

Submission for Project SSI-8863

**Western Harbour Tunnel
& Warringah Freeway Upgrade Application**

**Transport for NSW
NSW Government**

For consideration of the NSW Dept of Planning

**David Hunt
PO Box 52 Westgate NSW 2048**

17th March 2020

SUBMISSION IN SUPPORT

Introduction:

Dear Ladies and Gentleman,

Thank you for the opportunity and greatest privilege of being able to make this submission.

I would like to divide my attachment into three parts.

Firstly why I think the project should proceed, then secondly, a three year summary of happenings in the years 2017 to present, which I believe will further show the Department why I am submitting and how I understand some of the issues the Western Harbour Tunnel Team have had to face. The timeline which I started to do to help me understand seemed relevant, so I have included it, in the hope you will also be able to make use of it. Thirdly before closing, I have a very small list of requests which I believe, based on the first two parts of my submission; I would like Planning NSW and the Western Harbour Tunnel & Beaches Link Team to consider. I believe you both will mutually find them purposeful and in the interests of NSW.

So then, enough opening remarks. As indicated, I support the project being excavated, built and opened.

I am not a member of the Government, nor a public servant, have never been employed or offered employment with a construction company, contractor or anything like that. Until late 2014, I was employed at the local Rozelle Retravisation store for 18 years and formed a great bond with the area and community.

I also strongly believe in Government making an attempt to solve traffic congestion in our major capital cities and also strongly welcome road building initiatives both in the city and country.

I was at the launch of the 2012 Long Term NSW Transport Master Plan, some years ago, as I was on Balmain-Rozelle Chamber of Commerce committee and was invited to hear Les Wielenga initiate the NSW Government's transport objectives through this document. This was 2012.

In addition, following the success of WestConnex, since at least 2017, the NSW Government has been actively supporting the establishment of the Western Harbour Tunnel & Warringah Freeway Upgrade, both financially and physically. This has led to some pretty intense scoping and justification from them to you, which is where we are at today.

I believe approval, excavation, building, opening and then ultimately possible privatisation will deliver huge benefits to the people of Sydney and NSW.

These reasons include:

- Confidence our NSW State Government is able to deliver sturdy outcomes in dealing with congestion in a big city, containing densely populated areas.
- It is on the ball when there are opportunities that will allow citizