINS:** Traffic design numbers are not my area at all. I can only go on the numbers I am told by the traffic experts, and Gillian Akers is the expert who has been advising the Lane Cove tunnel. I am afraid I cannot directly answer that question.

**CHAIR:** Given the problems with the projections for the cross city tunnel, I suppose we will always have a little bit of suspicion now about all projections, as to how accurate they will be.

**Dr MANINS:** There are plenty of numbers, yes, and some numbers are more trustworthy than others or have more substance behind them. I think there is a lot of money riding on the numbers being as high as they are being projected. If they are substantially lower, it will take a lot longer to earn the money that will be needed to cover the expenses.

**Mr MICHAEL DALEY:** And then there will be less air pollution as well, will there not?

**Dr MANINS:** Yes, that is right.

**Mr STEVEN PRINGLE:** Assuming that we do see increased traffic congestion on Epping Road as a result of the proposed bus lane and other changes to be made there, how will that impact on your overall calculations in terms of tunnel versus road?

**Dr MANINS:** If there is more congestion on Epping Road, that will be partly because of the constrictions. The number of vehicles will be smaller, though, even though they are congested. Congested traffic emits smaller emissions of particles and nitrogen oxides, but higher emissions of carbon monoxide. As far as particles are concerned—which is my substantial concern because that is the dominant health impact for the community, I understand—I would expect, therefore, if there is congestion on the road it will actually improve the very immediate air quality a little bit, due to particles. However, the whole air quality for particles is swamped by the regional source of particles—that is, the general traffic fleet, commerce, domestic, and all the manner of sources, and from other regions, blowing in and out of that region. It is a very small concentration once you get beyond 100 metres or so from any particular road.

**CHAIR:** Do you think, as a principle, that warnings should be established at all tunnels, such as the Lane Cove tunnel, even though it may not be a high risk for users—for example, as with the M5 East tunnel, to have your window closed and to seal off the vehicle while you are driving through the tunnel?

**Dr MANINS:** I can only quote back to NSW Health's advice, and that was just that. I remember that NSW Health recommended that there be signs that told motorists to wind up their windows. That is the message I had in my mind.

**CHAIR:** Even for the Lane Cove tunnel?

**Dr MANINS:** For all tunnels. They did not say for all tunnels; they said that, I understand, for the M5 East tunnel, and they have yet to start a study on the Lane Cove tunnel—or they are just about to start a study, I understand.

**The Hon. GREG PEARCE:** Did you say that you advised NSW Health?

**Dr MANINS:** No, I did not say that. I am quoting what I understand they said.

**Mr MICHAEL DALEY:** In layman's terms, what particles are we talking about here?

**Dr MANINS:** Particles that can be breathed in. The most serious ones are those that stay in the lungs.

**Mr MICHAEL DALEY:** What kind of particles?

**Dr MANINS:** They are an incredibly complex mix of all manner of things. In motor vehicles, they are mixtures of partly burned carbon, so they can be liquid or sooty particles. But they have a huge complex of other pollutants covering them and inside them.

**Mr MICHAEL DALEY:** Do those particles reduce commensurate with the level of ethanol in fuels?

**Dr MANINS:** That is a controversy. Again, this is not my area, but I have colleagues who have worked on this issue. If you are talking about percentages of ethanol of around 5 to 20 per cent, there is little or no change to the particle emissions. If it is pure ethanol, there is a substantial reduction of particle emissions.

**Mr MICHAEL DALEY:** There has been a lot of talk about filtration. Some of the proponents of filtration would have us believe that there would be a substantial reduction in potential adverse health effects to both users and the community if filtration were introduced. Notwithstanding that there will be no filtration, can you tell us whether it is possible to relate the exposure of motorists under the current design of the tunnel, and also residents living around the area, to potential adverse health effects, given the current design?

**Dr MANINS:** I am not a health expert, so I need to be cautious in what I suggest to you. I can only refer to the design standards, the conditions that have been imposed upon the design of the tunnel by the Department of Infrastructure Planning and Natural Resources.

**Mr MICHAEL DALEY:** On page 2 of your submission you say:

It is not possible to relate the short exposure of motorists, about 3 minutes, to existing health measures. In the neighbourhood, including near the ramps to the Tunnel, the contribution to air pollution from the Tunnel and its traffic is likely to be about the same or lower than if the Tunnel did not exist.

Do you stand by those comments?

**Dr MANINS:** Yes, that is in terms of concentrations. I do not know what the health consequences of those statements will be exactly; that is the problem.

**Mr MICHAEL DALEY:** Could you point out the rationale behind exhausting fumes through the stack and how height relates to the dispersal of the emissions from the stack?

**Dr MANINS:** Once upon a time in air pollution control technology, there was a saying, "The solution to pollution is dilution." What you are doing with a stack is sharing it over everybody, at a lower concentration than if you did not have a stack; sharing it over the people in the immediate vicinity of the emissions. The stack raises the pollutants to a higher level, and it takes some time for the pollutants to reach the ground. In that process they are diluted, and so the concentrations are lower after it coming out of the stack. As a sweeping statement, the higher the stack, the lower the pollutants at the ground level, because it takes longer for the pollutants to reach the ground. That is not the case in some particular circumstances, but most of the time that is true.

**The Hon. AMANDA FAZIO:** I have sat on a number of these inquiries where we have looked at tunnels, emissions, and all the rest of it. How great a level of emissions do you get from motorists using a tunnel, rather than having that same volume of traffic on surface roads? As a lay person, I would have thought there was very little difference; you would have the same amount.

**Dr MANINS:** There is significant difference if the tunnel allows the traffic to flow more freely and if the number of vehicles does not increase substantially. More freely flowing traffic generally reduces the carbon monoxide emissions, but it increases nitrogen oxide emissions and it can increase particle emissions. Trucks—focusing back on my area of particular interest—when they run freely are considerably lower in emissions for particles than on congested roads or if they have to travel uphill. The problem with tunnels is that inevitably they involve trucks running uphill at some point and that is often an area of higher particle concentration—the exit ramps of tunnels. Those exit ramps probably do not exist on surface roads but the congestion is much stronger and trucks are changing gear more frequently and accelerating and decelerating, so emissions on the surface roads without the tunnel would probably be still considerably higher than if the tunnel existed.

**The Hon. AMANDA FAZIO:** With the Lane Cove Tunnel, it does not seem to have those steep inclines that you get in the M5 East tunnel. So that would also mean, would it not, that the comparison between the two tunnels is not as direct as some people make out?

**Dr MANINS:** It is a little bit complicated, because Lane Cove Tunnel going from west to east is uphill almost all the way, 3.25 per cent. Right at the exits for the Pacific Highway, which is not the main exit, it is actually 8 degrees. That is well and truly strong enough for trucks to be on full load, and they will be emitting at their maximum pollution at that level.

**Ms LEE RHIANNON:** The M5 is 9 per cent, is it not, at its highest?

**Dr MANINS:** Yes, I think it is. It may even be higher than that on short segments of the exit.

**CHAIR:** Can you just quote that figure?

**Dr MANINS:** I am going on the figure just mentioned, 9 per cent. I believe that is probably true. I think it may even be a little bit higher on some of the minor exit ramps.

**CHAIR:** You mentioned the vents a moment ago. The Sirius Road vent that we looked at yesterday, even though it is on a higher raised level of land, is apparently a fairly short vent compared to all the other vents?

**Dr MANINS:** Yes.

**CHAIR:** Could you comment on that? You mentioned this dilution factor.

**Dr MANINS:** Yes. I believe, I understand and have seen the analyses, the stack height is set at the lowest possible height to still give the best, in some measure, air quality result. Stacks are expensive to build so you do not build them unnecessarily high. You try to keep the height within bounds to keep the cost within bounds. That stack was designed to take particular flow rates, emissions, and it is different from the Martin Road end. The emission rates are different. The concentrations of pollutants that are going up that stack are different from the ones that are expected to go up the Martin Road stack. So those two factors together, concentrations and flow rates, are different for each stack. So that changes the design.

**CHAIR:** You said it may have been dearer to make it higher, but from a health point of view should it have been higher?

**Dr MANINS:** In terms of concentrations, which is the only thing I can talk about, I do not know the health results except through concentrations. The concentrations predicted for the current design are very low. It will be extremely difficult to see any difference at the monitoring stations or anywhere else except very close to the stack—and I mean within metres of the stack. It will be extremely difficult to see any impact of those stacks, because the pollutants will be diluted so much by the time they reach the ground.

**CHAIR:** So, there will be no impact on the factories or workers in that area and the business park?

**Dr MANINS:** I cannot say there will be no impact.

**Mr MICHAEL DALEY:** More so than the current arrangements, though?

**Dr MANINS:** There will be an increment in that area but I believe you will not be able to distinguish that increment from the general background, which is quite substantial in Sydney and in that area. Current monitoring indicates there is a uniform pattern of concentrations across the whole region where the Lane Cove Tunnel is. There is nothing peculiar about any particular point. It is all general, regional air pollution all mixed together. This is particularly for particles.

**Ms LEE RHIANNON:** To continue with the stack, I think I understood you to say earlier that the length of the stack was important because it helped to disperse the pollutants?

**Dr MANINS:** Yes.

**Ms LEE RHIANNON:** When we saw this stack yesterday they were at pains to emphasise how half of the stack is underground. If I understand you correctly, by the stack not being the full length above the ground, we are losing that dispersing factor? Is that the case? My question is, does it make any difference by having half of it underground?

**Dr MANINS:** I believe the design requires the stack to be a certain height above the ground. If there is another 30 metres or whatever it might be underground, that is totally irrelevant, is of no material importance, to the air pollution.

**Ms LEE RHIANNON:** He was saying we need to have the stack at a certain length and we put half of it under the ground, but from what I am hearing you say, that would negate the impact of the dispersing factor having a stack at a certain length?

**Dr MANINS:** No, I am not saying that. I am saying you can have any length underground. It makes no difference to the design. The design and construction has to meet a certain height of stack above the ground. The standard requirements do not talk about how much stack is underground. That is irrelevant to the air pollution problems.

**The Hon. GREG PEARCE:** The stack at the western end, the lower one, is built on the edge of a valley, and the explanation seems to be that the particles will be dispersed into the valley and roll away.

**Dr MANINS:** Roll away? Is that a technical term?

**The Hon. GREG PEARCE:** Definitely.

**CHAIR:** That is the Hon. Greg Pearce's interpretation.

**Ms LEE RHIANNON:** I want to go back to the issue of the traffic numbers. Again, if I am wrong here I apologise, and please correct me if I am wrong, but I got the impression when you spoke earlier that you were quite confident that the projected traffic figures will happen. I was wondering, if that is the case, why you were confident, considering that the result with the Cross City Tunnel has been such an underestimation and the M5 such an overestimation, by huge amounts. I wonder how anybody can be confident about traffic projections?

**Dr MANINS:** I cannot think of all of the factors I could use to answer that question, and again I am not an expert in traffic design. It is still very early in the life of the Cross City Tunnel. It was opened in August last year, and it had all that fuss?

**Ms LEE RHIANNON:** But they told us that within 18 months it would get the 90,000, and it is running at a third of that.

**Dr MANINS:** Yes, they totally underestimated the impact of the tolls, not the tunnel.

**Ms LEE RHIANNON:** No, they overestimated the traffic numbers.

**Dr MANINS:** They have not necessarily. They had overestimated, perhaps, the time it is going to take the public to use the tunnel. It will be a lot longer than it was for the M5, in particular because there is no toll on the M5. That is one big reason, and the M5 changed the whole ability to service the airport area and industry. So, industry took that tunnel on board as a major positive factor for them. That is not going to happen with the Lane Cove Tunnel. The Lane Cove Tunnel is principally commuter traffic. The Cross City Tunnel may have many more industrial vehicles than the Lane Cove Tunnel.

**Ms LEE RHIANNON:** I want to move on to some issues to do with air quality conditions. The roads Minister continues to say that the M5 East tunnel meets air quality conditions. Can you comment on the appropriateness of these conditions?

**Dr MANINS:** I understand that most of the time the M5 meets the carbon monoxide concentrations that it is required to meet.

**Ms LEE RHIANNON:** How useful are they in judging the levels of pollution?

**Dr MANINS:** They are very important for the direct impact of carbon monoxide on people, the displacement of oxygen from the blood, the very well-known and quantified affect of carbon monoxide on human response. That standard, which is the only standard that is required at the M5 East, does not say very much about particle concentrations or nitrogen oxide concentrations in the tunnel, and it is the particle concentrations that have the public so irate, because they can see this pall of soot or whatever it is, black material, and the residents are irate because there have been numerous instances of portal emissions when they were promised none, and there have been numerous breakdowns in the tunnel of equipment that helps the ventilation system function properly, and at some of the monitoring stations too. So, the track record has been pretty poor on the M5 but I understand it is improving, and I understand also a lot has been learned from the experience of the M5 East.

**Ms LEE RHIANNON:** Staying with the conditions, do you think the current conditions of approval for the air quality provide adequate protection for the community who may not be in the best of health?

**Dr MANINS:** That is a difficult question to answer from my perspective. The air quality standards set for the general community across Australia are not designed to protect everybody. They are designed to protect most people and most people who are also in poor health, but not all people who are in poor health. There is inevitably a cost benefit analysis done dealing with people's lives and all that, but that is a reality of the world.

**Ms LEE RHIANNON:** Which probably takes us to the point you made earlier about signs. What happens when, say, NSW Health makes a recommendation for these signs but they are not put up? How does that go?

**Dr MANINS:** It is in your hands, not in my hands.

**Ms LEE RHIANNON:** Do you think that the current standards based on ambient conditions are appropriate for tunnels?

**Dr MANINS:** Oh, applying them to tunnels?

**Ms LEE RHIANNON:** Yes.

**Dr MANINS:** Yes, but it is very difficult to do. The ambient standards are generally in terms of exposure to pollution for an hour, or for particles for 24 hours. When the traffic is not stopped, you are only in the tunnel for about three minutes. How do you relate a three-minute exposure to a 24-hour exposure? I do not know, and the health industry does not know. It is an area of active research, but we do not know at this stage how to deal with such an issue.

**CHAIR:** You mentioned the three minutes. There may be a need for other signs that indicate that if there is congestion that vehicles should have their motors turned off. I do not think that applies in any of the tunnels I have been in.

**Dr MANINS:** Yes, they sit there and they idle, and that creates severe pollution problems in the M5 tunnel.

**Mr MICHAEL DALEY:** Not if you turn your engine off.

**Ms KRISTINA KENEALLY:** Chair, I have seen those signs in the Eastern Distributor tunnel and the M5 East.

**Dr MANINS:** I have seen the design work for the Cross City Tunnel and the Lane Cove Tunnel. I believe an awful lot has been learnt and that they are designed to keep the pollution levels quite satisfactorily low even when the traffic is crawling or stationary with engines idling. They have learned what needs to be done.

**Mr STEVEN PRINGLE:** Just following up the dilution issues, when you were talking about dilution, what period of time were you talking about? Was it the 24-hour period, and is there a possibility that the plume will be staying around for longer periods?

**Dr MANINS:** I am sorry, I do not really understand that question. The plume is around us or will be around the region all of the time. It is whether it is reaching the ground at any particular spot and at any particular time. The pattern on the ground, the footprint, changes during the day as the winds change and as the sun forces different wind circulation and the general background meteorology. So, the plume is in the region all of the time. Some places may experience the plume more frequently than others. It is the integration, the summation of all of those little exposures, that lead to the one-hour exposure or even the 24-hour exposure. Standards are written in these longer terms.

**Mr MICHAEL DALEY:** And the plume is present whether there is a tunnel or not?

**Dr MANINS:** There has to be a plume from both motor vehicles at breathing height on the surface roads or a plume that is 40 or 60 metres up and going even higher because of the speed with

which it is ejected, and is also warmer than the surrounding air and will rise higher before it comes down to the ground. It is at least 100 metres, probably, before it starts to come to the ground, except in really strong winds. So, the concentrations will be lower than if you were near a motor vehicle with its exhaust pipe next door to you.

**Mr MICHAEL DALEY:** So the only way to reduce the plume is to reduce emissions. So, if you have quicker travelling times and people take up the implied offer in the dedicated bus lane to catch more public transport than they are now, there will be a substantial reduction in emissions, is that true?

**Dr MANINS:** I understand that those factors are true. A further factor is that, over time, motor vehicle emissions are also improving. It is slow, but it is happening. In particular, trucks will get major boosts in their requirements over the next few years.

**The Hon. GREG PEARCE:** This morning the roads Minister claimed that an extra million cars were on the roads compared to what there were 10 years ago.

**Dr MANINS:** Traffic is forecast to increase with time in Sydney. Several traffic engineer studies are available in public literature. Despite the huge increase expected over the next 20 years in the number of vehicles, overall emissions from motor vehicles are expected to decrease because emissions per motor vehicle will decrease faster.

**CHAIR:** As technology improves.

**Dr MANINS:** Technology is becoming very advanced, especially on diesels.

**Mr MICHAEL DALEY:** So the new Euro 5 diesels are more advanced in relation to emissions than are current diesel engines?

**Dr MANINS:** In this country, by far. Effectively, this country has had a history of no particle controls on any diesel vehicle. We import mostly Japanese diesels and they have no particle standards to meet in Japan. Our standards for trucks state, "The vehicle must meet the standards applicable to the country of origin."

**Mr MICHAEL DALEY:** I am glad that the Minister for Transport just announced the \$250 million purchase of new Euro 5 diesel engine buses for State Transit.

**Dr MANINS:** I think that would be a very good thing for air quality. They all need to be replaced. There are probably tens of thousands of buses in Sydney.

**Mr MICHAEL DALEY:** We will get there.

**Dr MANINS:** Yes. It is a good start.

**CHAIR:** Thank you for your attendance today and for giving us your expert knowledge. It is a challenge to reduce all pollution in Australia, not just in tunnels.

**Dr MANINS:** Yes, it is a slow process. The evidence in urban Australia is that we have had success over the past 20 years. We can expect more success over the next 20 years. That is not to say that any individual exercise, like a tunnel, necessarily will be a good thing. Every exercise has to be designed carefully and managed properly.

**CHAIR:** Thank you, Dr Manins.

**(The witness withdrew)**

**CAROLYN ELIZABETH NEW**, CoverSmart Officer,

**HAROLD CHARLES WOLFE SCRUBY**, Chairman, Pedestrian Council of Australia, and

**WILLIAM JOHN ORME**, retired, affirmed and examined:

**CHAIR:** Ms New, in what capacity are you appearing before this Committee?

**Ms NEW:** As Advocacy Officer, Bike North.

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Ms NEW:** Yes.

**CHAIR:** Mr Scruby, in what capacity are you appearing before this Committee?

**Mr SCRUBY:** As Chairman of the Pedestrian Council of Australia.

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Mr SCRUBY:** I am.

**CHAIR:** Mr Orme, in what capacity are you appearing before the Committee?

**Mr ORME:** As co-ordinator of the Walking Volunteers, and also as a member of the CCLG for Falcon Street and the North Sydney Council Pedestrian Committee.

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Mr ORME:** I am.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you might wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Ms New, do you wish to make an opening statement?

**Ms NEW:** Yes. Thank you for this opportunity to appear before the Committee. Bike North's interest in this project has been to maximise the contribution that sustainable transport can make to this corridor, in particular, the contribution that cycling can make. We see great benefit in transferring as many people from cars into either public transport or walking and cycling for many reasons—for health reasons, sustainable transport and air quality. There are so many reasons. We cannot simply create roads all over Sydney, as we would have pavement everywhere. There has to be other forms of transport.

Our interest has been to maximise the cycling component as much as we can. That could be done simply by ensuring that the cycling facility is a good quality facility and that it goes from one place to another. Too often cycle lanes are just 20 metres long and nobody uses them. One of the great things about this project is that we have 7.5 kilometres of cycleway that links to major regional areas. It links education facilities, employment, and residential areas on the lower North Shore to North Ryde. So you have all those universities and employment areas and the people living there. It is a natural commuter corridor for cars, just as it is a natural commuter corridor for cyclists.

At the moment we have an extremely hostile environment if we want to ride down Epping Road. No-one will ride down there unless he or she is very confident. Basically, males tend to ride down there. You might have noted that these days 80 per cent of cyclists who ride to work are males. The reason is that it is hostile out there. In this case the proposal for what is starting to be built is an off-road cycleway that will encourage all sorts of people to try to ride to work because they do not have to fight with cars. That is one of the great positives about this project. The proposed facility is

excellent and wide. There are compromises from our point of view. We have been involved in this project right from the beginning.

We would have liked to see separate cycleways on each side of the road so that we did not have bicycles going the wrong way against traffic and confusing cars at intersections and the like. We would have liked to see complete separation from pedestrians. We know that there has been an attempt to do that and it is a good attempt. I would say that the proposal is the best quality cycleway we have in Sydney. It is equal to the best example on the M7, but it is in an area of Sydney where people want to ride to work. It is in an area of Sydney where people are riding to work. Between 1996 and 2001 there was a 119 per cent increase in people riding to work in areas like North Sydney. This is where the growth in cycling is—on the lower North Shore and in inner Sydney. This is where it needs to be. We definitely support the cycleway. It is essential to the project.

**CHAIR:** You referred to an increase in people riding to work. Earlier a witness said there were only six cyclists an hour on Epping Road once the tunnel was opened. Does that seem to be accurate to you?

**Ms NEW:** I think there could be more than that. It is an unknown thing. We are talking about latent demand and that is very unpredictable. We know that the numbers are increasing. We do not know what the numbers are today because insufficient data has been collected for us to know. The census will establish how many are riding to work. There will be another collection of data this year. There are figures for the Sydney Harbour Bridge, which might give us some indication. The Roads and Traffic Authority [RTA] should be able to supply those figures. We do not know how many there are but we just know that there will be a lot more than there are now and that those numbers will grow, in particular, as the price of petrol goes up and people are looking for alternative ways to get to work.

**CHAIR:** Mr Scruby, would you like to make an opening statement?

**Mr SCRUBY:** I would like to make a one-sentence opening statement and then come back to the detail. How long do I have to make my presentation?

**CHAIR:** Five minutes.

**Mr SCRUBY:** My opening statement is clearly that there are serious concerns about the major intersection at Falcon Street. It will be a pedestrian nightmare. There must be a separate, independent study, exclusive of the RTA. I will give my reasons for that later.

**CHAIR:** Do that now.

**Mr SCRUBY:** Back in July 2005 a pedestrian crossing was installed at the Merlin Street intersection, which is in that area. You might be familiar with the area. I will hand some photographs around that will help me to prove what I am trying to get across. In 2002 in the Court of Appeal case *Bussell v Campbelltown Council* the unanimous decision of the Court of Appeal was that authorities must provide adequate line of site around pedestrian crossings. Only recently we had the Sophie Delezio tragedy. Everyone is fully aware now how important and critical line of site is at pedestrian crossings.

The RTA, in conjunction with its contractors, installed a pedestrian crossing where there is an enormous amount of traffic with no—and I repeat no—line of site at the pedestrian crossing when its own technical specifications required 20 metres on the approach and 10 metres on the departure side of all pedestrian crossings. We had to write to the then head of the Roads and Traffic Authority, Paul Forward, and we sent a copy to council. Council wrote back. I have copies of all correspondence since that time. I read from a letter from the general manager that states:

We have been experiencing major problems in Merlin Street whereby the RTA contracted tow truck drivers to pick up broken down vehicles from the expressway and dump them in the pedestrian crossing area. I have formally raised this with the RTA and as yet have had no response.

For one month the RTA dumped all its towed vehicles, even when we got the pedestrian zone increased to proper RTA zone standards, in this pedestrian zone. These are some of the penalty

notices. One is dated 7 January 2006 and the photograph was taken on 1 February 2006. It did not matter how many letters we wrote either to Paul Forward or to the acting chief executive officer, or chief executive, Mr Mike Hannon; they did nothing about removing these vehicles from this zone.

These pictures show the largest vehicles on our roads—RTA contractors parking in the pedestrian zone at Merlin Street. This is a scandal. I have copies of correspondence to the RTA, none of which has been responded to, and the Minister, Mr Roozendaal, telling them what is going on. They did nothing about the problem. A senior police officer, Senior Sergeant Dave Olsen reported to us that he has booked over 20 RTA and RTA-contracted vehicles in that zone in the last couple of months. That is the contempt with which the RTA holds pedestrians.

Pedestrians are the greatest road user group in Australia, yet we are always at the bottom of the food chain in the RTA's consideration. Let me explain why. The RTA is a road-building organisation. When you receive letters from the RTA they state, "improving traffic flow". That means its major objective is to improve traffic flow. If you are in charge of improving traffic flow you have a direct conflict of interest with road safety. In 1995 the Premier, in conjunction with Carl Scully, released a document entitled "Road Safety 2000." It was to ensure that New South Wales had the safest roads in the world by the year 2000, with fewer than 500 deaths.

It was a commitment by the Premier and Carl Scully. We had 620 deaths by 2000. So when they saw this coming they chucked it in the bin and released "Road Safety 2010". That promised to save 820 lives by the end of last year. We saved none. No-one is responsible; no-one is accountable. Yet this is the very same organisation that is going to be in charge of telling us what pedestrian safety implementation should be at this major intersection.

I do not have the skills or the knowledge to tell this Committee what should be in place. It requires a very detailed, independent inquiry. I think none of us here has the answers. I can say that I was recently called before a coronial inquiry into the death of a woman out near Mascot. She died on that six-lane highway near the Mercure hotel and the international airport. As a result of that coronial inquiry a very satisfactory result has been experienced. Unfortunately, in this country we have to have deaths before we can make major change.

**Mr MICHAEL DALEY:** What was the result?

**Mr SCRUBY:** The result was that they have put a tunnel underneath the main road there. They have created barriers right along so you cannot cross any longer. We have the opportunity to have a tunnel under Falcon Street. It is already there. However, tunnels are rarely used unless they are very well lit, they are clean and unless there are security cameras. But this is only one option. There are several ways that people still have to cross the area. You cannot use the tunnel if you are crossing west of the existing on ramp.

**CHAIR:** Did the Minister's announcement yesterday about the pedestrian crossing and bicycle way address your concerns?

**Mr SCRUBY:** I still cannot get my hands on the detail—and the devil is always in the detail.

**The Hon. GREG PEARCE:** There is no detail.

**Mr STEVEN PRINGLE:** And no funding.

**Mr SCRUBY:** We can achieve a good result here. There is no issue that we can achieve a good result. The best way to deliver road safety is through engineering. That is number one. It is engineering first, education second and perhaps enforcement third. They are the three Es of road safety. We have got to have the other part of this, which is access and amenity. There must be easy access with safe amenity. Women—I am not being sexist; it is men too, but primarily women—will feel very threatened using the tunnel, which is windy and noisy because it is just above the freeway, late at night unless it is clean and safe, there are security cameras and it is patrolled regularly. It could work but that is only one solution. I am not offering all the solutions. I am simply saying that the organisation that professes to be able to give us the solutions is not the organisation that should be making the decision. The decision should be offered by an expert team of consultants in consultation

with all the major stakeholders and then it should come back to a committee such as this. It must be raised above the RTA.

**CHAIR:** You have made that point. Do you wish to add anything?

**Mr SCRUBY:** I do not think so.

**CHAIR:** Would you like to table the document with the correspondence?

**Mr SCRUBY:** Yes, and the photographs. I am sorry but they are in a bit of a mess. I have a photograph that is particularly telling. It is of a vehicle that was "dumped"—to use the words of the general manager of North Sydney Council—by the RTA on 7 January. There it is, still in a pedestrian zone on 9 February.

**CHAIR:** Was that vehicle broken down and waiting for the owner to collect it?

**Mr SCRUBY:** It might have been illegally parked. They are usually clearway vehicles. They are left there by the RTA. I think there would have been half a dozen emails to the general manager or head of the RTA, but he did nothing. If that is the concern that the RTA shows for pedestrian safety after a Court of Appeal stated categorically that they had a serious liability and responsibility, then should that same organisation be in charge of making this decision? That is the question that I put to the Committee.

**CHAIR:** There should be a special car storage place.

**Mr SCRUBY:** Of course there should, or the cars should be put in an area where there is no potential for harm. Finally, could I just say—it is possibly related—that the RTA has been trying to stop putting in pedestrian crossings of late? It has now moved to this wonderful new device called a "pedestrian refuge"—you will have seen them all around Sydney—with little concrete barriers in the middle and perhaps some plastic safety bollards, which would not protect you from a bicycle. Do you realise, Mr Chairman, that, No. 1, pedestrians have no right of way at these devices? No. 2, the RTA has no—and we have been forcing them into it—technical directions surrounding these devices. In simple terms, you can park a car right in the middle of a pedestrian refuge without penalty in spite of the fact that four years ago the Court of Appeal—the decision with Bussell was related to a refuge—stated that there must be a clear line of sight around these devices. I put that to the Committee so that you are aware of what is going on. Thank you very much.

**CHAIR:** Mr Orme, would you like to make some opening remarks?

**Mr ORME:** Yes. I will start by saying that I have had the advantage of listening to Lane Cove and North Sydney councils and to Roberta Ryan this morning. Having regard to those factors, I would like to make a few comments. First, I would like to clarify Walking Volunteers a little more. We started as a smallish group in North Sydney in 1999 to encourage people to walk to work, walk to the library and walk to the shops. We identified the routes, as they had not been identified previously. The council was not aware of more than 120 lanes, rights of way and steps that were not on its records but that were available to pedestrians. There were no throughway signs. They did not acknowledge the fact that down the end of a dead-end street there was a pedestrian passageway. These are now signed and identified.

The program was so successful in encouraging people to walk that the four adjoining councils—Mosman, Willoughby, Lane Cove and Hunters Hill—asked us to expand our research and thinking into their areas. We have done that. Eighteen months ago the Department of Planning came to us and asked us to extend our work around to the south side of the harbour as well. So we now include Canada Bay, Leichhardt, City of Sydney, National Parks, federation trust, and the Sydney Harbour Foreshore Authority. Virtually without exception, the routes that we have identified have been adopted by all these bodies. We have now produced a further series of walking routes around the whole area. A series of these were released last September, November and December. They have been so successful that the original print went in nearly two months. The Government and the councils are now joining in. We have just reprinted another 80,000 of these.

**CHAIR:** Does your organisation print them?

**Mr ORME:** Yes.

**CHAIR:** Do you fund it too?

**Mr ORME:** No. First, the Department of Planning offered us a grant. North Sydney and Mosman then said that they would join in the funding. Interestingly, we come with the proposals to regional meetings and the councils, National Parks and federation trust adopt them. We do all the work substantially but the funds are provided by the Government, councils and National Parks. It is interesting that we have State, Federal and local governments working together. The demand is so great that we anticipate that the 80,000 will be gone in the next couple of months. The councils have already indicated that they will share whatever cost is necessary because this has been such a successful program.

**CHAIR:** You have done very well.

**Mr ORME:** We believe that we are probably doing at least as much, if not more, to understand how people as pedestrians move around cities and how we can encourage people. We are working with Geneva and the City of Paris, which have been the two most successful cities. We took one small idea from Geneva. I sent them a copy of the brochure and said, "Thanks very much; we've copied your idea." Geneva has just emailed us to say that they think this is so superior to what they are doing that they are going to copy it for the City of Geneva. It has won the award as the most successful city in Europe at encouraging people to walk rather than use vehicles.

With that qualification, we identified in 2001 the need and the opportunity to solve the biggest single problem on the north shore. Falcon Street is the funnel through which pedestrians and cycleways go. Routes as far away as Manly and Pittwater are influenced by what happens there. It is a disaster what the RTA did in the 1960s, with utter disregard for pedestrian and cycle movements. The Lane Cove Tunnel presented a great opportunity not only to remedy some of those problems but to greatly improve these facilities.

Of the volunteers, three are internationally recognised as experts in their fields. They give their time free of charge. Ian Napier, who has done the City of London, the City of Sydney and North Sydney pedestrian plans, is a world authority on movements and designs. He is an architect and town planner. He is giving his time totally to it, within reason. In my job as co-ordinator I felt that his expertise was being called upon by State and local governments. I took it up with the council that I felt it was reasonable that once he became a technical expert in drawings and things of that nature they should pay him. They did that immediately—within 24 hours of my making the request. I think that is an indication of the support.

We designed, as volunteers, for the EIS as it was originally proposed and, working with the RTA, the connection between the pedestrian-cycleway that finished at Willoughby through to the harbour bridge. How the RTA operated was very interesting. What happened was, despite their initial enthusiasm, it was not a priority. It was referred to their general manager, bicycles and pedestrians. So these proposals for the underpasses and protection fell by the wayside. That position has been cancelled and their budget has been cut by two-thirds, which is an indication, as Harold so ruthlessly said, of the lack of concern. While they say that they balance the needs of vehicles, pedestrians and cycles, in every instance where decisions and changes have been made the proposal that best suits the vehicles is the one that is chosen. Provision is then made from what is left over. At the meeting of the Lane Cove Tunnel consultative group we pointed out the extremely dangerous crossings. The RTA's answer—which I think summarises the whole problem—was, "It's the best we can do in the circumstances" We believe that is a disgrace.

Turning to what we can do about it, the Minister has made an announcement. It is interesting and important, and we are grateful for it. When the Minister replied in Parliament he said that the RTA was looking at a northern crossing, which we strongly believe would not meet the need. We think the crossing on the south side would provide for more than 80 per cent of the pedestrian-cycle traffic whereas the north would not. It would be more expensive. I am glad to see the Minister dropped that in his statement yesterday. On Tuesday afternoon there was meeting between the

Walking Volunteers, the RTA and North Sydney Council—it was confidential at that point but it is no longer—where it was clear that the RTA had not given proper consideration to the issues. However, they have responded. They have appointed Connell Wagner to prepare a full review of all the options.

We are still not satisfied that that review is being conducted properly and the Walking Volunteers have asked the council for a copy of the brief that has been given to Connell Wagner. We have asked for all the material that has been sent to them. Hopefully, the RTA will now co-operate with us in the sense that it will be a proper briefing, all the issues will be properly and accurately looked at and all available information will be considered. I think their timetable should be recorded because it is important that this does not become just another announcement that eventually fades away into the sunset.

**Ms LEE RHIANNON:** Do you say no actual date has been set for commencement?

**Mr ORME:** At the meeting we had with council on Tuesday afternoon the dates were given, and I think they should go on public record, that we hope McConnell Wagner will present—because all the work has been done by the volunteers and the council, and they are really just putting it together. We have tentatively arranged a meeting of a consultative group representing the community for 17 July, in which McConnell Wagner are to present the options and we will be working with them, hopefully starting next week, to ensure that presentation is full, accurate and complete; that they have come up with a proposal where they can fast track this so that it will go on public exhibition, we would hope somewhere in the time of September-October. The decision will be taken well before Christmas on what should be done. The council and the Walking Volunteers' preferred option of the underpass and overpass on the southern side is easily built. It is in agreement between the council, the RTA and Thiess John Holland, who has given an estimate of the cost; there is no dispute about the cost. It can be done.

**The Hon. GREG PEARCE:** Did you say that your preferred option is the underpass effectively under the Falcon Street Bridge.

**Mr ORME:** which, unfortunately, is not a great answer but it is clearly the best available.

**The Hon. GREG PEARCE:** That is your preferred option. That is the one that has been costed by Thiess.

**Mr ORME:** No, the two things and they all link and flow together and are designed in our submission of January 2002, is that there be an underpass, which is an important link in the whole north-south flow of pedestrians and cycles. It also connects the bus stop on the north side of Falcon Street to the community it services on the south side. It then flows into an east-west crossing into St Leonards Park across the expressway on the south side. They believe they can fast track it so they hope that work would commence first thing in the New Year, and it can clearly be built within 12 months. I think it is important that these discussions are recorded publicly at this very important inquiry. While the Minister has particular comments on it, I think there is great gratitude from the Walking Volunteers that the work of this Committee, in our opinion, was an influencing factor on the announcement.

**CHAIR:** The Minister's statement said work on the pedestrian bridge was expected to begin in early 2007.

**Mr ORME:** Yes. On our meeting we are satisfied as the Walking Volunteers that, if a genuine effort is made, it can be achieved but it can only be achieved as long as there is openness. The RTA, through the CCLG, at first when we asked for reports gave them to us to justify their decisions. The reports tabled, they admit and we clearly agree, did not justify their decisions that were taken. They were sloppy, they were inaccurate and the RTA did not consider the issues. When we asked for further working materials because we were dissatisfied with the concern, we were told that in future they would possibly have to be obtained through freedom of information legislation, and we ought to be warned that they could well claim confidentiality for internal working papers.

We have found that this crossing, which will be used by students from eight schools, is clearly unsafe. They at first said that their safety consultants in Brisbane has signed off on it. They

have since then changed and removed barriers that created incredible blind safety problems for children from eight schools and a major crossing. They have made changes. Even so, I would now like to correct three things. One of the problems about these nine, in total, crossings is that the RTA has still not designed the phase-in times. That timing is that pedestrians are given six seconds every 2½ minutes, with the result obviously that they will run against the red light because that is an unreasonable balance. However, they cannot give us the accurate statements. They gave us a crossing time of seven minutes to cross 200 metres. When they eventually gave us the calculations not only were they incorrect in the calculations in themselves, but they had missed out two crossings. The RTA tells us that they are so far as there is no need for public scrutiny of their work.

**The Hon. GREG PEARCE:** Is that all the way from Merlin Street right over to the park?

**Mr ORME:** Yes. They had forgotten the Merlin Street crossing and the crossing from the tower into the park itself. They were not included, so we now have an agreement that it will probably take 10 minutes for someone to walk 200 metres and in between they are going to have no protection from sun or wind, and vehicles spewing fumes will be racing either side of them while they are isolated on corners. The thing I would like to correct is that we are very concerned with the crossings at the south-east and the north-west, which are the ones where the big speeds occur.

Although there are no specific design features as they have changed it, they have now marked on the footpath for us where the crossing point will be. We have marked on the footpath where the first time a taxi, hire car or motorcycle would see a child standing at the pedestrian crossing. They measured it at 40 metres, which means that it will be 40 metres before a child will first be seen, when it is acknowledged that a car travelling at 60 kilometres an hour needs a minimum of 60 metres before it can stop. In fact, speeding up as they are approaching a blind intersection that is about to become an 80-kilometre zone and travelling at 70 kilometres an hour, vehicles will take 70 metres to stop.

**Mr SCRUBY:** Chair, might I add something that could help? When you get a chance to see the photographs you will probably notice a woman pushing a child out in front of a large RTA contractor truck. There is new technology around red lights that could save hundreds of lives. In Victoria and in Canberra they have introduced a device called a "red light speed camera". The red light speed camera actually books vehicles for going through red lights, but it also issues speeding tickets if motorists speeding through a red, amber or green light. We all know that areas of greatest vulnerability for both pedestrians and motorists are intersections, because a lot of motorists speed up to meet the lights.

Victoria has introduced 86 of these digitally enabled red light speed cameras and there are several in the Australian Capital Territory. In the last five years I have been begging the RTA to consider this technology. The RTA still relies on wet film red light cameras and sworn police officers have to climb ladders to take the film out of the cameras. You can imagine where we are going! These devices could be life saving and what I am asking the Committee to look at, because we have so many potential crossings here, is that the red light speed cameras, if introduced at this place, could save a lot of lives.

**Ms KRISTINA KENEALLY:** It would be really helpful to the Committee if you have any data on the effect of those cameras in Victoria.

**Mr SCRUBY:** I can get that for you.

**Mr ANDREW CONSTANCE:** And the Australian Capital Territory.

**Mr SCRUBY:** And the Australian Capital Territory.

**CHAIR:** At intersections or pedestrian crossings?

**Mr SCRUBY:** Most intersections have pedestrian crossings. It will help everybody because this is going to be a major junction.

**Ms KRISTINA KENEALLY:** That is why I think that data would be of interest to the Committee.

**Mr SCRUBY:** I will get it for the committee, but the next silver bullet for road safety is technology. Could I add one thing, since this whole debacle commenced no-one—I repeat no-one—from the RTA has bothered to contact us to ask what would be our view on this major intersection. The other thing that Committee has to look at very closely is the location of the police boys club, the Police and Citizens Youth Club, that area west of the intersection—

**Ms KRISTINA KENEALLY:** Is a considerable distance.

**Mr SCRUBY:** But still, imagine children coming out of the park and trying to get across this intersection. Please, just think about it. How will they get across?

**CHAIR:** Mr Orme, had you finished?

**Mr ORME:** No. I will just try to bring it all to gather by adding one thing from this morning. The community liaison group has been very good within its very restricted role of looking at peripheral issues—noise, trees and things like that—but when you come to the central issue, and Roberta has been particularly good in stretching the rules to give us some element of complaint of these approved designs are basic but quite clear, but major changes are being made to them of which the two biggest ones are moving the exit from one side of the expressway to the other, which totally changed the pedestrian-cycle network. Not only did they not advise the council, they did not tell them about it until six months after it had been made, so a lot of work was done on a wrong basis.

After the Minister's approval, and we were talking yesterday of the council not putting in the submissions until late, first of all the decision of the Minister was not until March 2004. That is the first time that the public statements were made. So, it was not 2002. We were told that an adequate southern crossing would be included in the proposal. When it came out in March 2004, it was this totally inadequate, unsafe provision. North Sydney Council immediately set about putting in a proper design of what we had been discussing with the RTA. As discussed with them yesterday, it looked as if their design of March 2004 was after the event. It was not; it was done immediately it became public that an inadequate proposal had been put forward. North Sydney Council was not negligent in not putting it in at the EIS stage; it did. It is just that the RTA changed the rules. Subsequently, they changed it again with a discussion with the council. The CCLG is not allowed to discuss it.

The RTA is a law unto itself and it made these changes and decided that it was consistent with the approval. They what and the pedestrian crossing, which, in the Minister's approved condition, was 15 metres. They have widened it to 50 metres with an island in the middle on what was previously a continuous footpath. The RTA decided that the RTA's change was consistent with the approval—15 to 50 metres. We would be asking this Committee, in view what has happened in the last couple of days, to do two things: Firstly, to consider recommending urgent completion of the southern overpass and underpass before someone is killed on the dangerous crossings about to be opened. Secondly, that councils and CCLGs in future projects be advised of all proposed changes to contract to design. If they make a change there has to be a form of public consultation rather than in secret. Their comments and the proposed changes should be referred to an independent body to decide whether they are consistent with the approval.

**CHAIR:** I meant to ask each of the witnesses representing community organisations about their membership. Mr Orme, how many people are in the Walking Volunteers?

**Mr ORME:** as we have spread we have changed our name from the North Sydney Walking Volunteers to the North Shore Walking Volunteers and now to the Walking Volunteers. We are 14 in number and are a very effective group, each with an individual skill. All councils are doing now is creating their own team of volunteers and we allocate one of the key members to each council, and then we act as the co-ordinating, training body. We would expect—and this is happening at the moment—that there would be approximately 300 people.

**CHAIR:** Mr Scruby?

**Mr SCRUBY:** The Pedestrian Council is a non-profit organisation. It is a peak body, with eight directors, who include members from the Parents and Citizens Association, the Council on the

Ageing, Bicycle NSW, ParaQuad and ACROD and the Royal Blind Society, and we have as members also a former Assistant Commissioner of Police from Victoria and an orthopaedic surgeon.

**CHAIR:** So yours is more of a co-ordinating body?

**Mr SCRUBY:** It is a group of peak bodies that have come together to try to improve pedestrian safety, amenity and access.

**CHAIR:** Ms New?

**Ms NEW:** Bike North is a volunteer-run, not for profit, bicycle user group that operates throughout northern Sydney council areas. We have a financial membership of approximately 400. We are also affiliated with Bicycle NSW, which is our parent body, and Bicycle NSW has in the realm of 10,000 or so members. Would I be able to make a further statement?

**CHAIR:** Yes.

**Ms LEE RHIANNON:** I wanted to ask a question, Mr Chairman. Is it true that the cycleway finishes at Naremburn, in the middle of the freeway?

**Ms NEW:** Absolutely true.

**Ms LEE RHIANNON:** Can you explain how this happened? Is it bad planning, did they run out of money, or how did it occur?

**Ms NEW:** There are several aspects to this. The project itself has boundaries that start at Wicks Road, North Ryde, and finish at Brook Street, Naremburn. Bike Plan 210 is a plan for bicycle routes over Sydney, and it was released in 1999 and had been steadily implemented up till about 12 months ago. Some things were missed, and some things were going reasonably. There was in the plan a regional route from Chatswood to the Sydney Harbour Bridge and from Sydney Harbour Bridge out to North Ryde. This was supposed to be a major cycle route, to be built by the RTA, and the local councils routes would feed into that.

The section between Naremburn to Wicks Road is part of that regional route. The RTA saw that as a really good opportunity to get that section done through that project. The original routes were supposed to be done in 2004. When it got to 2004 and I queried what was happening to that, I was assured this was all happening in tandem with the Lane Cove Tunnel project; that we would have the bicycle route from the Sydney Harbour Bridge all the way to Chatswood and North Ryde. But, as you can see, we are not to have that. The funding for this was cut twelve months ago, and the design has not been done. There has been a design done from the Sydney Harbour Bridge to Falcon Street, but nothing has happened there. Bill and Carolyn have spoken about the issues surrounding Falcon Street.

We are very keen to get through this section, because it is a very difficult section to get through, but there is nothing for there. A study was done on how to get from one side of the Warringah Freeway to another. Quite clearly, much of this regional route was based on the work that Bill Orme had done—to follow the same pathway along the Warringah Freeway. A study was done on how those connections could be done. Unfortunately, that study did not inform the Lane Cove Tunnel project, so some opportunities that would have been very good were not taken up. The detailed design simply has not been done.

If the RTA had followed through on its promises and finished this, it would not have been an issue to stop in the middle of a freeway. It is a really good connection between that area around Artarmon into Naremburn, and to get to Chatswood is not too difficult either, but if someone riding along this cycleway does not pull off at the opportunities, they will find themselves in the middle of freeway with nowhere to go. The RTA needs to do something to ensure that where this finishes connects into at least local roads in the short term, and in the long term there is fast-tracking for the proper regional route, because the North Sydney area is absolutely abysmal to ride through. It is really bad. I try to do it four days a week, and it drives me crazy.

**Ms KRISTINA KENEALLY:** Mr Scruby, you mentioned the RTA had contacted you or spoken to you regarding the pedestrian changes. Did the Pedestrian Council make a submission to the EIS?

**Mr SCRUBY:** No.

**Ms KRISTINA KENEALLY:** Did you have any meetings with the Minister for Roads?

**Mr SCRUBY:** I have had meetings with several Ministers for Roads.

**Ms KRISTINA KENEALLY:** With the current Minister for Roads?

**Mr SCRUBY:** I have had a 20-minute meeting with him following the Sophie Delezio tragedy, and that was mainly to do with that particular issue.

**Ms KRISTINA KENEALLY:** Did you take that opportunity to raise any of your other concerns about this major infrastructure project?

**Mr SCRUBY:** There was not time.

**Ms KRISTINA KENEALLY:** When was that meeting?

**Mr SCRUBY:** About three weeks ago.

**Mr STEVEN PRINGLE:** I am appalled by the situation that you have drawn to our attention. Clearly, lives could be at risk. What response have you had from the Minister and the Government on this matter?

**Mr SCRUBY:** They did change the line of sight soon after I pointed that out. The RTA blamed the contractor. I do not know what contractors have got to do with the placement of no-stopping signs around Australia. Anyway, following that, all we have ever found are vehicles parked there the whole time, and most of them were very large contractors' trucks or vehicles that the RTA dumped there—and not just at this location. It shows an utter contempt for the most vulnerable road user in Australia. They don't care about pedestrians. The biggest problem that we have ahead of us is that we are a rapidly ageing population. Every morning I get the stats and details when someone is killed, and they are invariably old people. So what is ahead of us if we do not plan for our pedestrians?

**Ms KRISTINA KENEALLY:** Can you give us the stats that you have?

**Mr SCRUBY:** I will get them for you.

**Ms KRISTINA KENEALLY:** It is very useful, when data is referred to, if the Committee can receive copies of that data.

**Mr SCRUBY:** Could I also point out to the Committee that in the RTA hierarchy there are several directors, but not one of them is in charge of road safety. Victoria has an assistant commissioner in charge of road safety. In New South Wales, it is right down at superintendent level. We do not have a system that cares about road safety, and as a result the road toll continues to rise. I am sorry to dwell on the pain, grief and suffering, but pedestrian injuries are typically double the cost of those experienced by people inside motor vehicles. So we have a huge cost ahead of us as well. What is being done? This is a classic example of nothing.

**CHAIR:** We will have to conclude there. We thank you very much for your attendance and for the information you have supplied. Mr Orme, I believe you have maps and diagrams of the pedestrian way. Could you leave this with the Committee?

**Mr ORME:** Yes. That is the overpass.

**Documents tabled.**

**(The witnesses withdrew)**

**CHAIR:** Mr Daley, do you want to make a statement?

**Mr MICHAEL DALEY:** Yes, Mr Chairman. Our next two witnesses, Mr James Andres and Ms Wendy Machin, are from the National Roads and Motorists Association Limited, trading as NRMA Motoring and Services, sometimes inaccurately referred to simply as the NRMA. I just wish to bring to the Committee's attention and place on the public record that immediately prior to my election to the Legislative Assembly I was an employee of that company in the role of corporate legal counsel. I do not believe I have a conflict of interest, but in the interests of probity I wanted to bring that fact to the attention of the Committee.

**CHAIR:** Thank you for doing that. I think all of us would probably be members of the NRMA.

**JAMES ANDRES,** Economist, Public Policy, NRMA Motoring and Services, 388 George Street, Sydney, and

**WENDY MACHIN,** Director, NRMA Motoring and Services, 388 George Street, Sydney, affirmed and examined:

**CHAIR:** Ms Machin, in what capacity do you appear before the Committee?

**Ms MACHIN:** As a Director of NRMA Motoring and Services.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Ms MACHIN:** I am.

**CHAIR:** Mr Andres, in what capacity are you appearing before the Committee?

**Mr ENDRES:** As an employee of NRMA Motoring and Services.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr ENDRES:** I am.

**CHAIR:** If either of you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do either of you wish to make an opening statement?

**Ms MACHIN:** Mr Chairman, I would like to make a brief opening statement. First, I would like to apologise on behalf of the President of the NRMA, Mr Alan Evans, who appeared before you previously. He is overseas on a study tour, as are a number of key personnel, and hence Mr Andres and I appear before you today. Could I remind the Committee that NRMA Motoring and Services is an organisation that represents some two million members. We welcome the opportunity to appear before the Committee in regard to the Lane Cove Tunnel. As you would know, NRMA has lodged a detailed submission outlining our view in relation to the inquiry's expanded terms of reference, and we are happy to speak to that today.

The NRMA is conscious of the fact that the Lane Cove Tunnel is still under construction, and that today no single vehicle has passed through the tunnel and no motorist has paid a toll. However, that said, the NRMA has been a close observer of the Lane Cove Tunnel project and, as detailed in our submission, we have concerns regarding the project. Those concerns reflect discussions with community groups, the Lane Cove Tunnel Company and the New South Wales Roads and Traffic Authority. Our submission to the inquiry makes a number of recommendations in order to increase public awareness of changes to Epping Road, the Warringah Freeway and the imposition of tolls. We also recommend as a matter of urgency that the RTA and other relevant stakeholders implement a strategy whereby the Sydney Harbour tunnel and the bridge make increased use of cashless toll facilities.

NRMA welcomes the opening of the Lane Cove Tunnel and the associated infrastructure on the Warringah Freeway. We believe that the ongoing concerns can be overcome and that community and motorist discontent can be minimised if the RTA and the Lane Cove Tunnel Company continue to listen to and work with those community groups that are impacted by the project. NRMA is happy to assist and participate in any efforts to increase awareness of the project and its impact on motorists of the wider community. In relation to this inquiry's recommendations relating to the cross city tunnel, NRMA supports those recommendations made by the Committee in its first and second reports. We also welcome the initiatives by the New South Wales Government to implement a number of the Committee's recommendations, and in particular by reversing key traffic measures and road closures that accompanied the opening of the cross city tunnel and led to congestion and poor transport outcomes in the Eastern Suburbs and in the Sydney CBD.

**CHAIR:** Does the NRMA have a position or any views on the future of Epping Road with the restriction of lanes?

**Ms MACHIN:** We have some concerns about a number of matters. Firstly, it will be confusing for motorists coming to and from the tunnel, in that they will not be aware of the free alternative. So we have concerns about signage and community consultation. Our concerns relate to constrictions on Epping Road, the reduction in the size of that road. I might ask Mr Andres to give more detail because he has done a huge amount of work on our submission.

**Mr ENDRES:** Our understanding of what will happen to Epping Road is that it will be the same size and width as it currently is. But the lanes will be reconfigured, which means there will be less road space for general traffic. We understand that at the moment there are two lanes open to general traffic and a T2 lane. That effectively will be reduced to one general traffic lane and one bus lane, and that there will also be a cycleway. As motorists are paying for this project, every effort should be made to keep the existing free route the way it is, so that motorists can use the free existing route as it is.

**Ms MACHIN:** It appears to us that it is a similar issue of funnelling people into the tunnel by restricting the alternative routes, and making it more difficult by increasing congestion or whatever will be the result of that.

**CHAIR:** So you are anticipating there will be a great deal of congestion on Epping Road?

**Ms MACHIN:** It is hard for us to say because, as I said at the outset, this is not a project that has as yet opened, and all the best forecasts on the other tunnel project appear to be have been incorrect. So it is hard for us to crystal ball gaze. But the fact is that fewer lanes will be available for traffic, there will be fewer alternatives for those who do not wish to pay the toll, and this is a very busy part of Sydney. Undoubtedly, there will be an increase in traffic generally, and we are concerned that the capacity of Epping Road, as altered, will not be sufficient.

**CHAIR:** We realise that the tunnel is not open, but if there are ways in which it can be improved the Committee has an opportunity to make recommendations on those to the Government.

**Ms MACHIN:** We appreciate that, Mr Chairman. In our submission we have made a couple of suggestions. For example, in regard to Epping Road, we suggest making both lanes available as T2 lanes might be preferable. We are looking at ways to enable more traffic to use the existing accesses on Epping Road.

**CHAIR:** Did you give any consideration to whether the tunnel itself should be two lanes or three lanes?

**Ms MACHIN:** I do not know that our submission makes any recommendation on that. That seems to me to be as much an engineering issue as anything else. I understand some geographical constrictions may prevent it having three lanes for its entire distance. But, no, we have not made any particular submissions on that point.

**CHAIR:** We have not heard of any restrictions, but company representatives will give evidence later and we will be able to get the facts from them.

**Ms KRISTINA KENEALLY:** Regarding the proposed changes to Epping Road, my understanding is that those changes have come about at the request of the council and the community. Indeed, there are documented submissions, motions by council and so on calling for the changes that are proposed for Epping Road. How do we balance the demands of the local community with the demands of motorists with what you are recommending here?

**Ms MACHIN:** I will ask Mr Andres to respond to that question.

**Mr ENDRES:** This is a prime example of an infrastructure project that is both economic and social in nature; it has many impacts that flow on to the wider community. The community as a whole will benefit, and that is why it affects so many people. Unfortunately, motorists are the ones footing the bill.

**Ms KRISTINA KENEALLY:** So it is a user pays sort of system?

**Mr ENDRES:** Some users will pay. Let us not forget that cyclists also will use the cycleway. As I said, there are a lot of externalities and flow-on benefits from these types of projects, because they are social public infrastructure. Yes, you do have to balance the interests of the wider community. That is a role for policy makers. As for motorists, as this is a wider community project, maybe the community as a whole should be financing it, and not motorists specifically.

**Ms MACHIN:** I understand the point. Our perspective is from that of an organisation representing motorists—and motorists right across the State. We do appreciate how local communities are affected by infrastructure like this, particularly where they are so close into the centre of the city and there has been limited room to move. It is a little bit different with, say, the M7 that was on the edges of Sydney and probably did not have the same impact on very local communities. But I guess we take that wider view: how is this adding to Sydney's infrastructure and how is it going to benefit the traffic flow and not really dis-benefit centres in terms of congestion and other related issues?

**Mr MICHAEL DALEY:** Does an extension of the NRMA's view on that mean perhaps that people in the bush and perhaps in your former National Party seat of Gloucester, which you still represent, in a way, as a director of the NRMA, will have to pay for a piece of infrastructure that they will never use? If so, is that fair on the people of regional Australia?

**Ms MACHIN:** How do you mean that they will have to pay for it?

**Mr MICHAEL DALEY:** Under who pays the piper—

**Ms MACHIN:** Okay, under our proposal.

**Mr MICHAEL DALEY:** —you are arguing that the user pays system is unfair and that the wider community as a whole should have to bear the economic burden for the construction of the tunnel. The extension of that means that people of the regions have to pay for a piece of infrastructure that they may never lay eyes upon.

**Ms MACHIN:** All right. I will let Mr Endres have the first bite of that one.

**Mr ENDRES:** The roads are a network, and they are a network across the whole State. They are input into every part of the economy. They service the distribution of goods and services right throughout the State. Better roads means better productivity for the economy of New South Wales. With better productivity, you have higher profits for companies, and therefore you probably have higher taxes from those more profitable companies. So the community as a whole, if you look at the fact that the Government will get a higher tax take, will benefit from that. As I said, roads are a network.

People travel through Sydney all the time: You only have to look at some of the correspondence that the NRMA has received on toll roads in the last six months, which shows that

country motorists are using these things. We have received a lot of correspondence regarding confusion about E-tags and things like that, and where do they get it and things like that, which shows that country motorists do use these. They may not use it as much, but they still do use it and they do receive benefits from it, both directly and indirectly.

**Ms MACHIN:** Can I add to that because this has come up with country motorists in that they have raised it with members who live the country. I still reside partly in the country. There are a number of issues. I understand what you are saying about user pays, and that is an interesting policy issue that the NRMA has looked at for quite a while in regard to the infrastructure in the road network. I guess our preferred position is still that these are public infrastructure projects and ideally they should be paid for by taxpayers through government funding. We have made submissions about debt and debt funding. We made the comment recently about the State Government's decision to borrow to finance infrastructure. So our view is generally that at the moment there are fairly low levels of debt, especially looking at similar economies around the world, and that borrowing to fund your infrastructure is perhaps not a bad thing at this point in time, within reasonable limits.

Having said that, I guess we look at a number of these projects and the limitations of government and what are the ways other of financing them. This is an issue I am familiar with from the Pacific Highway, and it is an issue that is still being debated about how and when that roadway will be finalised. If tolls are necessary to split up that infrastructure, then perhaps we have to consider that. So I guess we are not ruling anything in, or out. For country people, these roads present peculiar problems because they are not familiar with them. It is hard enough for city people, firstly, to figure out how to access them, how to use them and how to pay to them. Country people have said to us that they have arrived in Sydney, they have found this new bit of road, they are suddenly in it before they realise. That raises signposting issues and I guess broader awareness issues. These are not campaigns that need to be just isolated to pockets of the community within Sydney. The entire State's population potentially will be using the road network. Increasingly, more of it is freeways and tunnels and stuff. Ideally, they are linking up together around Sydney. That can be confusing to motorists who are not familiar with it.

The other issue is that of cost and pricing. As we pointed out in our submission—and I am sure you are really familiar with it—there are potentially very high costs in using the road network now if you want to use a couple of toll roads, the harbour bridge and so on. You can get up to significant amounts of money if you are making regular trips around the city, or in and out of the city, on a weekly basis.

**Mr MICHAEL DALEY:** If you choose not to take the free alternative routes.

**Ms MACHIN:** Yes. Practically speaking, if you are going to take a long journey from the edges of Sydney, say, from the north west down to the south, I do not think the free alternative routes are feasible for many working people. You just simply do not have time.

**Mr ANDREW CONSTANCE:** I have a question with relation to the up-front business payments that are required by the consortiums in order to obtain work. Does the NRMA have any views relation to the impact of business consideration fees on tolls, just in a generic sense or generally?

**Ms MACHIN:** I will ask Mr Endres in a minute to comment on that. We have some concerns about the way the financing is structured. In this particular tunnel, we take the view that there may be some conflict of interest in that when the toll revenue reaches a certain level, the Roads and Traffic Authority [RTA] effectively gets a dividend, so there is an incentive for it to drive traffic into the tunnel. At the same time the RTA is the regulator, so it seems to us that there is a real conflict in its role there. In the wider issue of pricing and pricing structure, we have suggested that maybe there is a way of having an independent authority take a look at this—maybe an Independent Regulatory and Pricing Tribunal [IPART] type of authority. But given it is becoming quite a widespread issue and it is very patchy—there has been a very ad hoc approach to tolling and financing and the costs—maybe it would be a useful thing to have an independent body look at what was reasonable and why the fees and tolls are structured as they are. I will ask Mr Endres to comment on the up-front payments.

**Mr ENDRES:** The up-front payments have the impact of increasing the overall cost of the project, from the way it appears to us. Now if you increase the overall cost of the project and the private consortium recouped those costs via a toll, it effectively increases the toll. You know, there is a question about whether or not these tolls represent value for money for the motorists and stuff like that. The use of this type of infrastructure is maximised at a lower price. Communitywide welfare is normally maximised by greater use of these pieces of infrastructure, so a higher toll normally means that there is a greater tolling-off effect, meaning that there is a lower use of the actual tunnel and associated infrastructure that is tolled. In terms of the actual process of what the up-front fees are for, I think that that needs to be a very transparent process. If they are charged, I think it has to be communicated in a very transparent manner why they are being charged, and whether they are being used to recoup costs that the RTA has borne.

**Mr ANDREW CONSTANCE:** In terms of the \$79 million business consideration fee, are you aware of the impact that could have on the toll?

**Mr ENDRES:** We have not done that specific analysis, no. I think generally you could say that it has increased the total cost of the toll.

**Mr ANDREW CONSTANCE:** In terms of other incentives that the RTA might have employed to encourage people into the tunnel, do you have any views in relation to that—whether there should be bus lanes, for example?

**Ms MACHIN:** As I said earlier, it seems that restrictions on the surface roads could be seen as encouraging motorists in driving them, funnelling them if you like, into the tunnel. We would like to see Epping Road less restricted so we have been suggesting in our submissions ways in which that could have a greater capacity. We are also concerned at, I guess, just the lack of awareness; that when this road opens, people will confront the same sort of issues that they did when the Cross City Tunnel opened and there will be confusion about using the actual tunnel itself and the ramps and the surrounding roads, but there will be a wider ripple effect around local communities of people wanting to rat run, to again use that phrase.

**Mr MICHAEL DALEY:** Mr Endres, are you aware that the levels of the toll was set in the EIS which predated the contract and therefore the negotiations of the up-front development fee by about six years?

**Mr ENDRES:** I have heard that, yes.

**Mr MICHAEL DALEY:** It is true.

**Mr ENDRES:** The question is whether the piece of infrastructure that is then delivered is set according to how much money the consortium can recoup.

**The Hon. GREG PEARCE:** It is a maximum toll as a per cent, but it is still part of the toll.

**CHAIR:** The witness is still getting his thoughts together.

**The Hon. GREG PEARCE:** It is a maximum toll as a per cent—

**CHAIR:** Let the witness clarify his reply.

**Mr ENDRES:** If the toll is set, and an upfront payment is required, you have to cut your cloth accordingly. The piece of infrastructure that is subsequently delivered will be delivered to meet the toll and the upfront payment, as opposed to the wider needs of the community.

**The Hon. GREG PEARCE:** May I ask about the harbour bridge and harbour tunnel tolling. Obviously, a lot of people see that as an extraordinary mess at the moment. Are you aware of any reason why the Government could not go to all electronic tolling and deal with people who are irregular users in the same way they are dealt with on the M7, the cross city tunnel and Lane Cove tunnel itself?

**Ms MACHIN:** We are not aware of any technical reasons why that could not occur. There might be other policy reasons why it is not done or it is not seen as desirable at the moment. But our view is that the car park might just move down the road when this toll opens. It is an area that I know quite well because I now live on the lower North Shore of Sydney, and I avoid every road at all costs if I can, as it is and during the construction phase. It seems that the tunnel will allow a greater volume of traffic to move from point A to point B very quickly, and then it will arrive at the harbour tunnel entry points on the north side and the bridge entry points, which is already choked now. So this will simply allow for traffic to arrive there quicker, and build up that car park. At the moment there are only one or two E-tag lanes on the harbour tunnel, one on the north side and two on the bridge. If you are coming from certain parts of North Sydney on the bridge, you can only get to the very left-hand e-tag if you take a death-defying drift across several lanes of traffic.

We would like to see, on the bridge at least, more lanes E-tagged. Maybe it is time to start considering an entirely cashless network of toll roads. There are ways around that; I do not think it is insurmountable. Again it raises the issue of country people who want to come to Sydney, and there will be more and more of these roads and there is the likelihood that you suddenly find yourself on a road without realising that you have got onto a piece of road that leads you into a tunnel. So there have to be ways in which people can reasonably pay, within a reasonable timeframe, if they find they have gone through a toll booth and they do not have the tag. Equally, there have to be very easy ways for people to be able to purchase limited-payment tags, cards, or something that allows them to simply pass through, because there is no doubt that electronic access is a great thing for traffic movement.

**Ms LEE RHIANNON:** Ms Machin, you spoke about simply moving the traffic jam down the road. Do you think that could be a consequence? Earlier you spoke about opening up Epping Road and retaining the current number of lanes, that that could be a result.

**Ms MACHIN:** Yes, I guess you were right. That allows even more traffic to pass through that area, when you have a tunnel and you have an increased capacity on the existing surface route. My understanding is that it is a piece of infrastructure that is needed to try to keep traffic moving, and I think that is a good objective in Sydney, for lots of reasons. Yes, that is a fair point to make: that the combined effects of moving traffic faster through one point will only cause an increased problem at another chokepoint. So those chokepoints need to be addressed.

**Ms LEE RHIANNON:** Has the NRMA done much work on the phenomenon of induced traffic, which is now fairly widely recognised? Where you have the big motorway projects, people feel more confident that they can get to A to B quicker, and they are therefore more likely to jump into their car rather than use public transport, carpool, or whatever.

**Ms MACHIN:** I am not aware of any research we have done recently. I am aware of the phenomenon that traffic will expand to fill the available space. I think we saw that with the harbour tunnel.

**Ms LEE RHIANNON:** As you are there to look after motorists, is it something that you need to be conscious of? Clearly, induced traffic makes it harder for motorists, with the more traffic that is there. Public transport can be a benefit for your members.

**Ms MACHIN:** Yes. That is a public transport question. Often we are seen as just the motorists' champion, but in fact we think there needs to be an integrated system because that is better for motorists, who are our members, but it is also better for the community if you can have more people on buses, trains or public transport; it is better for the entire network. We think an integrated approach to transport planning is extremely desirable, and it is certainly in the interests of motorists, and we certainly support that.

**Mr ENDRES:** Regarding the induced traffic, during my time with the NRMA, which has been seven months now, we have not done research on that. I do not disagree that induced traffic is a phenomenon that is widely recognised. In terms of the public transport issue, we support public transport. In order to meet the growing transport needs of Sydney residents, it must be an integrated approach of allowing people to choose between private vehicles and public transport in a cost-effective manner.

**Ms LEE RHIANNON:** Do you put cycling into that equation?

**Mr ENDRES:** Yes, we certainly do. We do not bias ourselves against any mode of transport. We believe that all modes should be considered in the long term, but in an integrated approach. We do not think these policies should be done with an anti-car mindset or an anti-public transport mindset. As you will see, we congratulated the New South Wales Government last week and the week before on its commitment to increasing funding for public transport. We believe that better public transport outcomes in New South Wales and in Sydney benefit our members. So we are definitely a pro-public transport body, I would say.

**CHAIR:** You said you have been in your role for only seven months. Is that a new position that has been created?

**Mr ENDRES:** I understand that the position of economist in the public policy area is a new position, yes.

**CHAIR:** How do you exercise your role? Do you make submissions to the Government on all projects, or do you advise the directors?

**Mr ENDRES:** Both. I advise directors on issues of where economics can shed some light, as well as make submissions to inquiries like this, and inform our ongoing discussions with Government and relevant stakeholders in representing members.

**CHAIR:** How do you take care of what is called the public benefit? Do you only look at the economic factors, or do you consider public interest?

**Mr ENDRES:** Economics is a very interesting area, in the sense that there are efficiency issues and there are also equity issues. The road network brings both of those questions up. Yes, I use economics to look at the efficiency outcomes and how efficiently outcomes are, but there is also very much a question of equity. Economic analysis can inform that debate about who benefits and who bears the cost. But at the end of the day, economics does not solve all problems; it is only a tool to help decision making, and that is what my role is meant to do. That is where our wider policy team come in, and the views of our members as well.

**Ms MACHIN:** It is not unlike this place, Mr Chairman. James' role is as an adviser, along with the public policy team come. At the end of the day, the board, by and large, makes those policy decisions and sets that direction.

**Mr STEVEN PRINGLE:** Point 6 in your submission says the New South Wales Government will benefit indirectly from increased tax revenues. Can you tell us a little more about that, and also about the \$79 million upfront payment?

**Mr ENDRES:** With regard to the increased tax revenues, if you build better infrastructure to support the growing economy and companies become more profitable, the Government that taxes those companies takes greater profits, and therefore its tax take goes up. This can be seen from many studies of public infrastructure. You just have to look at some of the general equilibrium modelling of some public infrastructure, which shows that governments' tax revenues do go up as a result of investment in things like roads and public infrastructure. I know that in New Zealand an investment in roads would have increased government revenue, and Australia is no different. There definitely is that indirect benefit for government. With regard to the upfront payment, as I said, it depends on the extent to which that upfront payment represented the recouping of costs that the RTA has already borne or forked out, or whether it is just a transfer from the tunnel company to the RTA.

**Ms KRISTINA KENEALLY:** We have had prior testimony today that suggested that the Federal Government should be investing in the sort of city infrastructure that you have just described. Given particularly the Federal Government's current budget situation, with its massive surpluses, does the NRMA have a view on whether the Federal Government should increase its investment in the sort of infrastructure you are describing?

**Ms MACHIN:** We have certainly considered that in regard to some of the highways, the big projects that we would put in the category of nation building. Again being parochial, the Pacific Highway, which is in my home area, is a case in point. Even though we know that the RTA is the road builder and the primary deliverer of the funds, we have pushed very hard for the Federal Government to be involved in that, and they were: they delivered significant increased amounts of funding for a number of those roads in the last Federal budget, which we thought was great. We were also pleased to see the State Government match that in certain areas. I have not been specifically involved in discussions about urban infrastructure and the Federal Government's involvement in that.

**Ms KRISTINA KENEALLY:** Perhaps if I could be a little more specific to Mr Endres. You raised the issue that the orbital network does have benefits outside Sydney, for example, in the movement of freight. If I can be just as parochial, Port Botany is in my electorate, and that is a major port for Australia. Sydney airport is a major driver, at 6 per cent of our gross domestic product. Do you say that the Federal Government, in that context—

**Mr ANDREW CONSTANCE:** Point of order: I think we are outside the terms of reference of the inquiry.

**Ms KRISTINA KENEALLY:** I was about to refer to any other related matters.

**CHAIR:** Allow the honourable member for Heffron to finish the question.

**Ms KRISTINA KENEALLY:** Mr Endres, given that we have had prior testimony today that the Federal Government should be investing in that sort of urban infrastructure, and given your argument that the urban orbital has benefits beyond those for city dwellers, I wonder whether the NRMA has any policy view on whether the Federal Government should be investing in that infrastructure?

**CHAIR:** I think you answered that earlier.

**Ms KRISTINA KENEALLY:** I have not heard Mr Endres specifically address whether the NRMA has a view as to whether the Federal Government should be investing in the urban orbital network.

**Ms MACHIN:** We do not have a specific policy and we have not really discussed that at policy level.

**CHAIR:** You referred to the Pacific Highway as an example.

**Ms MACHIN:** Yes.

**Ms KRISTINA KENEALLY:** I am asking specifically about the urban network. Given that Mr Endres has made the point that the urban orbital network has benefits to people beyond Sydney, I would like to know whether the NRMA has made any representation to the Federal Government that it should invest in that network.

**CHAIR:** The answer is either yes or no.

**Ms MACHIN:** The answer is no, not in regard to the orbital network. The other thing we would like to look at more—and it is not an area that the NRMA has traditionally looked at—as we build capacity with people like Mr Endres, more of the wider planning issues that are associated with infrastructure. We have tended to be reactionary and look at issues as they have arisen. We would like to take a further forward view and look at planning issues. In our view, urban planning in Sydney, in particular, given that we are a New South Wales-based organisation, is a very important issue for our members.

**CHAIR:** You might put up proposals to the Government, in other words?

**Ms MACHIN:** Yes. I think in future you could probably expect to see us putting up proposals or participating in issues that traditionally we have not, such as the expansion of Sydney, the

opening of new areas for residential or industrial development, and so on, which encompasses the public transport issue that was raised as well as being for motorists.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

**EVA HELENE WILAND**, Parkes Road Action Group, sworn and examined:

**DIANE DOROTHY MICHEL**, Journalist and member of the Construction Community Liaison Group (1), and

**CATHERINE ANN MERCHANT**, Member of the Construction Community Liaison Group (1), affirmed and examined:

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**ALL WITNESSES:** Yes.

**CHAIR:** If any of the witnesses at any stage wishes to table documents or give certain evidence that you consider should be seen or heard only by the Committee in camera, please indicate that fact to the Committee and the Committee will consider your request. Do any of you wish to make an opening statement?

**Ms MICHEL:** Yes. I would like to make it clear that I do not believe we are contending with arch villains here. The real offender is a flawed system, which furnishes the proponent of every major road project with all the influence and all the resources to ensure unquestioning approval. The Roads and Traffic Authority's [RTA's] opportunities for patronage are almost feudal, in my opinion, and the Lane Cove Tunnel project is a classic example: Build the M2 and inflict intolerable traffic on Lane Cove; wait for the reaction, and then graciously offer rescue in the form of another so-called road link. The tunnel may have been a relatively recent concept, but building more road space on Epping Road at Lane Cove and widening the Gore Hill Freeway have been on the RTA drawing board for years. I am not the first to say that the RTA has an unhealthy amount of power and influence, but I can assure you that I have been living with the sorry results, firsthand, for 19 years.

I married into a family that was literally torn apart by the compulsory resumption of the home it loved. My husband and I checked very, very carefully to make sure that our new home would not be RTA-affected. What happened is all there in the report of the F2 Castlereagh commission of inquiry—a sudden route change to suit a large corporate entity at the expense of a small North Ryde neighbourhood. The bigger F2 picture included much worse, from fudged figures to scientific forgery. Sworn evidence was not required, but in that 1990 report, the code for barefaced lie is "flawed statement". As we know, the inquiry, which rejected the F2, had barely concluded before the RTA was reworking the concept into a road twice as long and much more damaging. The RTA itself admitted to bulldozing 115,000 trees and demolishing 250 family homes. My little neighbourhood of 17 houses was reduced to four, three of them rental properties. In my suburb, nine years later, construction of the Lane Cove Tunnel project is doing over locations that are still scarred by the M2.

The consultation process is more sophisticated this time. Before and during display of the EIS, the RTA did its level best to exclude communities, which will come out the losers on the project. North Ryde is one such. No community workshops here; no RTA-advertised information days; precious few hints that Epping Road in North Ryde would be widened, not narrowed, or that there would be more surface traffic, not less; or that in addition to the heavier load of roadside pollution, North Ryde would be treated to more than half the unfiltered emissions from the tunnel at Lane Cove. The publicity effort from both partners is more polished now—private and public—and the community relations machinery of the private consortium is more elaborate. When construction begins, community liaison is managed by the private sector, with RTA support and guidance. It is only when something goes wrong that the public may be reminded that it is contending with two very large and well-resourced organisations.

The people confronting the community are the usual human mixture. Some are sincerely willing to minimise project damage and community misery. I can name at least three in the RTA and about the same number who have been involved with the consortium at one time or another. Of course, even these must be protective of their organisation and their career prospects. Those are the good guys. The others just do not want to know. When submissions pointed out that the RTA has failed to meet EIS requirements by overlooking an entire creek system, the RTA ignored them. When

the community demanded a species impact study for that same location, both the RTA and the consortium resisted.

When it was suddenly decided to extend the project beyond EIS parameters, the first action was to claim that the new work was part of the approved project. When the community objected to planting inappropriate species at the edge of sensitive bushland, the consortium insisted that Department of Planning approvals were in place. There was no mention of the fact that detailed species lists are not submitted for approval. When weed invasion from construction activity arose as a community concern, preventive action was taken only after the community received support from an outside authority. The RTA's failure to include Pages Creek in its water quality study back in the EIS became a major embarrassment when consortium personnel confused the creek with a completely different waterway.

In a project like this one, the priorities of the RTA and the consortium are obvious and understandable: get the go-ahead, find a tenderer, get the thing built quickly and get on to the next one. The RTA is well versed in getting approval. Opposition from other ministries is muted by the RTA's superior status. Public criticism can be shrugged off as premature until the EIS is completed, and then, project promotion goes into overdrive. The government of the day can be charmed by predicting that the public will love the easy drive to work, that the private sector will jump at the chance to lock in a 30-year profit from tolls that can be scaled up regularly, and that the public sector will not have to spend much at all. Never mind that the cost-benefit ratio fails to consider human health, or that the rosy-looking improvements in travel time soon will turn to gridlock reality. Never mind the public sector cost blow-out. Come in, Spinner!

At contract stage, the RTA and the designated tenderer briefly become adversaries. Has there ever been a private-public road project in this State when the corporates did not run rings around the RTA, to the disadvantage of the public? Once the project is under way, the private partner steps forward as the face of a project delivered to it by the RTA. Repairing damage or taking time to prevent it are enemies of the deadline. The consortium defends its deadline above all else. Sometimes it seems that the tunnellers and builders even refuse to listen to their community relations colleagues. The most used put-offs are: the work has full approval, or the expense can't be justified, or slip-ups do happen, or it is hard to control all those sub-contractors, or it should not happen again. I have heard all these statements as recently as this week. Frustrating though it may be to deal with the private partner, it must be remembered that the project was conceived and delivered by the RTA. It is the RTA that showed so little concern for the project impacts on Ryde.

This project is likely to finish well before deadline, and that will be a blessed relief. I am appearing today in the hope that nine years hence, when the RTA proposes its next way to improve travel times through my suburb, the proposal will be subjected to critical examination. That can only come about when planning is done by an independent planning department and real costs are assessed by objective experts; when transport planning is truly integrated and environmental protection is not overridden by construction deadlines. I believe the only solution is to cut the RTA down to size and force it to work with, not above, other branches of government.

**CHAIR:** Does either of the other witnesses wish to make an opening statement?

**Ms WILAND:** Yes. At the moment, residents of Parkes Road in Artarmon are particularly concerned about the construction noise, and I have submitted a DVD in which you can see the reconstruction and hear a typical day at Parkes Road Artarmon, overlooking the Gore Hill Freeway. I can only describe it as infernal. We are also concerned about future traffic noise from the Gore Hill Freeway. All our pleas for noise mitigation, such as double glazing or a Perspex noise barrier system have been flatly refused by Thiess John Holland. Thiess John Holland's acoustic measurements show that some of the residents will be subjected to excessive traffic noise, and they have been offered noise mitigation treatment in the form of an air ventilation unit. The rationale is that we keep windows and doors closed and we get the fresh air in through the ventilation unit, so that will protect us from the noise and also they will seal some doors and windows.

That was on condition that we signed a deed of agreement, which is totally unacceptable. I have given you a copy of that deed of agreement. Clause 3 states that we have to sign the agreement to release Thiess John Holland unconditionally and forever from all claims and courses of action against

Thiess John Holland in respect of the carrying out of the Lane Cove tunnel project works. In addition, we have to obtain a release and indemnity in the same terms from any successor in the title. These terms are totally unacceptable and put residents at a distinct disadvantage.

We also question Thiess John Holland's noise measurements for their apparent randomness. Originally, five of the 33 units were offered these treatments. The noise permeates everywhere, not to talk about the dust and dirt from the construction. Gore Hill Freeway is a construction site and we are sitting on top of it. Nothing has been done. They do not listen to us. Nothing has been done to protect us from its adverse effects. Thiess John Holland told us that the selection was based on scientific acoustic measurement, yet it belatedly offered three unit holders noise mitigation "in confidence". So it is not based on acoustic measurements at all; it is whoever makes a complaint or whoever makes the loudest complaint.

Four others unit holders were offered the treatment because Thiess John Holland made an error. We believe that these units are inadequate to protect us from future traffic noise. We have heard that their prediction was 90,000 vehicles a day and it will be 140,000 vehicles a day, so the noise will be much greater. That statement was made by Ray Kearney who will be giving evidence tomorrow. He referred in an article in the *Daily Telegraph* to the increase in traffic. We are also appalled by the community liaison, which I can only describe as divide and rule. I would say that they have spread misinformation. Residents on Parkes Road got together because they had had enough. When we saw this deed we just had to do something. The main thing was to warn everybody not to sign that deed because it would put everybody at a disadvantage. Thiess John Holland said that many people in our block of units had accepted and signed that deed, which is not true. Nobody has.

**CHAIR:** This is a copy of the agreement?

**Ms WILAND:** Yes.

**CHAIR:** And the relevant correspondence?

**Ms WILAND:** Yes.

**CHAIR:** That agreement and correspondence will be tabled.

**Documents tabled.**

**Ms WILAND:** We also question the so-called independent community liaison link on their site because that just takes you straight to Thiess John Holland. Any responses to complaints are from Thiess John Holland. Sometimes they are rude. We believe that the tunnel builders also routinely breached their terms of agreement on noise. Twice now they have been doing night work without alerting us to that fact. It so noisy after midnight that we cannot go to sleep. We have to use earplugs if we want to go to sleep. In the morning the general public do not make any noise before 8 o'clock. They start at 7.00 a.m. and they use vehicles that have a reverse warning sound, which is very loud. I complained about that and I got back a very rude answer. That is also in the correspondence.

**Ms LEE RHIANNON:** In this correspondence?

**Ms WILAND:** Yes.

**CHAIR:** You live in a block of units on Parkes Road?

**Ms WILAND:** Yes.

**CHAIR:** How far are you from the project?

**Ms WILAND:** We are high up. We look down on Gore Hill Freeway. We are on the north side of Gore Hill Freeway between Reserve Road Bridge and Hampton Road Bridge. They widened it from two lanes each way to four lanes.

**CHAIR:** Is it about the width of this room?

**Ms WILAND:** It is wider than that. They have really widened it.

**CHAIR:** How close are you to the road?

**Ms WILAND:** From here to the wall of this room.

**CHAIR:** About half the width of the Jubilee Room?

**Ms WILAND:** Yes. They seem to make things up as they go along. They put down concrete and, three weeks later, they had to use jackhammers to break it up again. A year ago, on the south-eastern side of Hampton Road, they had a big heap of dirt. It looked like a big sandpit for big boys. They had trucks and excavators and they were piling up dirt. It looked like they were going to build a ramp to Hampton Road. They have now excavated that and it is all gone. So they were building it up. It seems to me to be a lot of unnecessary work, noise, and dust. We think we have been very hard done by. We would like double glazing and we would like a perspex noise barrier to protect us from the noise.

**CHAIR:** There will be a noise barrier.

**Ms WILAND:** They are not going to put anything there. They have refused to do that.

**CHAIR:** When it is completed?

**Ms WILAND:** They are just going to reinstate the original noise barrier. They said that they made a mistake. They said it was 3.8 metres tall but it is not; it is about 2.5 metres tall. We want perspex on top of that at a certain angle that deflects the noise and protects us from the dirt.

**The Hon. AMANDA FAZIO:** What is the noise barrier made of, the one that is proposed to be reinstated?

**Ms WILAND:** It is just concrete.

**The Hon. AMANDA FAZIO:** You want that noise barrier with a 45-degree inward angle of perspex on the top?

**Ms WILAND:** Yes.

**Ms KRISTINA KENEALLY:** Your understanding is that it is 2.5 metres high and not 3.8 metres high?

**Ms WILAND:** It is not 3.8 metres high.

**CHAIR:** Ms Merchant, do you have an opening statement?

**Ms MERCHANT:** Yes. I would like to make a few points of clarification to my written submission, which I presume is included somewhere. The ecological assessment of the Lane Cove tunnel project covered only 200 metres west of the Lane Cove River in the Ryde LGA, which is on page 13 of a document entitled "Lane Cove Tunnel Project." About another 800 metres of the project area, which extended west along Epping Road to Wicks Road was not included in the project area identified in that document. That meant that the impact of the project on two local catchments, public bushland, a local park, a tennis centre, a local school and residential houses was not adequately assessed. While this would seem to be an oversight on the part of the Roads and Traffic Authority [RTA], its consultants, and the planning department, it is partly explained in another environmental impact statement [EIS]—working paper No. 13, entitled "Land Use and Property", by Sinclair Knight Merz. Section 2.1 on local planning controls states:

The principal planning instrument is the Ryde Planning Scheme Ordinance 1979. The proposed road works in the Ryde LGA are located within the existing M2 Epping Road corridor. This land is unzoned. The Ryde PSO does not adopt clause 14 of the "Environmental Planning and Assessment Model Provision 1980" which has the effect of

zoning unzoned public roads. Accordingly, the proposed road works in the Ryde LGA are permissible without consent.

So the issues surrounding why North Ryde's bushland post M2 tollway was so vulnerable to yet another road project would appear complex and outside the scope of this inquiry. I feel it has resulted in weak conditions of approval for works in this area with no recognition of the need for compensatory habitat where bushland has been lost or disturbed, which is disappointing. However, even if local planning ordinances had been updated after the M2, and even if the RTA's EIS had been thorough and well scrutinised by Planning, I am not convinced that this would have resulted in a better outcome for North Ryde and its residents.

From my perspective, the Lane Cove tunnel was a project proposed and advocated by the RTA with little reference to Sydney's desperate need for an integrated whole-of-government approach to transport planning. The process resulting in the widened Epping Road and another private tollway suggests to me major flaws in Sydney's transport planning and future challenging issues. For instance, the RTA is now contracted to two possibly competing private road operators, that is, the M2 and the Lane Cove tunnel. As well, it has to meet the needs of those using the public roads that connect with the private tollways.

Whilst there has been much focus on the need for filtration of the tunnel, it should not be overlooked that Epping Road through to North Ryde is widened to about eight to 10 lanes. When this widened road becomes congested it will result in increased surface vehicle emissions spewing into an area surrounded by homes and schools. Ironically, the Lane Cove tunnel opens at about the same time as a major piece of Sydney's rail infrastructure is being completed—the Chatswood to Epping rail link.

The 24-hour bus lane along Epping Road, built as part of the Lane Cove tunnel project, was pleasing to see. In my opinion, the good integration of these two new services will offer the best hope for improved regional air quality into the future for the North Ryde area. Hopefully, the 24-hour bus lane is one thing that is strongly locked into the RTA's contract with the private tunnel operators, not just for road builders, and one aspect that cannot be compromised by local politics.

**CHAIR:** Two of you are involved with construction community liaison groups. Ms Wiland, you represent the Parkes Road Action Group, but the other two witnesses represent liaison groups. Do you believe that they have been effective? Ms Michel, you are unhappy?

**Ms MICHEL:** We have had some substantial good outcomes. As I mentioned, they are not all bad people and they are not all unco-operative people. Having been involved in other liaison, including for the Epping to Chatswood railway, which has its station just around the corner from the widened Epping Road, and comparing the difficulties of getting a point across and getting something done, generally it has been much greater. It has been really hard yakka to get anything that was going to, as I said, possibly impede the speed of finishing the project. The builders do not want to do anything except keep building. They tend to try to shrug it off or not notice when something goes wrong.

**CHAIR:** You tried so hard not to be involved with any major construction and your home seems to be in the middle of three major projects?

**Ms MICHEL:** Basically, my home is on a traffic island. There is a little reserve beside us, which was the main reason for buying the house. It was nice to have the trees there. So we have a little reserve and our house is beside it. We have the M2 behind us, Epping Road in front of us, which is now wider, and Delhi Road alongside the little reserve, which is also being widened in order to service the area.

**CHAIR:** And the railway station.

**Ms MICHEL:** Yes. When I look over my back fence there is the M2 corridor and the deep chasm in which it runs and, on the other side of the chasm, is Delhi Road station, which is probably the only cheerful part of the story.

**Ms KRISTINA KENEALLY:** When did you buy your house?

**Ms MICHEL:** In the late 1970s.

**CHAIR:** The plans did not reveal this?

**Ms MICHEL:** All the old street directories show what has now become the M2. It took a particular route that did not do what it does now.

**CHAIR:** It has changed?

**Ms MICHEL:** I was not satisfied with just getting the solicitor who was handling the conveyancing to say, "Yeah, everything's all right." I checked personally and received faxed maps back and forth, saying, "You're here: this is the closest it will come, so don't worry." The real problems started because of real estate. It was suddenly noticed that a huge area that was definitely road reserve and basically vacant land could eventually be sold for really big bucks. That became the M2 depot and it is now a rail depot. When the rail project is finished this government land is going to be sold apparently for bulky goods warehousing. It is called a "gateway site" and that sort of thing. It is big money and, because of that, we lost most of the houses in the neighbourhood—the road route changed that dramatically.

**CHAIR:** Do you have any recommendations on how the liaison groups could be more effective? Are you happy with their operation?

**Ms MERCHANT:** You asked about our comments. I always got the impression that they were working to a time frame and that we were very much there as just a tick-the-box exercise. We had some success when we argued about getting a good drainage system to divert away from Pages Creek bushland. But in terms of planting it was very much like there was an agenda operating outside our CCLG that was probably the real agenda. As Diana said, the people were very polite. We were probably the more noisy ones. But it was not a meaningful dialogue.

CCLG 1 covered west of the Lane Cove River and, as I have stated in the report, there was no assessment done in the EIS. Consequently, there were no specific conditions attached to that area. The RTA, I guess via its contract, basically empowered the road builders to do what they wanted to do—obviously within some constraints—to meet the project brief. The issue was that it was not assessed and did not have conditions attached to it. Therefore, the CCLG was a bit artificial because it was not really discussing things that were legally binding conditions in the Minister's consent.

**CHAIR:** So you would argue in future that that information should be in the EIS to start with.

**Ms MERCHANT:** Yes, it was very disappointing. I know that a number of people put in submissions pointing that out to Planning. But it was such a big project. I think we have moved to the idea now that government can offload the design costs to the private sector as well. So it was about getting the intent of the project approved. In actual fact, I think condition 94 should have protected bushland in that it was looking at using local species in planting. But what happened is that they still have a landscape approach. So the landscaping is done, like in a major project, at the end. With bushland protection you need to start that up front. You collect the seeds through the seasons and get them propagated and ready for planting. That just did not happen. They just approached it as a landscape.

**CHAIR:** Ms Wiland, do you have any contact with the liaison groups?

**Ms WILAND:** No, none at all.

**CHAIR:** Do you operate as your own community group?

**Ms WILAND:** No-one in Parkes Road was contacted.

**CHAIR:** How did you get involved with any consultation? Were you recognised as a group by the RTA or anyone?

**Ms WILAND:** I have not been in contact with the RTA at all. Thiess John Holland has recognised us a group because they held an information session for us on 30 May. That was the first time since the construction started that we had been informed—that any information was given to us.

**CHAIR:** Did you try to give information or work through one of the liaison groups? Did you link up with one of those? Did you know about them?

**Ms WILAND:** No. They will already filled. There was no room on those groups. We were obviously out of the loop. That is how we felt and that is why we started our own group. We have complained when there is too much noise, especially at night. They do not give us any notice when they work at night. That has happened on two occasions now.

**Ms MERCHANT:** The Gilda Street residents, in parallel to what Ms Wiland is saying, in some respects were outside the CCLG process. I think there was an effort to keep the two groups separate—I do not know whether it was a deliberate attempt to divide. So members of the CCLG had to make an effort to stay in contact with residents and residents made a point of staying in contact with us. It was quite necessary. We would get a piece of information through our process that was different from what the residents were given. This was to do with the noise walls that are needed along Epping Road to protect the Gilda Street residents. It was a very long haul getting a good outcome. We did get a good outcome there but it was very much a case of the two groups staying in contact with each other.

**CHAIR:** What kind of noise wall will it be? How large will it be?

**Ms MERCHANT:** It is replacing the 2.4. This is another interesting concept with private roads. The notion of public space becomes part of the way to beautify and encourage use of the private tollway. The landscape people were very keen to work out a way to make the completed project look attractive to people so that they would want to use their private tollway. So we got caught up in this idea from the landscapers that they wanted transparent panels breaking up the monotony of the concrete noise wall. The panels would look into, and catch glimpses of, the bush behind. But of course that would possibly have resulted in lights from the road flashing through into residents' houses. The fact was that the residents did not want it. They wanted to have a solid barrier. That became quite a protracted discussion. This was another case where there were a lot of agendas happening outside the CCLG. It got to the point where the landscape people were making those decisions. But in the end it has worked out. It is a bit of a compromise: there will be garden boxes at the surface level to break up the monotony and there is only one section of transparent panels.

**Mr STEVEN PRINGLE:** This question is for each of the three witnesses. What outcomes would you like to achieve from today's session?

**Ms WILAND:** We would like to see double glazing and a perspex noise barrier system between Reserve Road bridge and the north shore railway bridge.

**Ms LEE RHIANNON:** Do all the residents want that?

**Ms WILAND:** Yes. I have not heard to the contrary.

**Ms MICHEL:** As I said in my opening remarks, there probably is very little more to be achieved in this process—at least for North Ryde. There is some hope that the work there will be completed in about late August or September—weather and all things being equal. So the main thing I am hoping for is to see some improvement in the process for the next big infrastructure project, because there inevitably will be one. If it is still being handled this way the RTA can leave out all suburbs in its studies that go into the EIS, and the Department of Planning, for whatever reason—probably because it is only given a potted summary, saying, "Yes, yes, we've looked at all the objections and addressed them"—will not go any further, and on and on. I am getting a bit old for this and I do not want to go through it again.

**Ms MERCHANT:** I am not resident in the local area but I have had a long interest in the Pages Creek bushland. Unfortunately, that land has been left without proper zoning and proper

ownership and responsibility. I would like to see all those remnant parcels tidied up. That should have happened after the M2. The M2 was built and we were given a verbal assurance that the land would be transferred—part of it to National Parks, part of it to council and part of it to be sold—but that never happened after the M2. I suppose I would like to see that happen after this project. Also, it is transferred after the work has been done so the damage has already been done. That happened with the M2. The drainage was never sorted out and then they handed it over to National Parks, which was stuck with the cost of looking after it. This is where the problem with compensation lies.

**CHAIR:** The rehabilitation must be done.

**Ms MERCHANT:** Yes, and they must look to the long term. This project will finish in 18 months. That is what they have said—post follow-up for plantings and such. But we are talking about a long-term project.

**Ms KRISTINA KENEALLY:** Ms Wiland, you say in your submission at point 5, "We have it on good authority the RTA and Thiess John Holland have tried to suppress the CSIRO report which warns traffic and pollution have been grossly underestimated by refusing the author, Peter Manins, to be present at the meeting where the report was presented and also making him tone it down." On what basis do you make that assertion?

**Ms WILAND:** It is hearsay—but good hearsay. I do not want to implicate the source of that information.

**Ms KRISTINA KENEALLY:** It is difficult for the Committee to make an assessment.

**Ms WILAND:** It is somebody on the committee and in the Lane Cove Tunnel Action Group.

**Ms KRISTINA KENEALLY:** Are you aware that Professor Manins appeared before the Committee today?

**Ms WILAND:** Yes, I was here when he was.

**Ms KRISTINA KENEALLY:** He was questioned somewhat rigorously by the Committee today.

**Ms WILAND:** Yes, I know.

**Ms KRISTINA KENEALLY:** But you cannot provide us with any further information as to the basis of your assertion.

**Ms WILAND:** No.

**Ms KRISTINA KENEALLY:** It is very difficult for the Committee to deal with unsupported allegations, particularly when the witness has appeared before us and made no suggestions in that regard.

**Ms WILAND:** I thought his submission was interesting.

**CHAIR:** Ms Merchant, you mentioned a moment ago that you are not a resident of the area. How did you get onto the consultative committee? Was it as an environmentalist?

**Ms MERCHANT:** Yes. The Pages Creek bushland covers nearly 800 metres of the stretch. It is the major section of the work in the North Ryde area. It had no-one lobbying for it because it was land in limbo. It was owned by Planning, which intended to transfer it to National Parks. But I think that has probably been put on hold because of this zoning issue. So I nominated and applied on those grounds. The local group that I was involved with had received funding to do some restoration works in Pages Creek, so I was very familiar with the area and I wanted to make sure that it stayed as protected as possible.

**Ms KRISTINA KENEALLY:** I have another question for Ms Wiland. At point 7 you say that your exposure to dirt and dust pollution has increased three-fold since the start of construction. Do you have an evidence to back up that claim?

**Ms WILAND:** I based that on how often I need to wash the windows and how often I need to dust, which has increased three-fold. That is what I based it on.

**Ms KRISTINA KENEALLY:** Thank you.

**Ms LEE RHIANNON:** I want to ask about community consultation. You were here this morning so you would have heard earlier debate. It is often presented to us that there was a range of viewpoints and they try to do the best with community consultation. How have you found the community consultation? Is it representative in any way? Has it satisfied any of your queries? Do you feel it is just a tick-in-the-box exercise?

**Ms WILAND:** It is very much that they are trying to be seen to be aware of the community. But any demand or claim from us has been flatly refused. We have not been offered anything. The first time they gave us an information session was 13 May.

**Ms LEE RHIANNON:** This year?

**Ms WILAND:** Yes, this year.

**Ms LEE RHIANNON:** That was when you had your first community consultation?

**Ms WILAND:** Yes.

**Ms KRISTINA KENEALLY:** Regarding the construction or regarding the project?

**Ms WILAND:** The construction. It was actually in response to action by us regarding the construction noise and noise mitigation, and replanting.

**Ms KRISTINA KENEALLY:** When did construction start around your property?

**Ms WILAND:** sorry, about 18 months ago.

**CHAIR:** That group, though, was not one of the official consulting groups?

**Ms WILAND:** They were left totally out of the loop, although we are sitting on top of major construction work.

**Ms KRISTINA KENEALLY:** Had you received any information in your letterbox or in the local press?

**Ms WILAND:** We get a quarterly newsletter, which I do not find very informative at all.

**CHAIR:** The block of units in which you live, when was it built?

**Ms WILAND:** It would be about 20 years ago, before Gore Hill Freeway. This is what I understand from people who lived there then, the RTA actually consulted them at that stage. They were talking about the noise walls that they were putting up then, that they would just cover the noise. That would be 10 to 13 years ago. With any increase in noise those noise walls would be useless. They are now not going to do anything to those noise walls. They have taken them down into what we call Simpson Lane. They actually use that as a big opening where the construction crew comes in and goes out.

**Ms KRISTINA KENEALLY:** With regard to the noise walls, what high are the majority of the units relative to the road? Are the balconies above the road?

**Ms WILAND:** Yes, they just cover maybe the first floor.

**CHAIR:** And they are what, six to eight floors?

**Ms WILAND:** We are four floors.

**The Hon. AMANDA FAZIO:** How many units are there altogether?

**Ms WILAND:** There are 33 in our block.

**The Hon. AMANDA FAZIO:** From the correspondence in relation to the deed of agreement, about a dozen or so units have been offered something.

**Ms WILAND:** Yes. First it was five, then they belatedly offered four more, because they had made an error. Then they offered three more in confidence—that is, it is not based on any acoustic measurements or anything.

**The Hon. AMANDA FAZIO:** In your correspondence you asked about getting an acoustic engineer to come out and take measurements inside your unit. Has that happened?

**Ms WILAND:** No. No. For the first time yesterday, Wednesday, they offered—it was half-past 10 last night and they were doing concrete pours near Reserve Road. There were grinders and compressors. We are talking about half past 11 at night.

**Ms KRISTINA KENEALLY:** Half past 10 or half-past 11?

**Ms WILAND:** No. They started at half past 10. I called up and they called back. I called up to complain and then they called back and they offered to send out an acoustic engineer to measure it from my unit, but at half past 11, by that time it was just too late. I was dead tired. I was going to bed.

**CHAIR:** Do you say you made complaints to the Environment Protection Authority [EPA] or any other State body about the noise levels?

**Ms WILAND:** Not the EPA. I complained to Thiess John Holland. I contacted my local member, Anthony Roberts. I contacted the representative on the Willoughby Council, Stewart Kopok, and I have written also to Gladys Berejiklian—she has been very helpful. I have also written to Minister Roozendaal and every two weeks I get a letter saying, "We are looking into it." that has been going on for two months.

**Mr ANDREW CONSTANCE:** Is there an RTA point of contact for you?

**Ms WILAND:** I do not know who to contact, no.

**Mr ANDREW CONSTANCE:** So the RTA has never had any point made available someone to—

**Ms WILAND:** In fact, at the information session that was chaired by Christine Marsden—shares ahead of the consultation committee for our area. I said I was very disappointed that they were not going to give an inch, and she said, "The only recourse you have is to contact the RTA, but I think your chances are slim."

**CHAIR:** What was the number of firm group?

**Ms WILAND:** Three.

**Ms LEE RHIANNON:** You said you received a phone call last night. Was that from a representative of Thiess John Holland?

**Ms WILAND:** Yes.

**Ms LEE RHIANNON:** You made a complaint last night and they offered to send an engineer. On how many other occasions have you rung but not had that offer?

**Ms WILAND:** About four.

**Ms LEE RHIANNON:** Do you think it had anything to do with your appearance before the Committee today?

**Ms WILAND:** Really I cannot say, but she was very apologetic and she was also concerned that we had not been informed. We usually get a note that they are doing night work.

**Ms MERCHANT:** Might I just say that one of the Gilder Street residents in particular was having a terrible time with the lights shining into the back of the house when they were undertaking 24-hour road works. She was not getting anywhere with the TJH number. We actually spoke about it and she referred that to the EPA and it got a very quick via that process. But it is not something that TJH tells people. The message is to go back to the hotline and a deal quickly with it, but perhaps not as effectively as people want. The EPA in that particular case—we are presuming it was the EPA; whatever happens is all behind the scenes—the light was moved on pretty quickly.

**CHAIR:** I think it would be helpful for you to contact the EPA instead of the company.

**Ms WILAND:** Mention one thing, I actually called up that number, which is Thiess John Holland, and asks for contact details of the independent environment manager and they would not give it to me.

**CHAIR:** We would have to conclude this segment. I thank you for the information you have shared with the Committee.

**The Hon. AMANDA FAZIO:** I have been asked to table a letter from the Acting Chief Executive of the Roads and Traffic Authority in response to a request from the Committee secretariat, which attaches a document showing the lane arrangements for the Lane Cove Tunnel

**Documents tabled.**

**(The witnesses withdrew)**

**DAVID VINCENT ARCHIBOLD**, Self-employed, Electronics Procurement, Construction Community Liaison Group (1), and

**STEWART ROBERTSON BEGG**, Retired, Construction Community Liaison Group (3), sworn and examined:

**CHAIR:** Mr Archibold, in what capacity are you appearing before the Committee?

**Mr ARCHIBOLD:** As a member of CCLG (1), Mowbray Park, Epping Road West.

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Mr ARCHIBOLD:** Yes, I am.

**CHAIR:** Mr Begg, in what capacity do you appear before the Committee?

**Mr BEGG:** Representing CCLG (3), the bottom tier group for the eastern section of the Lane Cove Tunnel—and the apartments, because I am secretary of the body corporate of 172 owners.

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**Mr BEGG:** Yes.

**CHAIR:** If either of you at any stage have certain evidence you wish to give or documents you may wish to tender that should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do either of you wish to make an opening statement?

**Mr ARCHIBOLD:** Yes, would like to make an opening statement. First of all, these are three of five books that represents the material that we keep in the group to analyse and come back and make comments on..

**CHAIR:** Do they include the minutes and correspondence?

**Mr ARCHIBOLD:** Yes.

**CHAIR:** Are you the secretary of the group?

**Mr ARCHIBOLD:** No.

**CHAIR:** Who produced the files?

**Mr ARCHIBOLD:** Each member should have a collection of all this data.

**CHAIR:** This is your own personal set?

**Mr ARCHIBOLD:** Yes. First of all, we have a charter so that what I say here I am not speaking for the group but these views are my own. To give my experience of committees that I have served on or that I have made direct input to various projects: Pye's Crossing, which is on the Old Windsor Road at Seven Hills. This dates back to the 1960s. A number of cars were washed down Toongabbie Creek with the loss of at least five lives. Those people were drowned. The outcome from my representations was that the gates were installed and the crossing was upgraded to a four-lane road crossing. That is near the start of the M2.

Seven Hills railway line an overpass at Prospect Highway, seven Hills—the road was continually closed for rail traffic. The outcome was that an overpass has been built and it is quite a magnificent structure, with car parking facilities, parks and gardens. Besser J Block Manufacturing Autoclave, which belonged to the Boral group of companies, at Abbott Road, Seven Hills. The residents suffered as a result of the noise of the steamer under high pressure released during night hours as the equipment was in 24-hour operation.

The outcome was that the operation was moved to Clunies Loss Site at Prospect, on which site there is now a McDonald's franchise. This was a win-win situation for everyone. Boral installed new plant and equipment and completely new efficient manufacturing and the community won. I was opposed to the building of the transfer station, waste disposal and recycling centre at Powers Road, Seven Hills, because of the truck movements and traffic congestion, and the storage of intractable waste was a safety risks to residents. The outcome was that a facility was built, but unfortunately we now have total gridlock of traffic, but the facility does not store intractable waste.

At Seven Hills North Primary School pedestrian crossing at Seven Hills Road, Seven Hills the issue was school children safety and traffic management. Traffic lights were put in one year after. On the Seven Hills North Primary School closure, the Department of Education and Training wanted to close down the school and send the students to the Matthew Pearce School at Baulkham Hills. The outcome was that the school stayed, and it was totally rebuilt in 2004.

I have served on parents and citizens organisations at primary schools and high schools and on various committees. I am a member of the University of Technology, Sydney Northern Suburbs Athletic Club since 1964, as well as Athletics NSW, Local Government 527 and been involved with various other local issues. I live off Abbott Road, Seven Hills, which is at the start of the M2. The significance of this is that the M2 goes directly to Rotary Athletic Field. It ends at Mowbray Road. That is the reason we built there in 1972—so that it had access to a training track. It was then called the Castlereagh Motorway. The M2, which was opened in 1998, is 22 kilometres long and takes 15 minutes to traverse, at a cost of \$3.80 each way.

It is to be noted that a number of roads were closed with the opening of the M2. One of those was Junction Road, Winston Hills, which was closed at Windsor Road and Junction Road and joins Caroline Chisholm Drive. These connect Old Windsor Road and Windsor Road. Now we have to go via Abbot Road, Old Windsor Road, Seven Hills Road and Windsor Road, through eight sets of traffic lights. A 15-minute journey now takes 30 minutes. However, I totally agree with the outcome. It takes traffic away from residential areas, and the number of accidents at the intersection of Croypley Drive and Junction Road has been reduced from two to three a week to be now zero. I might add that I was raised in Boundary Street, Roseville, and that back in the late fifties the family home was resumed to widen Boundary Road. I hope that my past experience gives me credibility to come here today and give an objective and constructive input to this inquiry. I am not here to aid a witch-hunt. I believe there are two types of people: those who will never be happy no matter what the outcome, and those who will roll up their sleeves and get on with the job for a better outcome.

Why did I take up the issue of the Lane Cove Tunnel project? It was to protect Rotary Athletic Field and to maintain its function for athletes. As background, the Lane Cove Tunnel Mowbray Park tunnelling work site starts from Rotary Athletic Fields car park, that is, on the corner of Epping Road and Mowbray Road. Next month, when the acoustic shed is removed, we will get our car park back. The importance of Rotary Athletic Field is that it provides a grass track to International Amateur Athletic Federation [IAFF] standards. It is a good training track. During the Olympic Games a lot of synthetic tracks were built. Those are fantastic competition tracks, but grass is really important as a training track, especially for young athletes. UTS Norths has 260 members, making us one of the largest metropolitan clubs in New South Wales. Northern Suburbs Little Athletics total about 650. During winter months some ten high schools and nine primary schools attend athletic carnivals, making this quite a busy area. So I represent quite a lot of users from this point of view.

I will give four direct outcomes for Rotary Athletic Field. The first is that a bus bay has now been built in Mowbray Road, allowing parking for three buses and a passing bus lane, separated from Mowbray Road. It was completed in June 2004, and is part of the aftermath of this project. Second, pathway and steps have been built to allow access to the field, for example, 1,000 students from Galston High School were the first to use this in June 2004, so this is great infrastructure that has come our way as a result of this project. Third, there is a shared pedestrian/bikeway from Avian Crescent to Epping Road. Fourth, water flow from the tunnel, which is at the rate of 14 litres per second, or 1.7 to 2.2 megalitres a day, is available for use. Thiess John Holland is providing a holding tank and pipe to irrigate the field, and possibly fields in Magdala Park, Ryde, on the southern side of Epping Road. The water saving for Rotary field alone would be about 16 megalitres a year, equivalent to the water used by 100 residential properties, another positive outcome of the Lane Cove Tunnel.

I now look at direct outcomes for the area from Epping Road West. The first is that we will have a shared pathway to serve the area from Lane Cove to Wicks Ryde. Note that the majority of Epping Road from Mowbray Road to Wicks Road either had no footpath, or the footpath that was there was of a very poor standard and in bad condition. Second, it has allowed for some regeneration of the bushland that was impacted by the building of the M2. Three, it gives the motorists using Epping Road—70 per cent of whom travel directly into the city and beyond—a non-stop journey from the Hume Highway, that is, from Canberra to Sydney non-stop. Four, it provides for dedicated bus lanes, one east and one west. This enables quicker travelling times for buses. I come from The Hills area, so I am speaking from the perspective of The Hills buses.

Point one, buses that travel from Castle Hill via the M2 entering at Windsor Road will now have quicker access to the city. Point two, the new T-way now being built, which is well advanced and will be opened next year, will enable bus travel from the north-west sector suburbs of Rouse Hill, Kellyville, Parklea, Glenwood, Bella Vista and Baulkham Hills via the Northwest Transitway network to Terminus Station at Castle Hill. Point three, for bus travel from Epping along Epping Road, traffic lights along the changed Epping Road will now be fitted with a bus-priority signal, allowing buses to have the jump before cars start off from lights, giving them an improved journey along the road. Point four is the service road: Epping Road will now allow traffic to enter and exit the vast number of houses and minor roads that are along Epping Road with safety and ease. Point five, it will allow better access to Centennial Avenue via Mowbray Road. Point six, there will be improved traffic flow from Mowbray Road into Epping Road for traffic heading west along Mowbray Road, because the phasing of traffic lights at Epping Road will be shorter due to reduced traffic volumes, with the majority of those cars disappearing into the tunnel. And, point seven, it will allow emergency vehicles quicker and safer access.

**CHAIR:** Are you arguing that all these improvements result from the efforts of your committee?

**Mr ARCHIBOLD:** Mr Chairman, I have heard so many negative comments. But there are a lot of positive outcomes. Sure, there are minor problems. We all learn every day, and we should learn by our mistakes and move on. I am sure that will happen after this project. I come to problems that exist now. The first is traffic congestion from Mowbray Road West across the Pacific Highway. If you want to get to Chatswood from Lane Cove, presently in the afternoon peak hour it takes approximately 30 minutes to travel from Centennial Avenue to the Pacific Highway.

This issue will not be addressed, but I do not want that to be blamed on the Lane Cove Tunnel, although I know there will be people who will do that. The second is with bottlenecks from the Lane Cove Tunnel onto the M2. At present, every afternoon from 5 o'clock onwards traffic jams up along the M2 from the start of the M2, that is, at Mowbray Road, to the Beecroft Road turnoff. The bottleneck extends all the way through to the Toll Plaza and to the Beecroft Road turnoff. The reason for this bottleneck is that three lanes should have been built west from Delhi Road to Pennant Hills Road. You will see why as I explain.

**CHAIR:** Are you saying that the M2 should have had three lanes?

**Mr ARCHIBOLD:** It should have had three lanes heading west, from Mowbray Road, right through to the plaza to Beecroft Road, or to Pennant Hills Road, because there are a number of on-ramps. The first on-ramp is Delhi Road, which serves as another route to Chatswood. The next on-ramp that enters the M2 is Lane Cove Road. There is a high volume of traffic that comes onto the M2 from that roadway. The last one before the plaza is Herring Road, and that actually serves the Macquarie Shopping Centre and Macquarie University. These are all streams of traffic trying to enter the M2 from entry points before the plaza. This jams traffic. This is why I believe three lanes should have been built all the way through to Pennant Hills Road.

Problems that will come with the opening include that traffic blockage after the Lane Cove Tunnel will result if complete electronic tolling is not introduced on the harbour crossings, both bridge and tunnel. We have heard a bit about that today. I brought this up at the last CCLG meeting we had some time ago—about a month ago I think, although I lose track of time. There needs to be electronic tolling on the harbour tunnel and on the bridge to allow the traffic to get away and not slow down. The

argument against a wider tunnel? I have heard that people say there should have been three lanes going west. As explained with the problems of the M2, it does not matter how many lanes there are, the traffic will not get away through the M2. For that very reason, there should have been three lanes on the M2. No matter how many lanes you put there, traffic will not get out.

**CHAIR:** How many lanes do you think there are in the westbound direction?

**Mr ARCHIBOLD:** There are two lanes coming out of the tunnel, and some of the traffic will escape on Epping Road because there are four lanes being built on Epping Road. Then you have got the two lanes going to the M2.

**CHAIR:** We understand the tunnel has three lanes westbound.

**Mr ARCHIBOLD:** I beg your pardon. But the bottleneck will still be the M2. Traffic just will not be able to dissipate. I now turn to the toll cost. This important piece of infrastructure does not come cheap. I sympathise with the Government farming it out to private enterprise. The budget just handed down shows that the expenses are \$43 billion, with a State Government income of about \$26 billion, with the balance to come from taxes. We hear the catchcries of Health, which chomps up about \$12 billion, Education chomping off about \$11 billion, and then Police and Justice varying from \$2 billion to \$4 billion. Those total pretty close to \$25 billion expenditure on just those few areas. All the shock jockeys like to jump up and down and say that more and more money must be spent. The RTA has an allocation of \$3.3 billion in the current budget, but when \$1.6 billion of its budget will go into construction, that leaves no capacity for the RTA to fund these roads, which are badly needed.

There are a number of ways of lowering the toll. The first is to increase the hand-back date from 30 years to 35 years or 40 years—amortising the toll, not over 30 years, but over 35 years. Who wants to own the tollway with the price of petrol? Will we be driving cars in 30 years? Let private enterprise own it. If it all goes bad, they wear it. If we push the hand-back date out to 35 or 40 years, we get a cheaper toll. The second way is to lower the tolls in off-peak times by 20 per cent. With this gridlock both ways, when we have this madness at peak hour, we could do as the train system does and say if you want to travel in peak hour you pay a premium. This would give motorists on the M7, M2, Lane Cove Tunnel, the harbour bridge, the Eastern Suburbs Distributor and the M4 and M5 a reduction in toll. Another way of reducing the toll is on the M4. I believe the M4 is not far away from being handed back to the public. When it is handed back, keep the toll in place, but with the revenue gained from this, use the cash-back scheme to subsidise the motorists.

**CHAIR:** Do you have much longer to go? We need to give some time to Mr Begg.

**Mr ARCHIBOLD:** I am just about finished, Mr Chairman. In relation to community benefits, when these expressways, corridors, toll roads—call them what you like—are built, some roads will have to be closed and given back to the residents. Sydney's main roads are all built across the front of residential properties—for example, the Pacific Highway along the North Shore, Cumberland Highway and Epping Road, to name a few. This has led to madness, allowing the flow of traffic along highways or main feeder roads to be interrupted while traffic is turning into and out of residential properties. These roadways have to be firstly public transport ways and service roads. That is the only effective way of moving people and providing services, from repair persons to meals on wheels. For example, in Sydney today we see the majority of cars carrying only their drivers. Look at the T-ways that are empty of cars.

What about the footprint of three cars, end on end, carrying only three people, that is, their drivers, whereas on the same footprint you can put that of a bus which carries 90 people? The Lane Cove tunnel puts the cars underground. Epping Road should be returned to a bus lane that allows for the mass transit of people to and from the city and beyond. Another benefit is the shared pathway, which is mainly a four-metre pathway, that will not only allow for pedestrians and bikes but will be able to accommodate the disabled and frail people in their scooters because of the width of the path, and let us not forget the joggers and runners. I note that the M7 pathway will be used for the marathon course for the city-to-city marathon this year.

There are enormous benefits that will flow from the construction of the Lane Cove Tunnel and its associated works. There will always be a small minority that will forever complain. But it will

become another great piece of engineering and an asset to the people of New South Wales. Let us move on and cut the ribbon. Thank you, Mr Chairman and members.

**CHAIR:** Thank you, Mr Archibold. Mr Begg, do you wish to make any statement?

**Mr BEGG:** Yes, certainly.

**CHAIR:** Thank you. Please proceed. Do you have a very long statement?

**Mr BEGG:** No, not at all. What I have got here are copies of everything that I have had printed out. I have seven copies here.

**CHAIR:** Thank you. If you can distribute those, perhaps you could comment on them.

**Mr BEGG:** Yes. I will be relatively brief. There are three lots, or three for each person. I do not know whether the Committee has seen the emails that I sent through with correspondence that I had sent via email and via post to the Premier and the three Ministers for Roads, up to the Hon. Eric Roozendaal.

**CHAIR:** How recently did you send that email to them?

**Mr BEGG:** Copies of the emails were all sent to the Committee in my submission.

**CHAIR:** But when did you send it to them?

**Mr BEGG:** This was last month, and I sent a copy of all these through to this Committee, too. I do not know whether this map was also sent through to the Committee. It shows where I live. This was also sent on an email to this Committee. I live at the Northview Apartments. If you can see this, I am right in the middle of the eastern portal of the Lane Cove Tunnel. I represent 172 owners in two high-rise towers there. I have lived there for nine years this coming August. I have been a volunteer on the CCLG3 ever since it started. I think I have been to 27 out of 29 meetings that are held every month.

**CHAIR:** Our copy has not come out clearly. Where do you live?

**Mr BEGG:** Right where your finger is—that whole area. That whole island is taken up by our complex and the loop road on the south-eastern corner goes right around the complex there.

**Ms KRISTINA KENEALLY:** I am sorry to interrupt, but I am not certain that we all have that diagram.

**CHAIR:** It is in the submission. Our copy is not very clear. I am not sure whether you have a better copy.

**Ms KRISTINA KENEALLY:** I did notice that it is not very legible.

**Mr BEGG:** Also, if you would like to pass this around—it is the only copy that I have—it shows what the Gore Hill Freeway looked like, facing east before the construction started. This is taken from level 10 looking east. If the Committee wants to borrow it to take photocopies of it, they are more than welcome.

**CHAIR:** How high are the towers you live in?

**Mr BEGG:** It goes to 16 floors, 16 levels, on both towers. The big problem is that I have been trying since the inception of CCLG3 to change the left-hand turn going west out of the Gore Hill Freeway, which has been in existence ever since the Gore Hill Freeway was opened, to be able to turn left, to go south to Crows Nest, or to go straight ahead into Howard Street where the Shore Apartments are. What the RTA and Thiess-John Holland are doing is that they are going to have two lanes going west turning into three lanes to turn right only to go north onto the Pacific Highway, whereas in existence right now there are three lanes, of which two, the north and the middle lanes, can

turn right. But the left lane, which is the south lane, can turn left to go towards Crows Nest or go straight ahead. That is going to stop with the proposed alterations to this intersection.

**CHAIR:** Have you lobbied to have that changed?

**Mr BEGG:** Yes.

**CHAIR:** As a consultative liaison group?

**Mr BEGG:** Yes, of course, right from the first meeting.

**CHAIR:** And there has been no change, no response?

**Mr BEGG:** No.

**The Hon. GREG PEARCE:** Some witnesses yesterday also raised this issue.

**CHAIR:** We have had other evidence in relation to this.

**Mr BEGG:** The other situation that is happening is that the loop road that you can see on that map is going to end up in three lanes. It is two lanes now. The north lane is going to be a turn right lane only, and the middle lane and the south lane will be turn left only. Our exit from that, which are shown on that map, and our cars that come out from there can only turn left at the moment. But they are putting a median strip down which will prevent us from going right up north to go to the Pacific Highway.

**CHAIR:** What is the explanation for those decisions?

**Mr BEGG:** Whose explanation?

**CHAIR:** What explanation did you get from the RTA?

**Mr BEGG:** The explanation that the RTA is giving is that they will get continuity of the flow of traffic which will mean one lane from the loop road turning right, three lanes from the Gore Hill Freeway turning right, which will be four lanes, and they will then converge into three lanes in peak hour because of the clearway. The four lanes will still be there, but then in non-peak hour, there will only be two lanes on the Pacific Highway going north. That will be four lanes going into two lanes to go north. But if on that loop road they were to make the middle lane go left and right, that would alleviate a lot of problems as far as we are concerned. We have the movement, which is written in my proposal here, of some 2,000-odd motor cars or 2,500 cars a week going in and out of our complex, which is quite considerable.

I have made a video and I was told by the Committee that if I bring in a video, they will make copies of it. I think it is about 14 minutes or something. I have taken it from the top floor and I have driven around to show the alternative route through Reserve Road if they do not open or maintain that left-hand turn off the Gore Hill Freeway at the Pacific Highway. But the Reserve Road alternative route to come off the Gore Hill Freeway is all on that videotape, and I have made a note of it here in my representation. It will go past a children's playground. There is an oval there for football and cricket besides very high residential density of three stories and also probably 12-storey high-rise apartments going through this Reserve Road up to the Pacific Highway as the alternative route.

You go through two roundabouts and four speed humps, and this is for all traffic—semitrailers, pantechonics, car movers—and then you go down to another child care section cottage. Then there is a third one, although I cannot remember the names of the streets, that comes out onto the Pacific Highway. There will be an increase in noise and pollution, which can be brake dust that incorporates a portion of asbestos, and it is very close to the primary school at Artarmon, just behind the playing field, which you can see in the video. I hope everybody gets a chance to have a look at that once copies have been made. With the car companies, it is not just the Northview Apartments which will suffer from not being able to turn left, but all the apartments, the children's playgrounds and ovals, and child care centres.

The RTA has estimated that there will be an increase of up to 58 per cent in traffic going through this alternative route up to Rimmington Road onto the Pacific Highway. This will take car carriers, which deliver cars down to Alto Ford, Alto BMW, Citroen, Alto Jaguar and Alto Volvo. These are down from our building going towards Crows Nest. The other thing, too, that has attracted heaps of press is how close the exhaust stack is to our property, unfiltered. The Federal Government has offered to put in \$10 million towards the installation of filtration.

**CHAIR:** That is \$10 million for that event?

**Mr BEGG:** The Federal Government is prepared to put in \$10 million towards the filtration of the Lane Cove Tunnel. This has not been accepted by the State Government at this stage whereas on the basis of the M5, across city Tunnel and the Lane Cove Tunnel the RTA sent a group of experts to Japan where all the tunnels are all filtered. As a late friend of mine once said, the reason I was so successful in business is that people bought from me to shut me up. But to me, this is a very, very important interchange, as with Mowbray Road.

I also think that Epping Road, which is now three lanes in each direction, and the proposed change there which is to make it into one lane for buses and one lane for cars in each direction, east to west, will become what the local paper in Ryde has referred to as the Lane Cove funnel. This is what will happen. In my opinion, people living in the north-western growing area, bearing in mind that the original proposal was for a three-lane tunnel in each direction, will have three lanes from the Epping highway coming east and they will have two lanes from the M2, which is five lanes, supposedly going into two lanes of the Lane Cove Tunnel.

For people who live in the north west and work anywhere from Bondi junction to Matraville, Mascot or Alexandria, it is going to cost them, on a five-day week basis, approximately \$105 to \$110 in tolls, subject to what toll they finally put on the Lane Cove tunnel. I used to live in Hunters Hill and I know the area particularly well. Having lived in the Northview apartments now for nine years in August, there are people who will want to go over the top of the tunnel, to come back onto the Gore Hill Freeway so they will miss out on, hypothetically, \$3 in each direction, together with the price of petrol. Otherwise they will diversify off Epping Road and go through Pittwater Road, to come out on to Victoria Road to go over the Gladesville Bridge. Alternatively, they will turn off at Mowbray Road and go up Mowbray Road, up to the Pacific Highway that way, through the back of Artarmon, which will put a lot more traffic onto the local roads. That is my opinion about that.

With the left-hand turn, in my opinion this has to be changed. We are all victims of habit. People coming from the city will automatically turn left and hit the cars coming up around the loop road, which would turn it into a complete lockdown. In the event of an emergency, albeit with fire brigades required, ambulances and police, the Pacific Highway, because of this no left turn, would be in complete chaos.

All they have to do—which would be a very simple thing to do—would be to rejig the traffic lights, so they will allow, hypothetically, 30 seconds or 45 seconds of the green arrow which is there now, so vehicles can turn left or go straight ahead into the Shore apartments. It will not require a monumental change. The RTA says it cannot be done because of this, that and the other. It says, "The only way you can change this is to have it intervened by government." I have tried, with letters to the Premier and the three Ministers of roads. I have volunteered to pick them up and drive them through the existing route so they can see it physically, as opposed to looking at maps or plans.

**CHAIR:** Did you say the company said it could not change it, or that the RTA said it could not change it?

**Mr BEGG:** The RTA said it cannot change it.

**CHAIR:** The RTA was bound by some government policy—

**Mr BEGG:** This was established, I believe, prior to the meetings started with the CCLG, when they did their surveys, et cetera, of the whole of the route, and this is what they decided to do. I feel that this group is very worthwhile.

**CHAIR:** They have ignored the community liaison group's recommendations?

**Mr BEGG:** Yes. I believe that because the Government has requested the community representation in the CCLG, they have honoured their commitment. But, as was mentioned in *Hansard* by the member for Willoughby, Gladys Berejiklian, John Alan resigned from the committee because, in his words, "The whole thing is a sham". It has been a waste of time. The only thing I can talk about at the committee meetings—as I said hypothetically the other day, when they start replanting it would be great if they put in bougainvillea, lantana and blackberry bushes to stop the graffiti artists who are up and coming Ken Dones or Albert Namatjiras; they take great pride in their graffiti efforts. But, of course, we cannot have them because they are noxious weeds. So I tried to put it on a lighter note. The people I represent get back to me saying, "What's happening, Stewart? Are you getting anywhere?" My answer is, "No, no, no."

**Mr MICHAEL DALEY:** You spoke a lot about the conceptual issues of left and right turns and traffic treatments. Are you aware that the terms of reference of the construction community liaison group of which you are a member allows it to speak only about construction issues and not conceptual issues?

**Mr BEGG:** Yes, I am aware of this, but—

**Mr MICHAEL DALEY:** It is not the right forum in which to raise conceptual issues.

**Ms LEE RHIANNON:** But is there any forum? That is the whole issue.

**CHAIR:** You have made your point. Do you have any further comments to make?

**Mr BEGG:** If any members of the Committee would like to be driven over the existing route and the proposed alterations to it, you would then see the obstacles and the necessity to maintain that left-hand turn off the Pacific Highway and to go straight ahead off the Pacific Highway.

**The Hon. GREG PEARCE:** It is very difficult to see how they could do it, because they have the ramp up from the Pacific Highway access.

**Mr BEGG:** Yes, I understand that. But, as I explained earlier, it would be a case of rejigging the traffic lights so that that right-hand turn from the loop road was stopped, and then allowing for 30 or 45 seconds, which would let four or six cars through on the left-hand turn. Then the green arrow turns red, and then the traffic flows up from the loop road.

**Video and DVD tabled.**

**Letter from Mike Hannon, Acting Chief Executive, Roads and Traffic Authority, dated 15 June 2006, tabled.**

**Mr BEGG:** In closing, I bring to the Committee's attention that some of our land will be bought by the RTA, which has reclaimed the land for that route road. We owned the land right down to the curve. But, having heard you, Reverend Nile, on the Alan Jones program prior to this Committee being set up, I had great confidence in what you said in response to the questions that Alan Jones asked. I would like to thank all members of the Committee for their time. As I said in my submission, I hope this is not a waste of my time, your time, and my money.

**(The witness withdrew)**

**(Short adjournment)**

**IAN ROBERT HUNT**, Chief Executive Officer, Connector Motorways Pty Ltd, 34 Waterloo Road, North Ryde,

**JOHN STUART MARTIN**, Head of Structural Finance, ABN AMRO Australia, 88 Phillip Street, Sydney, and

**BRENDAN JAMES DONOHUE**, Project Director, Thiess John Holland, 34 Waterloo Road, North Ryde, sworn and examined:

**CHAIR:** Are you conversant with the terms of reference of this inquiry?

**ALL WITNESSES:** Yes.

**CHAIR:** If any of the witnesses should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee and we should go into camera, please indicate that fact and the Committee will consider your request. Do any witnesses wish to make an opening statement?

**Mr HUNT:** If I may. As I had just indicated, I am Ian Hunt and I am the chief executive officer of Connector Motorways, which was formerly known as the Lane Cove Tunnel company. I am joined by Brendan Donohue, the Project Director for Thiess John Holland. Thiess John Holland is the construction contractor responsible for the design and construction of the \$1.1 billion Lane Cove Tunnel project. I am also joined by John Martin, the Head of Structured Finance for ABN AMRO in Australia. ABN AMRO underwrote and arranged the debt finance for the project and continues to have a role as debt managers on our behalf. It has a continuing role as our financial advisors. They were also one of the original consortium sponsors.

Connector Motorways is the new name of the company formerly known as the Lane Cove Tunnel Company. We commenced operations in December 2003 following the award of the contract to us as the successful bidder, then known as the Lane Cove Tunnel Consortium. Connector Motorways is a privately owned corporate group, established solely for delivering the Lane Cove Tunnel project in accordance with the contract. Each of the three of us became involved in the project after the project deed was signed. While we can comment on any aspect of the project since then, I hope the Committee will understand that we may not be able to give full answers to questions relating to the period before the signing of the deed.

I begin by thanking the Committee for the opportunity to make this opening statement and to address you regarding the Lane Cove Tunnel project. The project itself is a four-part integrated transport strategy. Firstly, it is the missing link in the Sydney orbital road network. It connects the Gore Hill Freeway with the M2 on motorway-standard road. This supports the growth of Sydney's north-west sector over the coming years. The north-west is one of Sydney's fastest-growing corridors. In addition to the booming residential areas of the Hills district, there are key economic developments like the IT and pharmaceutical clusters in greater Ryde and the enormous commercial precincts like Norwest Business Park. The tunnel will provide significant travel-time savings on this orbital of about 15 to 20 minutes between Macquarie Park and Artarmon during the peak periods. The project also provides a direct link from the orbital to the Falcon Street and Military Road connection, giving new access options to people in North Sydney, Mosman, The Spit of and beyond.

Secondly, the tunnel will reduce traffic volumes on the currently very heavily congested Epping Road. Epping Road is currently a traffic nightmare with 100,000 vehicles per day crawling along what is really a residential street. The tunnel will return Epping Road to its role in the network as a local arterial, providing access to and from that suburb and its surrounds. The local community, local mayors, councillors, Liberal and Labor MPs, motorists and motoring groups have fought for and demanded this project for nearly 20 years. Epping Road is currently also a very serious polluter. Importantly, the reduction in traffic on Epping Road will improve air quality on the corridor. Cars are at their most polluting when they are travelling at five kilometres an hour—and we often see that on Epping Road—and the freer-flowing traffic in the tunnel will reduce emissions from vehicles in the corridor by 30 to 40 per cent. This is a very significant and positive outcome.

Thirdly, the project will improve public transport services in the north-west corridor through the introduction of bus lanes on Epping Road, transit lanes on the expanded Gore Hill Freeway and the new bus interchange at Lane Cove. Buses will use the tunnel for free. Express buses from the Hills will travel through the tunnel, saving time and providing greater travel time certainty. STA buses will use the bus lanes on Epping Road, and will enjoy similar benefits. Bus companies have indicated to me that the Falcon Street ramps may offer them better route options into and from North Sydney. The fourth element of the four parts is that the project provides enhanced facilities for cyclists through the construction of 7½ kilometres of shared pedestrian cycleway from Naremburn to North Ryde.

These benefits are underpinned by the conditions imposed by the New South Wales Government, including some changes to Epping Road as well as the environmental conditions in relation to air quality. These conditions were set by the Government prior to the tendering of the project, are the basis on which all consortia bid, and are a fundamental element of the contractual framework under which the project is being built and will be operated. The approved project is the result of community consultation since the late 1990s. This included the EIS in 2001, which resulted in the Minister's conditions of approval for the project. These conditions, as I said, set a very firm framework for delivery of the project. In October 2003, the Lane Cove Tunnel Consortium was announced as the preferred tenderer after a competitive tendering process. The project deed was signed on 4 December 2003. That deed defines in great detail the project that we are required to deliver and the technical standards and criteria we are to meet.

Let me describe the physical project. As the Committee saw yesterday during its tour, the \$1.1 billion project involves the design, financing, construction, operation and maintenance of 3.6 kilometres of twin-tunnel motorway under Epping Road. The tunnel has a two- and three-lane configuration, mostly three lane westbound, and largely three lanes eastbound. In addition, we are building three ramps connecting the Warringah Freeway in North Sydney with Falcon Street and Military Road, which will provide access to the Gore Hill Freeway, which is being widened from four lanes to six. The two-tolled, north-facing ramps are a new, completely optional choice for motorists seeking to avoid up to 26 sets of traffic lights on the Pacific Highway. The introduction of these ramps involves no road closures and no road changes. There is also a third new, south-facing ramp, which is not tolled, which we expect to open tomorrow night, weather permitting.

The two new lanes on the Gore Hill Freeway are a vital part of this project—often overlooked. These additional lanes, expand the Gore Hill Freeway from four to six lanes, and are required, in part, to carry the additional traffic generated by the new ramps at Falcon Street. The tunnel itself is costing about half of the \$1.1 billion. The works you saw yesterday between Reserve Road and the Pacific Highway are about \$250 million worth. The Falcon Street ramps and the widening of Gore Hill Freeway are the remainder of this major investment, some \$300 million.

When we do open—and that is expected to be by late this year pending continuing construction progress as we have seen recently—motorists will have a choice that represents great value for money. It is too early to judge the success of the project before motorists have a chance to even use it. After a month-long toll-free period, our opening price will be no more than \$2.60 for the tunnel and \$1.30 for the ramps. We regard this as very good value. In a 3.6 kilometre long tunnel, that equates to 72¢ per kilometre, which makes it Sydney's lowest-tolled tunnel per kilometre. Despite what you heard yesterday, the ramps at Falcon Street are also good value. The ramps and the extra lanes on the Gore Hill Freeway cannot be isolated from one another. I also remind you that existing travel options remain for those motorists.

There has been an important community debate of late on the Cross City Tunnel—and our tunnel as well—and we have listened very closely and have learned a great deal from the Cross City Tunnel experience. However, we point out that each road project is different. The Lane Cove Tunnel project connects two existing, heavily used motorways. There has been genuine community demand for this project. We believe it represents real travel-time savings and great value for money

**CHAIR:** Do either of the other witnesses wish to make any comment?

**Mr MARTIN:** No.

**Mr DONOHUE:** No.

**CHAIR:** Just to clarify, what was the original date for the opening of the tunnel according to the original contract?

**Mr HUNT:** The contract date for opening is 9 May 2007.

**CHAIR:** You anticipate now it will be early December?

**Mr HUNT:** It is difficult for us to say exactly when, as there are still two or three fairly significant construction milestones to get through. But, we are feeling fairly confident it will be late this year.

**CHAIR:** Then you have stage two. When will stage two works commence? What efforts did you take to measure the impact of these road works on the local community?

**Mr HUNT:** The project deed requires us to commence those works after the tunnel has opened and to complete them within 26 weeks of that time. I will let Brendan make a few comments about the impact on the local community, but I make an opening comment before I do. I think is important to understand that those works will disrupt traffic and cause impacts for the local residents. It is a \$30 million project in its own right, to be delivered in a very short time, 26 weeks, and that will require Thiess John Holland to open up work places along the length. As Brendan will now explain, well-established methods were used in the project to involve the community and to help them understand the impacts that they would suffer and ways to ameliorate them.

**Mr DONOHUE:** For all our works the first step after we have completed the design is what we call a construction method statement. That is shown to the community liaison group for their input. It is really a matter of how we do the work. Any suggestion that they give us, as far as being able to complete that work within those contractual arrangements, we obviously take notice of. Once we have done that we then go out to the community in our regular newsletters to explain the work we are about to do. As we get to individual areas, if we are doing driveways or whatever, we give them at least five to 14 days notification, generally by way of letterbox drop and, quite often, individual discussions or doorknocks with individuals to tell them what is about to happen in the following five to 10 days. That is the process we use in all areas. It will be no different on the stage 2 works.

**CHAIR:** There has been some controversy about the Lane Cove tunnel—whether it should be a two-lane tunnel or a three-lane tunnel. Apparently, a large proportion of this is, in fact, a three-lane tunnel. Would you just clarify that? Would it have been better to extend the two lanes into three lanes so that there were three lanes in each direction?

**Mr HUNT:** To help clarify that, it was evident that this question was going to come up when we were talking to you at the site visit yesterday. So I have a map, or a schematic, to table.

**CHAIR:** Do you have copies of that for the Committee?

**Mr HUNT:** Unfortunately, we do not have enough for all of you so I hope you do not mind sharing. I will talk about the westbound direction first. There is a two-lane entrance from Gore Hill Freeway and a one-lane entrance from the Pacific Highway. Looking at the bottom right-hand corner, there is a two-lane entrance from Gore Hill Freeway and a one-lane entrance from the Pacific Highway. They immediately join when they get into the tunnel, and you have three lanes together westbound. So the westbound direction is a three-lane tunnel for its full length. About one-third of the traffic demand westbound comes from the Pacific Highway and about two-thirds from the Gore Hill Freeway, hence the two-lane and one-lane configuration.

Eastbound there is a two-lane entrance at the west, that is, the grey portion shown on the schematic, and about 1.3 kilometres in from that it widens out to three lanes and then there is a three-lane tunnel for the remainder, with two lanes exiting onto the Gore Hill Freeway and one lane exiting onto the Pacific Highway, again recognising that one-third of the demand is access to the Pacific Highway. So that is the two-lane and three-lane configuration that we are constructing.

**CHAIR:** Obviously that would have been part of what the Roads and Traffic Authority asked you to do?

**Mr HUNT:** That is exactly right.

**CHAIR:** It was not for you to question the RTA and say, "We are going to change it or increase it." Did you have any discussion about whether it should have been three lanes in that short section where it is two lanes? Do you have an explanation for that?

**Mr HUNT:** Yes, in two respects. When I first started in this job I went to see the RTA to say that it seemed obvious to me that perhaps a third lane, if not needed now, might be needed in the future and that it would be better to build it now rather than in the future. The RTA explained to me that, as part of its strategy for managing the whole orbital network, it saw the need for a two-lane entrance there effectively to regulate traffic as it headed down towards the cross harbour tunnels. There is quite a constraint there.

**CHAIR:** You had that discussion. Some of the media reports implied that you offered to do the third lane.

**Mr HUNT:** As I understand it—I was not involved at the time—our bid included an alternative offer of a third lane. So not only the two-lane conforming that we are constructing; we also made an offer of a third lane. But they chose not to accept that offer.

**CHAIR:** At an additional cost?

**Mr HUNT:** No, the opposite in fact. We offered a third lane with a higher development fee.

**Ms KRISTINA KENEALLY:** A higher development fee?

**Mr HUNT:** A higher business consideration.

**Ms KRISTINA KENEALLY:** And the RTA turned that down?

**Mr HUNT:** They did.

**The Hon. GREG PEARCE:** The three lanes would have been in addition to what I would call the Pacific Highway lane. Is that correct? You have two Gore Hill lanes.

**Mr HUNT:** The third lane that we offered was in the grey area just here—from the western portal for that extra 1.3 kilometres.

**The Hon. GREG PEARCE:** So the choke point, the opening tunnel there, would not have been a choke into two lanes; it would still have been three lanes?

**Mr HUNT:** That is right.

**The Hon. GREG PEARCE:** At the moment you have two lanes from the M2 plus two lanes from Epping Road being choked into two lanes to go into the tunnel?

**Mr HUNT:** One of the two lanes on Epping Road merges into the left-hand lane on the M2, and the left-hand lane on the Epping Road continues up Epping Road into Lane Cove.

**Mr STEVEN PRINGLE:** From a business perspective you believe that that would have generated more income for you by getting more traffic on the tunnel?

**Mr HUNT:** Yes. From a business perspective, more traffic volume, more income and hence the justification of the higher development fee, or business consideration fee.

**Mr ANDREW CONSTANCE:** You spoke briefly about other choke points on the wider Sydney orbital network. Obviously, one of those would be the entrance to the Sydney Harbour tunnel.

**Mr HUNT:** Yes.

**Mr ANDREW CONSTANCE:** In light of that comment, what is your view about e-tags and the full use of e-tags on the Sydney Harbour tunnel?

**Mr HUNT:** I think full electronic tolling for the Sydney Harbour tunnel and perhaps also the Sydney Harbour Bridge would be of great benefit to the Sydney orbital. I am pleased to see the announcement today by the Minister confirming that the RTA is looking at this seriously. I have had a number of conversations with the RTA. I am expressing my view that I think it is important. I am pleased to see it is moving forward.

**The Hon. GREG PEARCE:** This morning on radio the roads Minister suggested that it would not be possible, in any short-term period, to bring in full e-tolling for the Sydney Harbour Bridge or the tunnel because of the congestion that that would cause. I assume that you have the capacity to deal with people who are casual users and people who do not have e-tags. Why would the Government not be able to do that?

**Mr HUNT:** We have the capacity to deal with casual users. Our expectation is that about 80 per cent of our motorists will have a tag, which means the other 20 per cent will have to use some other product. We are envisaging that they will be using products like the pass that can be bought on the Westlink M7. I do not see any impediment to any other motorway adopting the same process.

**The Hon. GREG PEARCE:** In fact, the cross-city tunnel and the M7 will all be fully electronically tolled?

**Mr HUNT:** Yes.

**The Hon. GREG PEARCE:** It seems ridiculous that this Government cannot get its act together and do it on the Sydney Harbour Bridge and the harbour tunnel.

**Mr ANDREW CONSTANCE:** Given that it is part of the orbital network.

**CHAIR:** It is not part of the expertise of these witnesses to answer that question.

**Mr ANDREW CONSTANCE:** I refer to the RTA's decision to knock back the option of a third lane. Would it have been possible for the consortium to build that third lane and not necessarily have it open? If it were to be built as part of this process now, what cost benefits would be realised for taxpayers down the track if it were to be built, say, in 30 years time?

**Mr HUNT:** It could well have been built now as part of that project and blocked off. I cannot tell you the cost of that because Brendan and I did not look at it in that level of detail; therefore, I cannot comment on the benefit to taxpayers.

**Mr STEVEN PRINGLE:** The additional cost of turning the grey section from two lanes into three lanes, which you are able to do, would be roughly of what order?

**Mr HUNT:** I am saying that I do not know the answer to that question.

**Mr STEVEN PRINGLE:** If you were retrofitting it, in other words?

**Mr HUNT:** I think it would be safe to say—Brendan will correct me if he does not agree—that it is probably almost impossible to do now. Once the tunnel is opened and operating we would have to close it to do that work because of the way the portal is configured. We can do anything if you are prepared to pay for it.

**CHAIR:** If you closed the tunnel obviously you would have a loss of income, so you would have to make some adjustments? That would be at extra cost.

**Mr HUNT:** Indeed. Where the grey section expands out to the three lanes of the blue—because this is a schematic and not an engineering drawing it does not show this feature—we have been required to provide a short stub that would enable the construction of a third lane at some later point. It would not be part of the existing tunnel; it would be a separate issue.

**CHAIR:** Like a spur?

**Mr HUNT:** Like a spur, exactly. So provision has been made for a future third tunnel through that spur.

**The Hon. GREG PEARCE:** But it would not provide extra access from the M2 or Epping Road, would it?

**Mr HUNT:** It would depend on the configuration. I have not seen any plans that relate to how that spur might be used in the future.

**CHAIR:** It depends on where it is connected.

**Mr STEVEN PRINGLE:** Just looking again at the schematic, roughly how long are the purple and yellow sections on your schematic?

**Mr HUNT:** Do you know the answer to this question, Brendan? As I understand it, the length of the purple one is about a kilometre and the yellow one is slightly less.

**Mr DONOHUE:** About 600 metres.

**Mr ANDREW CONSTANCE:** I refer to the business consideration fee that was paid to the RTA. How was that figure arrived at?

**Mr HUNT:** I will ask John Martin to answer that question because ABN AMRO was managing that part of the process.

**Mr MARTIN:** There are two elements to the business consideration fee. One portion of that, around \$56 million, is a reimbursement of the RTA's costs for developing the project up to the point where we bid for it. So that is the development fee, as it is termed. There is a separate component of \$23 million, which is the business consideration, as we refer to it. That adds up to the \$79 million. That is how we split the amount of money. So it is partly reimbursement of the RTA's costs and partly payment of value to the RTA, if you like. The way we calculate it is as the total \$79 million.

Essentially, we look at the future revenues of the project. So, over the whole concession period, it is pretty much the number of cars by toll. We take off operating expenses. With present value that figure is the total value of that income in today's dollars. We look at the total cost of developing the project today. So we take the present value of all that income, take off the costs of developing it today, and the difference between those two is how much we are willing to pay as the total business development fee.

**Mr ANDREW CONSTANCE:** Obviously that is passed onto motorists through the toll. If that business consideration fee were not factored into the toll how much cheaper would the toll be, given that it will be \$2.60? Roughly what would the percentage be?

**Mr MARTIN:** If it were not charged the toll would probably be lower. The two are interrelated. You have the business consideration fee. Let us say it is 7 per cent.

**The Hon. GREG PEARCE:** It is based on the original \$2.99.

**Mr MARTIN:** That is right. So you will not get a reduction if you say the business development fee is about 7 per cent of the total project value. It will not be exactly symmetrical but it will be a lower number. The process we go through is the one we adopt through this whole process. We would go back to the base financial model that was delivered at the project, put that number in, and reduce the business consideration fee.

**The Hon. GREG PEARCE:** So 7 per cent would have been roughly 14¢ of the original \$2, which would be roughly 20¢ now?

**Mr MARTIN:** That is right. It is a very rough calculation.

**CHAIR:** Your company is bound by the RTA establishing a base figure of \$2 originally?

**Mr MARTIN:** Absolutely. We are quite used to this process. We set a maximum toll and then we bid for the business development fee. That is quite a normal process. That is the New South Wales way of doing it.

**CHAIR:** Because of the problem with the cross-city tunnel traffic forecast, obviously you are now referring to your calculations. Are you confident that you have the right forecast, Mr Hunt?

**Mr HUNT:** We are confident in our traffic forecast and there are a number of reasons for that. First, they were prepared by people who are expert in this field, often using well-proven and tried methods. Our forecast was independently reviewed by another international expert in this field on behalf of the debt providers. They reviewed every step of the way that the main patronage forecast was developed.

**Ms LEE RHIANNON:** Considering that the M5 East and the CCT got it so wrong, why are you confident?

**Mr HUNT:** That is what I am explaining.

**CHAIR:** Mr Hunt is explaining that. Allow him to finish his explanation.

**Mr HUNT:** To recap, very highly capable and experienced people prepared it, using a proven method, and very highly capable and experienced people reviewed it quite vigorously every step of the way on behalf of people who are not donating \$1.14 billion, but lending it and are looking for a fair degree of rigour to satisfy them that we can pay it back. Sitting behind that forecast is an economic study that we commissioned specifically for this purpose, which looked at population and employment growth and trends in the Sydney area, but in the north-west corridor in particular. That looked at the journey-to-work trends that came out of that, and they are the main drivers of patronage in that corridor.

We also assess how motorists of various different types value travel time savings. For instance, a regular commuter will put a greater value on travel time saved than someone nipping down the street to do their shopping. Commercial drivers, who spend their whole day on the road, value travel time savings very highly indeed. An assessment of that also formed important input to the patronage forecast. I think another main reason why we are quite confident is that we have a piece of infrastructure that is joining two major motorways. We know the volumes on those motorways and we know the demand for the link between those motorways. So there is an ease of correlation between the various motorways and our demand because of that fact.

Another thing that is working in our favour is that the assumptions that sat behind the patronage model, which was done three, four or five years ago, have come to fruition. The Government has reconfirmed that the north-west area is one of its main growth centres. For instance, the Macquarie Park area has had a new planning overlay, allowing it to increase the density of commercial development, and that is one of our main generators of traffic in the tunnel. The M7 has come on stream earlier than we anticipated in the model. We have already had the very significant impact on traffic volumes on the M2. What I am saying is that the assumptions that sit behind our patronage forecasts are proving to be robust with the passage of time.

**Mr ANDREW CONSTANCE:** Mr Hunt, if your traffic forecasts are exceeded does the Government share a percentage of the profits?

**Mr HUNT:** At the risk of sounding pedantic, it does not share a proportion of the profits; it actually shares a proportion of the revenue. If we exceed our traffic forecasts by 10 per cent or more

there is a formula in the rental agreement—the lease—of the motorways stratum that shares that excess revenue with the RTA.

**CHAIR:** Is the fact that Epping Road will be restricted to one lane, making it difficult for people to use it, part of your confidence? Do you feel that may discourage people from using Epping Road and, therefore, force them to use the Lane Cove Tunnel?

**Mr HUNT:** The patronage model is based on our understanding of the road network as it would be and as defined by the RTA at the time of the tender. That includes the configuration of Epping Road and other roads as defined. So the patronage forecast does take the future configuration of Epping Road into account.

**CHAIR:** Do you think it might have a funnelling effect? There has been criticism of the cross city tunnel in that regard. Do you think similar criticism could be levelled at the Lane Cove Tunnel?

**Mr HUNT:** I think the motorway will be sufficiently popular and regarded as fair value that funnelling will not really be a major issue for us.

**Ms LEE RHIANNON:** If funnelling is not a major issue you will not need Epping Road to be one lane. Is that what you are saying?

**Mr HUNT:** No, that is not what I am saying. I am saying that I think motorway will be a very popular and heavily used motorway.

**Ms LEE RHIANNON:** But you will still rely on the funnelling effect of one lane. Perhaps you do not like the word "funnelling". Are you relying on Epping Road being one lane to achieve those figures?

**Mr HUNT:** Our figures have been forecast on the basis of Epping Road being one lane.

**Mr ANDREW CONSTANCE:** Returning to my question about the Government's share as a percentage of the revenue, what is that percentage?

**Mr HUNT:** It is a formula that grows as the patronage exceeds the forecast. My memory of it—I am happy to provide this in greater detail—is that between 100 per cent and 110 per cent of the patronage there is no sharing. Between 110 per cent and 120 per cent I think there is 10 per cent. That grows until we get above 150 per cent of the patronage forecast and then we share the excess 50:50.

**The Hon. GREG PEARCE:** Mr Martin, you divided the business consideration fee into \$56 million, which you said were the RTA's costs, and a \$23 million fee. How did you arrive at the figure of \$56 million as the RTA's costs?

**Mr MARTIN:** As I understand it, the \$56 million was communicated as part of the RFT back in July. It was flagged that the RTA had incurred this fee. It expected the business development fee to be paid and its expenses were of the order of \$56 million.

**The Hon. GREG PEARCE:** So the RTA told you how much money it wanted.

**Mr MARTIN:** It told us.

**The Hon. GREG PEARCE:** And told all the other tenderers.

**Mr MARTIN:** Yes. They were their expenses. For us, it is very normal—whether it is a government or any other company; whoever has developed a project—to pay back their expenses.

**CHAIR:** Are you confident that the \$56 million equals the expenses as far as you are aware?

**Mr HUNT:** No, we are not—if I can butt in. The way that the request for tender was worded, as I understand it, is that the RTA nominated the \$56 million as a figure but did not actually explain in detail what it was for. We have surmised that it was to reimburse them for their costs.

**The Hon. GREG PEARCE:** It was a minimum figure that they were looking for.

**Mr HUNT:** I do not know whether it was expressed as a minimum. They flagged that number, yes.

**CHAIR:** Mr Martin is trying to clarify his answer.

**Mr MARTIN:** In terms of the way we calculate it, we hear the \$56 million but the driver for us is the total: \$79 million. The issue would have been if it were less than \$56 million, what would happen then? We would not be able to reimburse them their full set of expenses.

**Mr STEVEN PRINGLE:** So the Government contribution to this project is in fact very low. The \$56 million is reimbursement for the RTA's costs.

**The Hon. GREG PEARCE:** They made a profit: they got the extra \$23 million.

**Mr STEVEN PRINGLE:** So is it really a public-private partnership? It is almost exclusively private by the sounds of it.

**Mr HUNT:** I do not think we can answer that question.

**Ms KRISTINA KENEALLY:** I think we can ask the RTA those questions, Mr Pringle, rather than speak for them.

**The Hon. GREG PEARCE:** Mr Hunt, there has been some discussion about filtration. A number of people have suggested that the tunnel should be filtered. In relation to the cost, you have been quoted as offering a figure for the cost of filtration. Will you outline what you see as the cost of filtration?

**Mr HUNT:** Sure. It is a complex question to answer because the cost depends on a number of matters. It depends on whether you are talking about filtering in tunnel or in stack. It depends on whether you are talking about just taking out the particulate matter using, for instance, electrostatic precipitation, or whether you also intend to take out the oxides of nitrogen through some denitrification process. It also depends on just how much of the air you are seeking to treat. So we did an exercise looking at a number of combinations to understand what the upper and lower bounds of the cost estimate might be.

For in-stack filtration of 100 per cent of the air using both electrostatic precipitation and denitrification, we estimate something between \$400 million and \$500 million. For in-tunnel filtration, limiting it only to electrostatic precipitation to take out the particulate matter and recognising that it is almost impossible to treat all the air in a tunnel, we looked at a couple of scenarios. One was two bypass tunnels: one for each traffic tunnel. There was an estimate of between \$80 million and \$100 million for that. That would have almost no impact whatsoever on the air coming out of the stack. Perhaps a reasonable minimum number of bypass tunnels might be four—two in each road tunnel—and, for that, we estimate the cost to be in the order of \$160 million to \$200 million.

I am sure that they seem like very high numbers. I am sure you think that. But in order to do that—bearing in mind that, in view of where the project is at the moment, they have to be retrofit rather than included as part of the original construction—they require extra caverns or bypass tunnels to be excavated. They require extra fans to be included to force the air through electrostatic precipitators or filters, which in turn requires extra electricity. I think we probably have enough substation capacity for the in-tunnel scenarios that I talked about. But for the full in-stack \$400 million to \$500 million scenario, we would probably need additional substations to accommodate the extra electricity required.

The nature of electrostatic precipitation is that the plates that attract the particles have to be washed down regularly. That is done with water, so you need a water treatment plant within the tunnel to treat that water, which then goes to waste in the way that other water does. It leaves a cake-type product that then has to be disposed of at a licensed landfill. It is much more than just the precipitator unit being installed.

**Mr ANDREW CONSTANCE:** How does that compare with the M5?

**Mr HUNT:** I have not done an estimate on the M5, I am sorry.

**The Hon. GREG PEARCE:** So the Roads Minister was talking through his hat when he suggested \$70 million?

**Mr HUNT:** I do not recall the figure of \$70 million being mentioned.

**The Hon. GREG PEARCE:** What is the cost of the cycleway?

**Mr DONOHUE:** Nowhere in our contract is it singled out, but when I look at it I think it is in the order of \$40 million.

**Ms KRISTINA KENEALLY:** Mr Hunt, the proposed changes to the surface roads have been raised in evidence several times. We have stacks of evidence to support the fact that the community, through the councils and local action groups, have been supportive for many years of the proposed changes to Epping Road, in particular. Some of those community members are in the committee room today. Is it your understanding that the proposed surface changes are in response to what the community has been asking for?

**Mr HUNT:** The proposed surface changes are defined for us in the project deed, and were indeed defined for us in the tender document. As far as I can tell, they are the same as those that were posed in the EIS, which is the core document in the community consultation, and that that responded to earlier consultation over a long period, including, as I understand it, a task force of mayors and experts from the local area, who met early on and came up with the proposal.

**Ms KRISTINA KENEALLY:** I have one more question, Mr Chair. Has the New South Wales Government ever asked Connector Motorways to delay the opening of the Lane Cove Tunnel or has any such proposal been put to you?

**Mr HUNT:** No.

**Mr MICHAEL DALEY:** Gentlemen, the Mayor of Lane Cove, Councillor Ian Longbottom, yesterday gave evidence before this Committee that traffic volumes through the Lane Cove Tunnel have been deliberately underestimated. Will you give us your opinion on that, please?

**The Hon. GREG PEARCE:** Point of order: I do not recall Mr Longbottom saying that yesterday. Mr Daley should point to that in the transcript, otherwise he is misleading the witness, setting up the witness for some sort of—

**CHAIR:** Mr Daley, will you just refer to where Mr Longbottom said that in the transcript?

**Mr MICHAEL DALEY:** Let me rephrase the question. To your knowledge have any traffic figures for the Lane Cove tunnel being deliberately or otherwise underestimated?

**Mr HUNT:** No, I do not believe that the traffic has been deliberately underestimated. My answer to the question on how confident we were about patronage forecasts equally could answer your question here.

**Mr MICHAEL DALEY:** During the construction phase, and perhaps even prior to that, since you have taken over the project, have you consulted with any of the businesses in the Lane Cove West Business Park?

**Mr HUNT:** Yes, I have. I have had a number of meetings with them. They are a group that has formed its own little committee. I have met with that group on a couple of occasions to talk to them, firstly and that the appearance of the ventilation stack in Lane Cove West, and to give them the opportunity to comment early on some of our landscaping and design proposals, and then more latterly to discuss with them their concerns about the capacity of Epping Road to take traffic into and out of Lane Cove West Business Park.

**Mr DONOHUE:** Could I add to that? I was responsible with our people for putting together the community liaison groups, of which there are four, on the project and on air quality. We sought a business representative on each of those committees. Three of the community liaison groups have a business representative; the fourth one does not, because we did not have anyone nominate to go onto that. During subplan C dissemination of information, which is the part for stage two, we have lots of community liaison meetings with the public, and the two groups that we put on for the businessmen were very poorly attended, as distinct from the community meeting, which was very well represented. In that whole range we have tried to have an enormous amount of consultation with business.

**Mr HUNT:** Just to amplify Brendan's answer, the business representative on Construction Community Liaison Group No. 2, which is the one for that area on the stage two works and the Lane Cove West Business Park, until recently was the chief executive officer of S. C. Johnson, which is a business located in that business park.

**CHAIR:** Sam Johnson had a concern that there is going to be a lot of congestion with employees trying to leave the business park and enter into Epping Road. Is that something that was discussed with you?

**Mr HUNT:** Yes, it is. That is the concern they took to me.

**CHAIR:** Did you have any solution or any ideas about how to deal with that?

**Mr HUNT:** I was not able to offer them a solution because we are delivering a project that is fairly tightly defined in that respect, but they did share with me their analysis of the problem, which I got our forecasters to look at, who found that it was not an unreasonable assessment. I passed that to the RTA for them to look at.

**CHAIR:** Do you still think it is a matter of perhaps some consideration by the RTA?

**Mr HUNT:** I am not sure whether the RTA is looking at it at all, I am sorry.

**Mr MICHAEL DALEY:** Correct me if I am wrong, but yesterday during our site visit a statement was made, I think by Mr Donohue, that you do not expect to get the haze that has been experienced in the M5 East, firstly because the ventilation system is far superior. Secondly, I think he said he does not expect the same volume of industrial traffic. The Committee heard evidence from Dr Manins this morning to the effect that he thought you had underestimated the number of truck movements per day in the tunnel. Are you confident that you have not underestimated the industrial traffic that you might get and, if so, could you tell us how?

**The Hon. GREG PEARCE:** Point of order: The evidence from Dr Manins was not that you had underestimated the number of trucks; it was to do with the fact that the number used at the EIS stage and the number estimated earlier this year were different, the number earlier this year was something like half what was originally looked at. If you are going to ask a question, do not misrepresent what has been said.

**Mr MICHAEL DALEY:** I do not need to you to correct my question. Mr chair, you might ask Mr Pearce to control himself.

**The Hon. GREG PEARCE:** You were misleading the witness by quoting falsely from the evidence that has been given.

**Mr MICHAEL DALEY:** I do not believe that is the case. My question stands. Are you confident that you have correctly estimated the number of truck movements in your figures, and that your statement to me yesterday was correct?

**Mr HUNT:** We are confident that we have correctly calculated the proportion of trucks in the tunnel, but just to amplify that answer so that it answers also the point that Mr Pearce was making, the EIS reports of higher proportion of trucks than we have forecast. So, for the work that we have done on air quality and in particular the ventilation design has used our overall traffic numbers, which are higher than the EIS, but we have used the EIS higher proportion of trucks, because that is a more conservative approach to dealing with this issue—because trucks pollute more than cars do. That is why there is some confusion. We have actually used the worst element of two separately undertaken forecasts.

**Mr MICHAEL DALEY:** I would like the company to answer some of the claims made by an earlier witness in submission 90. In paragraph 9 of her submission Mrs Eva Wild, from the Parks Road Action Group, made some allegations in relation to breaches during the construction phase. We do not have the capacity to do that now. You suggest some way that we might be able to get the company to do that.

**CHAIR:** Is there a simple question that you can ask of the witness?

**Mr MICHAEL DALEY:** Well, I would just like them to the hands of the claims about breaches during the construction phase referred to in paragraph 9 of that submission.

**CHAIR:** About construction starting early in the morning and so on?

**Mr MICHAEL DALEY:** There are eight paragraphs. I do not think we have the time to go into that now.

**The Hon. GREG PEARCE:** Ask the witness to take the question on notice and to provide a response.

**CHAIR:** I wonder if there is some practical question you could ask on that point.

**Mr MICHAEL DALEY:** It is too extensive, Mr Chair. I am sure Mr Donohue knows exactly when construction starts. There was a suggestion that they were starting before 7.00 a.m. that is one of the criticisms mention in evidence that construction routinely conducted activities that resulted in noise generation before 8,00 a.m. would that be something that happened frequently?

**Mr DONOHUE:** Yes, because art working hours commence at 7.00 a.m.

**CHAIR:** You legally can start at 7.00 a.m.

**Mr DONOHUE:** Except on weekends, when it is 8.00 a.m. as mentioned yesterday, in the course of the project I think we have had more than 7,000 people on the job and I would not sit here and say that everyone of those has commenced exactly at 7.00 a.m. and not before. I am sure there has been an occasion when that has occurred, but are working hours commence at 7.00 a.m. except on the weekend. On our licence conditions for the activities we have to undertake it is a fine balancing act do not disrupt traffic and having to do the work. The EPA generally licenses the times that we can do it. Quite often, as will be happening on Friday night, we have to do those out of hours, generally between about 8.00 p.m. and midnight. We are licensed to do the noisy work, which quite often is saw cutting or jackhammering in those hours, and the clean up—loading that material onto trucks—is generally after midnight. In some cases that is still noisy when people are sleeping.

**CHAIR:** There was a complaint that residents were not advised that that work would be conducted at night.

**Mr DONOHUE:** can we are required by the EPA to give five to 14 days notice of each and every event of an EPA licence or any out-of-hours work. Again, I think we have done 800 of those, which might be to a local area, but 800 times we have done that. So it is possible that one or two of

the people in those areas have not received notification. A number of people use Post Office boxes, so we try to put the notices in their letterboxes, but it does not always work. We have had more than one million letters sent out around the area notifying of works—a large amount of community notification on those sorts of works. In the newspaper and in those bimonthly newsletters we forecast the work that we are going to do in the next two months. Of course, sometimes with wet weather, as we have had in the last week, the work does not get done and is therefore pushed into the following two-monthly period.

**The Hon. AMANDA FAZIO:** In relation to traffic projections, the Committee heard some quite critical evidence from Councillor Longbottom from Lane Cove Council yesterday. He said things to the following effect, "the numbers we were given by the RTA were rubbery, they are all wrong. He also stated, in relation to forthcoming traffic projections, that the contract ensured that the traffic volumes for the project were kept secret, and that alarm bells ring when the RTA's 30-year EIS traffic projections are realised in 2009." Do you think there is any rational basis for Councillor Longbottom making those sorts of comments?

**Mr HUNT:** The only comment I would make is that from our perspective we have moved on from the EIS and we have done our own comprehensive patronage forecasting by the methods I have described earlier, and we are using those as the basis of our design and our financial modelling and we are looking for the way forward.

**The Hon. AMANDA FAZIO:** Yesterday we also heard from Councillor McCaffery, who is the Mayor of North Sydney Council. She made the comment that the Falcon Street ramps are the most expensive ramps in Sydney because, if you work it out on a distance rate, people are paying \$6 a kilometre to use the Falcon Street ramps. Do you have a response to that comment?

**Mr HUNT:** Yes, I do—not surprisingly. The Falcon Street ramps cannot be isolated from the extra lanes that are being constructed on the Gore Hill Freeway. The Falcon Street ramps will generate in the order of 30,000 to 40,000 extra vehicles per day on the Gore Hill Freeway, which currently does not have the capacity to accommodate that traffic. So, we are adding those two extra lanes, which will be transit lanes. The title of those works, including the ramps, is in the order of \$250 million to \$300 million. The toll on the Falcon Street ramps is recognising that, not just the short distance of the ramp itself. I would also add that there is no requirement for people to use the ramps. It is a matter of choice and all their existing choices remain unaltered.

**The Hon. AMANDA FAZIO:** When the Committee had a look at the tunnel yesterday we heard a lot about the ventilation system that has been put in place, and we heard earlier today from Dr Manins that if he were rating the M5 East, the cross city tunnel and the Lane Cove tunnel, he would put the Lane Cove tunnel as being the best of the three in terms of tunnel ventilation and projected air quality. What other renovations have you made in the construction of this tunnel?

**Mr HUNT:** From an air quality point of view?

**The Hon. AMANDA FAZIO:** Not just air quality, but any other new technologies that you have put in place?

**Mr HUNT:** In terms of air quality, the thing that distinguishes our tunnel from others is that we have two stacks. We have the fresh air intake at mid tunnel, and we have over twice the air handling capacity of other tunnel is, which gives us a great deal more flexibility to manage the air quality within the tunnel for all circumstances. Our tunnel fire and life safety are very advanced. I would like to think that they are as advanced as you can get in any tunnel. I do not know whether Brendan has anything to add. I think where Brendan could comment is on the advanced technologies that we use for the construction of the tunnel.

**Mr DONOHUE:** I could bore you with some of the engineering details, if that is what you require. I was not involved in the other channels, so I cannot say that our techniques are better than those. Most of our engineering techniques in their basic structure are fairly normal, it is the way you put them together in combinations, as you would have seen yesterday, on things such as the Reserve Road Bridge. Basically we are rebuilding that entire bridge while traffic is on it.

Again, there was nothing spectacular in the way we are building it, but to do that and manage the traffic is an exceptional performance by the people who work for me, and I am very proud of it. In a number of other areas, particularly in the tunnelling, one of the reasons that we have gone so well in the time is because of the attitudinal change we have engendered in the construction industry. We believe we are setting a whole series of records. One in particular is in safety—which I know, Reverend Nile, from one of your previous chairmanships, you are very keen on safety.

The record we have of lost time injury frequency rate—which is a measure of how many people are injured such that they cannot come to work for their following shift—is that our factor is 0.79, whereas the industry average recorded by WorkCover New South Wales for the construction industry is 21.3. So we are 25 times better than that. That is for 5.5 million man-hours. That is just an extraordinary result, which you do not get by machinery; you get by attitudinal behaviour. We are very proud of our workers and our staff and the way they have gone about doing that sort of thing. To my mind, that is much more important than the technical things. If we can get to the hearts and minds of people so that they go home safely, I think we have done something extraordinary.

**CHAIR:** The safety record is very commendable, although there was a little blip the other day with some fumes in the tunnel.

**Mr DONOHUE:** No. That subsequently was proven not to be the case. That was said to be the case. Our people have trained so that if they see anyone exhibiting any signs—because we do risk studies of what could happen—that they are immediately taken to hospital. In that particular case, they were exhibiting dizziness. They have had blood tests, which put the CO level in their blood at the same level for a smoker, which is what both those people were, and they were declared fit for work; they were not admitted to hospital. But we do that as a precaution, and that is one of the reasons our safety record is so good: we do not wait until something extraordinary happens; we try to nip it in the bud. That has proven to be the case again.

**CHAIR:** What is your explanation then for their dizziness?

**Mr DONOHUE:** We do not actually know. But we know now that they have put in a sick leave form, so it must have been some personal sickness.

**The Hon. AMANDA FAZIO:** The one issue that people think of when they look at the Lane Cove Tunnel project was the unfortunate unit collapse.

**Mr DONOHUE:** Yes, unfortunately.

**The Hon. AMANDA FAZIO:** We had a look at that block yesterday as part of our site visit. Can you update us on what has happened—because I know there were items in the paper about some of the unit owners being bought out, and tenants being relocated while the building was made safe and so on. What is the current situation? Also, I am not sure about everybody else, but I have received a few emails from people who live in the surrounding area and a neighbouring block who are concerned. What are you doing for those people?

**Mr DONOHUE:** Again, we would apologise for that incident. Obviously, it is not something that we are proud of. But we certainly are proud of the way we handled it. In the two blocks of units, the one that was damaged and the one alongside, there were 56 affected groups, sometimes families, sometimes a single person. Forty-nine of those, as at the time of the submission, we had consulted with and reached a conclusion on, generally a financial payment. Since the time that we put in the submission, we completed that with another two, which leaves five groups still affected. They are generally either a family, or one or two people. That is a completion rate of over 90 per cent, and I think that is extraordinary. We did that as what we called an early compensation process. My chief executive officer decided right from the outset that we would not send these people to the insurers; we would stand in the shoes of the insurers and take that on the chin, and then we would do the negotiation with the insurers, which we have started to do.

There were people who, apart from that, we have just forwarded on to the insurers because otherwise we would end up becoming an insurance company ourselves, and I think some of those may be the people concerned. In one or two of those cases we have stepped in, because of the size of the

claim, and settled them ourselves. I know some of the people in the unit alongside, which I think is 15 to 17, we have been talking to, and I know one particular family was not happy with the solution, and we have encouraged them to go and get further legal advice, for which we are paying, and that dialogue has commenced again.

**Ms LEE RHIANNON:** You just spoke about safety and that incident. The report did say that they were hospitalised with high levels of carbon monoxide in their systems. Are you saying that is not the case?

**Mr DONOHUE:** They were not hospitalised, they were not admitted; they were sent away from the hospital without any WorkCover papers, which would be the norm in a WorkCover incident. From what I have been told, the figures of CO were 1.6 per cent and 3.3 per cent, which are about the levels that a normal person would have if they were smokers.

**Ms LEE RHIANNON:** The same report stated that the extractor fans were turned off, and there could have been a possible link. Were the extractor fans turned off at the time?

**Mr DONOHUE:** We believe they were. But they were not turned off by any Thiess John Holland people.

**Ms LEE RHIANNON:** What does that statement mean? If they were not turned off by your people, what other people were around to turn them off?

**Mr DONOHUE:** Our subcontractors working in the tunnel.

**Ms LEE RHIANNON:** Therefore, there could have been a link with the fans turned off and these people getting sick because of high levels of fumes in the tunnel?

**Mr DONOHUE:** On the Tuesday morning we tried to re-create the situation with the fans turned off, and we could not re-create that at all. We were doing monitoring at that time for CO and could not register any effects at all.

**Ms LEE RHIANNON:** Mr Hunt, earlier you said you were very confident about the projected figures. Does that mean that you will publish regular figures on patronage on your web site?

**Mr HUNT:** Yes, we will.

**Ms LEE RHIANNON:** How frequently will you put them up there?

**Mr HUNT:** We have not made a decision on that. But I would have thought perhaps monthly. Traffic volume tends to vary on a month-by-month basis, depending on whether it is a school holiday period, or seasonally depending on the weather. So I think the most meaningful numbers would be the monthly average.

**Ms LEE RHIANNON:** When will you make that decision?

**Mr HUNT:** Sometime between now and opening.

**Ms LEE RHIANNON:** At page 4 of your submission you state that stage two, involving construction of a shared cycle/pedestrian path and installation of 24-hour bus lanes along Epping Road, will occur approximately six months after opening. I wondered whether you are also confident of that timetabling.

**Mr HUNT:** That six months, or 26 weeks as it is expressed in the contract, is a contractual requirement. As I stated earlier, it is a lot of work to do in that short time.

**CHAIR:** Would you be up for penalties if you did not complete it within the 26 weeks?

**Mr HUNT:** There are not penalties, as I recall, in the sense of liquidated damages nominated in the project. But, if it did extend beyond a reasonable period, it would be in breach of contract and possibly the subject of damages.

**Ms LEE RHIANNON:** When you say a reasonable time, what do you mean? You have said it could be difficult to conclude it within that period of time, and then a breach could come. What period of time would that be?

**Mr HUNT:** The reason I said a reasonable time is that circumstances beyond our control—such as several weeks of very, very heavy rain—could justify us going to the RTA and seeking an extension of time. That is the sort of thing I was referring to.

**CHAIR:** Factors outside your control, are you saying?

**Mr HUNT:** Yes.

**Ms LEE RHIANNON:** On the bike lane, you have probably seen the publicity on the suggestion that the bike lane on William Street could go, and the William Street bike lane was something associated with the cross city tunnel. How is it with your bike lanes? You have indicated that you will do the right thing, that that is your obligation under the contract. But, once they are in place, are there any safeguards that they will be maintained, or could they just go within a month, six months or two years if for some reason the RTA needs that space or some other circumstance comes up?

**Mr HUNT:** The project deed includes recognition of the works that we are doing on Epping Road. If, in the future, the RTA chooses to change those, that gives us the opportunity to go back to them with a case of material adverse effect, as it is called, which we would have to demonstrate. If we could demonstrate that to their satisfaction, we would be entitled to some form of compensation.

**Ms LEE RHIANNON:** Earlier we had evidence from Ms Wiland, a representative from Parkes Road Action Group. She circulated to us a deed of agreement. I had not seen one of these before, and I was surprised with some of the language in it. I want to check it with you. It is a deed of agreement, and if I understand correctly, it sets out certain noise mitigation works to the premises. It would appear to be something that your representative signs with the resident, and then you do some noise mitigation works for them. But then, in point three—

**CHAIR:** Perhaps we could hand a copy to the witnesses.

**Ms LEE RHIANNON:** I will read it out to you so that we get it in *Hansard*.

**Ms KRISTINA KENEALLY:** You can have my copy for the moment.

**Ms LEE RHIANNON:** I am looking at 3.1, which says it releases TJH unconditionally and forever from all claims and causes of actions against TJH in respect of carrying out of the works. That is a very strong statement that there is no claim. Then, when I looked at what you would be providing—and this is also part of my question, to see that I understand the position correctly—it notes you will be providing this Sound of Silence, silent and healthy ventilation with airopack, and that people get a couple of those in their house and they get seals on their windows and doors, and they are told, "Don't open your windows. This will supply you fresh air." Is that what you are actually offering people who have these problems, but to get that they have to sign their rights away, leaving them without a claim for anything ever again? Is that a fair summary?

**Mr HUNT:** The best person to answer that is Brendan from Thiess John Holland.

**Ms LEE RHIANNON:** Thank you.

**Mr DONOHUE:** Under the Minister's conditions of approval we are required, for any existing traffic noises—which because of the project will be larger in the year 2016 than they are now in the year 2016—to provide some mitigation to the noise that is projected. We get specialist noise people in—because, obviously, people like me cannot do that—and they go through each and every

one of the residents that could be so affected and determine what level of noise mitigation they require. Generally, there are three or four levels of noise mitigation that are provided. Obviously, for those residents that are projected to be slightly over the level, it is a lower level of noise attenuation than for someone who is forecast to have a higher level. When we go into those places and we say, "This is the level to be provided to you." That deed is for the work we do. We check that when we are finished with them and say, "We've now finished that work. Please sign this if you are happy with the work."

**Ms LEE RHIANNON:** So they sign, but then it reads as if it is then all over, and you do not even have to maintain it. Apart from the fact they do not get any fresh air, which would be a worry to a lot of people, they have signed something, and you are then absolved of any further responsibility. It does say that here: for the costs of operating and maintaining the works or any requirement for noise mitigation, there are no further claims—unconditionally and forever.

**Mr DONOHUE:** Yes, that is right.

**Ms LEE RHIANNON:** So it is all over! You get the box, you get the seals on your windows and doors, and that's it!

**Mr DONOHUE:** You get the level of treatment that responds to the projected noise increase, and there are three levels of that.

**Ms LEE RHIANNON:** How many people have taken up this offer?

**Mr DONOHUE:** I would have to check exactly, but my memory says—

**CHAIR:** You can take the question on notice, if you want to check your records.

**Mr DONOHUE:** If I could. But I can give you a rough indication. I think there were about 140 residences on the project, and I think 90 per cent of those we have been to see; about 50 per cent have agreed with the scope of works, and in 35 per cent of the 140 the work has actually been completed.

**Ms LEE RHIANNON:** Would you take the question on notice and give us the exact data?

**Mr DONOHUE:** Yes.

**Ms LEE RHIANNON:** I will ask you about one specific one. Other material was left with us today by an earlier witness—and this is a letter from your people, from Thiess John Holland. It is to Ms Marie at Somerville First National, Ashfield. It says, "Currently TJH has received a signed deed of agreement from the owner of unit 19 who wish to proceed with installation." We have been told that is not correct. We are being told that the suggestion that some of your claims people have agreed to this is not correct. That is why I am asking for that data.

**Mr DONOHUE:** I can check on that. Obviously, I cannot answer it right at the moment.

**CHAIR:** And the number of people who have made claims, and that you have satisfied.

**Mr DONOHUE:** Yes. I am happy to provide all that.

**The Hon. GREG PEARCE:** I would like to take you to a few major issues that some witnesses have raised. One that we have already touched on was the entrance and exit from Sam Johnson Way to Epping Road. First of all, the changes there are not your requirement, are they?

**Mr HUNT:** That is right.

**The Hon. GREG PEARCE:** They are the RTA's requirement.

**Mr HUNT:** That is right.

**The Hon. GREG PEARCE:** The major concern is the removal of the slip lane entry going west from Epping Road. Are you able to reverse that on your own, or is that something that you require RTA approval to do?

**Mr HUNT:** We would require RTA approval to do it but I understood that the slip lane was continuing. The maps that we provided to you yesterday—

**Mr DONOHUE:** I think that is for B-doubles to get around there in that little slip road with the little traffic island.

**Mr HUNT:** The little traffic island is disappearing, but there is still a left-hand loop lane where the bus lane is.

**The Hon. GREG PEARCE:** But you have to supply the lights.

**Mr HUNT:** Yes.

**Mr DONOHUE:** That is to allow B-doubles to go down there, which is a requirement of the traffic. That has been imposed upon us to get them down there.

**Ms LEE RHIANNON:** Mr Chair, may I ask some questions after Mr Pearce?

**The Hon. GREG PEARCE:** I just want to clear up a couple of other points, if that is all right.

**Ms LEE RHIANNON:** Yes.

**The Hon. GREG PEARCE:** The second significant one is that the home unit owners at the intersection of the Pacific Highway and the Gore Hill Freeway are concerned that the Gore Hill Freeway exit after the Pacific Highway presently has a left turn and will not have a left turn. Is that your requirement?

**Mr HUNT:** No, that is the RTA's requirement. It was foreshadowed in the EIS and there has been quite a bit of discussion with the local residents throughout the delivery of the project. The RTA has been using traffic modelling techniques to try to demonstrate to the people who are affected by that why it is the case that it is an RTA requirement, not one of ours.

**CHAIR:** If it were reversed, from a construction point of view is there any major construction required to bring in the left lane turn? Just by looking at it, it looks like it could be difficult.

**Mr DONOHUE:** Yes. There would be construction involved and there would also be phasing of the traffic signals. But my memory—and it is my memory—is that you would then have traffic clashing there. There would be two lots of traffic going in almost opposite directions.

**Mr HUNT:** That is right. The left-hand turn out of that exit would clash with the right-hand turn out of the tunnel, which would therefore require an extra phase of the traffic lights so that the traffic would not clash. My understanding is that that extra phase would cause congestion build up right up the Pacific Highway and beyond the Mowbray Road intersection, which would clog that intersection as well.

**The Hon. GREG PEARCE:** And we have had a lot of concern about the pedestrian access across the Falcon Street bridge. First of all, that is not part of rural project, I assume.

**CHAIR:** The pedestrian way.

**Mr HUNT:** The new one that was announced?

**CHAIR:** Yes, the new one that was announced.

**Mr HUNT:** No, that is not part of our project.

**The Hon. GREG PEARCE:** Have you done some work on the potential of providing that pedestrian way?

**Mr HUNT:** No, we have not.

**The Hon. GREG PEARCE:** The other issue that people have is a suggestion that the location of the two new Falcon Street ramps has changed. Is that true?

**Mr HUNT:** Yes, that is true.

**The Hon. GREG PEARCE:** Was that your decision?

**Mr HUNT:** That was an offer that we put in with our tender, aimed, I understand, to improve the way in which that whole intersection worked from a traffic management point of view. The third ramp, the new one from the south, was part of that whole alternative layout. We put that to the RTA and they went away and assessed it. They eventually came back and accepted it as a change to the project.

**The Hon. GREG PEARCE:** Was that after the Minister's approval?

**Mr HUNT:** I am not absolutely certain of the timing. It was during the tender period which overlapped with the finalisation of the Minister's conditions, as I recall.

**The Hon. GREG PEARCE:** Would you mind taking that on notice, just to clear that up for us, whether it was in the original approval or whether it was a variation?

**Mr HUNT:** It was not in the original approval, but whether it was agreed before that approval—it was certainly not part of the original Minister's conditions.

**The Hon. GREG PEARCE:** The last one I wanted to clear up with you is the entry portal at the western end at the two lane part. That was not your requirement? That was the RTA's requirement?

**Mr HUNT:** Yes.

**Ms LEE RHIANNON:** Mr Hunt, you have explained about the figures for patronage and number of times. I just want to check with you about the ramp up because that is often where there has been confusion. How long are you expecting to take to get to the level of patronage?

**Mr HUNT:** We are anticipating a ramp up of some 18 months to 24 months. The ramp up has two components. The first, which we expect to happen over the first six months, is the attraction of the traffic that is already in the corridor, that which is using Epping Road, into the tunnel. We expect that to take about six months, and then 12 to 18 months beyond that there is the traffic that is currently not using the corridor that will be attracted into the corridor by the addition of the extra facility. But the short answer to your question is 18 months to two years.

**Ms LEE RHIANNON:** Mr Donohue, you spoke about breaches. The way you presented it, it sounds as though it is reasonable—you know, you have this huge work force and it is hard and you have to do all this hard work. But obviously for the locals, it is quite a challenge, listening to all this noise at different hours. Have there been breaches which you have had to answer, in whatever the process is, with the relevant authorities? Has that happened?

**Mr DONOHUE:** Yes. The Environment Protection Authority [EPA] is in regular contact with us about a whole range of things, but I presume you are talking generally about noise there.

**Ms LEE RHIANNON:** Yes. For example, how many times have you had to fill out the paperwork and explain why there was a breach?

**Mr DONOHUE:** If I can just go back, there are probably three areas. One is tunnelling, which causes regenerated noise. There are two lots of conditions there, or probably three. During the day, there are no noise limits. From I think it is 6.00 p.m. to 10.00 p.m., there is one limit, and there is a lower limit after 10.00 p.m. But our licence actually says we can go higher than those noise levels provided that on each and every occasion we talk to the affected residents and satisfy their needs. That has happened on a number of occasions where we have taken people to accommodation. We have provided technical assistance. I do not fully know how they work but they are sort of like ear muffs that have music and you can sleep in them. We have taken people on holidays, et cetera, et cetera. That noise generally lasts two days, so that is not a breach because we are required under our licence to satisfy the people when it goes over and above those limits.

The second one is support conditions which would be fans, spoil removal and that sort of thing. The licence conditions there are fairly strict. If we go over those levels, we have to stop the work. We have stopped the work and we have had to do other things, like put noise enclosures around the fans, which we have done. The third thing is general construction noise. Under the EPA, there are no limits for that. We are licensed to do the work. On each and every occasion that we are doing what would be classed as noisy works, particularly out of hours, we have an EPA licence that we have to abide by. We have had that on a number of occasions. I could not count the number because a lot of our work is out of hours, and we get a variation for each and every occasion. We have to notify the community five to 14 days in advance in the process we talked about earlier.

There have been several occasions where we have breached those and we have had to go back to the EPA and explain. They can range from things like a concrete pour where it rains and we have to keep delivering the concrete so we cannot stop the concrete pouring. It might go half an hour outside that limit and we have to report on it to the EPA. We do that in our monthly and yearly reports to the EPA, as well as the individual notifications.

**Ms LEE RHIANNON:** As the question was the number of breaches, does your answer mean that you have not breached it? There has not been a breach?

**Mr DONOHUE:** If you use the word breach as meaning that if there is a number we go over, we get a fine, no.

**Ms KRISTINA KENEALLY:** Mr Hunt, earlier you mentioned that you had been watching the Cross City Tunnel with some considerable interest, and that is understandable in your position. Has that changed how you might roll out the Lane Cove Tunnel project?

**Mr HUNT:** I do not know whether it has changed it, but it has certainly informed us on perhaps things that we need to do, such as have a much more educational-style campaign of advertising and promoting the motorway to help people to understand it better, how to find it and how to use it and so forth. Another thing that it has confirmed for us is the value that a toll-free period would provide, and so we are providing one. It is those sorts of things from which we have learned lessons.

**Mr STEVEN PRINGLE:** Mr Hunt, some of my constituents have raised the issue of differential tolling and having a cheaper toll for out-of-peak-hour periods. Have you considered that?

**Mr HUNT:** We have considered it in the sense that our tolling system has the capability to accommodate that, but our current deed does not permit us to have differential tolling for different times of the day. So if it were something that was part of a government strategy to manage traffic on the network, we are able to respond to that.

**Mr ANDREW CONSTANCE:** In terms of the overall project, and given that the tunnel is obviously a private tollway, how do you classify it against the Gore Hill Freeway, given that half the project work is to the Gore Hill Freeway? Who ultimately owns it?

**Mr HUNT:** The Gore Hill Freeway and the works on Epping Road are handed back to the RTA when we complete construction, and we retain the tunnel and the ramps only as operating toll roads. So the answer is the RTA.

**The Hon. AMANDA FAZIO:** Can I just ask you a question on one of the issues that has come up as a result of the way that the Cross City Tunnel has opened and the operations being handled? The issue relates to signage about tolls and a continuing complaint about people realising far too late that they do not have any option but to use the Cross City Tunnel. Are you responsible for signage for the Lane Cove Tunnel, or is it the responsibility of the RTA?

**Mr HUNT:** It is a combination of both. We are required to advertise outside on the approaches to the tunnel and the ramps what the toll is, so that would be permanent signs on the side of the road. We also have that information available on our web site. When it changes each quarter, that will be advertised on those huge variable messaging signs that you have seen around. At the final exits before the toll, we have to provide signage that indicates that fact. We are discussing with the RTA the wording of those signs at the moment.

**The Hon. AMANDA FAZIO:** Also, are you going to be having your own tag system?

**Mr HUNT:** No, we are not.

**The Hon. AMANDA FAZIO:** What arrangements will you make for casual accidental users who use the Lane Cove Tunnel but who do not have an electronic tag?

**Mr HUNT:** They will be able to use the pass products that are available from other tag pass issuers, which occurs by ringing up before you travel or within 48 hours of travel and purchasing that pass product. We will have arrangements with all the other tag and pass providers to enable any tag user or any pass user to use our motorway.

**The Hon. GREG PEARCE:** Does that include the RTA's tags?

**Mr HUNT:** Yes, it does.

**The Hon. GREG PEARCE:** So they already have the capacity to deal with that?

**Mr HUNT:** I do not quite understand.

**The Hon. GREG PEARCE:** They already have the capacity to deal with casual users?

**Mr HUNT:** No. With tags, only two of the motorways offer the pass product and that is the Cross City Motorway and the western M7, so we will be relying on their passes. Those two, plus the RTA and the M5, sell tags. We rely on those four tag issuers to provide tags for us.

**CHAIR:** You have built the tunnel to cope with an 80 kilometres an hour speed limit?

**Mr HUNT:** Yes.

**CHAIR:** That will be the speed limit?

**Mr HUNT:** Yes. That is a requirement of the project deed.

**The Hon. AMANDA FAZIO:** For people who go through who do not have a tag and have not had the foresight to ring up and arrange one, what will happen?

**Mr HUNT:** Within 48 hours, they can ring up and purchase a pass. Beyond that time, there is a little bit of discretion that the motorways can use to accommodate them. But beyond that time they become what is termed in the industry a violator, which is an unfortunate term, and they go therefore into the violation process which involves identifying who they are. Because all we have is the number plate, that is something we cannot do because of privacy legislation. We give that number plate data, the time, the date of the trip and the lack of toll paid to the RTA.

The RTA has access to the records of who the owner of that car is and sends them a letter on our behalf, outlining that they used the tollway without paying the toll and offering them the opportunity to pay the toll and an administration fee because the whole process of getting to that point

is quite costly. The RTA has two stabs at that. If there is no payment on the first letter, a second letter is sent. If there is no payment on the second letter, it becomes a fine, and it goes through the Infringement Processing Bureau.

**Ms LEE RHIANNON:** Mr Hunt, I want to ask you about the relationship with The Hills Motorway and how you resolved a number of safety issues. On Wednesday 29 March this year you stated in a media release, "The operators of the M2 and the Lane Cove tunnel had differing views on the traffic and lane configurations connecting the two motorways and the issue was resolved by the RTA last December." Perhaps I will have to put some of this on notice because we are running out of time. I was interested in what the compromise was. With regard to the technical memorandum No. 42, which covered issues to do with the movable median strips, exit arrangements, and over-height vehicles, the language got pretty hot at times. I am sure you are acquainted with what I am talking about. You said the RTA resolved it. Was there a compromise? How were these issues resolved?

**Mr HUNT:** I would not regard it as a compromise. We put our position to The Hills Motorway and they put theirs to us, and there were differences of view. We discussed those differences backwards and forwards, until there was a point where we resolved most of it but there were a couple of small outstanding matters.

**Ms LEE RHIANNON:** What are the outstanding matters?

**Mr HUNT:** At the time, the outstanding matter was this. Where the M2 enters the tunnel and the immediately parallel Epping Road allows that left-hand turn into Mowbray Road, there is a small gap in the barrier between Epping Road and the M2 to enable emergency vehicles to get across. The concern has been that normal motorists might use that to do that illegal turn up Mowbray Road. There were different views on the best way to prevent people from going across that gap, whether to put in a small mound, to simply use that vibrating line, or to use those candy sticks I described.

**Ms LEE RHIANNON:** What did you resolve?

**Mr HUNT:** There was also discussion about how long that gap needed to be for emergency vehicles. In the end, we went to the RTA and said, "We have reached an impasse. It is your road network. What do you think?" They told us the solution, which I cannot recall the details of.

**Ms LEE RHIANNON:** Could you supply it? We have seen the solution in relation to the cross city tunnel. People simply abuse it all the time; they dodge around the solution regularly. We have seen it many times. Could you supply us with the solution, as it is a safety matter?

**Mr HUNT:** Certainly.

**Ms LEE RHIANNON:** The other issue is over-height vehicle management. The language there got pretty hot between your two sets of consultants. This was where, if an over-sized vehicle gets jammed in the tunnel, how you will get it out. Did you resolve that issue, and if so how did you resolve it?

**Mr HUNT:** I am sorry, I cannot recall that correspondence. Perhaps it was not brought to my attention. I will take that on notice, if I may.

**Ms LEE RHIANNON:** It is technical memorandum No. 42. It is a document from Sinclair Knight Merz. I will give you the document. With regard to over-height vehicle management, the document speaks about the situation where the vehicle may have to be cut out, and there began a dispute about how to resolve that. I would be interested to hear how you resolved that.

**Mr HUNT:** If I may, I will take that on notice.

**Ms LEE RHIANNON:** You referred to "a couple of matters". You have given us details about the exit at Mowbray Road. Were there any other differences that you could not resolve?

**Mr HUNT:** None that we could not resolve. We are currently discussing with them the pavement maintenance that we are installing in their pavements. It is the nature of these projects that we interface—

**CHAIR:** Is there a device at the beginning of the tunnel that would stop oversize vehicles from going into the tunnel?

**Mr HUNT:** There is such a device. They are the huge beams that you see across motorways. Unfortunately, once a vehicle gets to that and gets jammed under it, from my perspective it is too late. I suspect that the issue we have been talking about here is ways in which we can adequately inform and encourage truck drivers to exit before they get to that point. Anecdotally, I understand that truck drivers have a habit of thinking they can just squeak under, when in fact they cannot. It is quite an interesting exercise. Brendan was talking about attitudinal change. "My truck will just get under, so I don't need to worry about it" is a common view.

**Ms LEE RHIANNON:** The dispute was also about the management of the traffic while the truck is stuck in the tunnel. People were saying that the traffic would flow fairly freely, whereas the other consultants were saying it is all going to be banking up. I am interested in that traffic management and how you resolved it.

**Lane Cove tunnel configuration tabled.**

**(The witnesses withdrew)**

**(The Committee adjourned at 5.21 p.m.)**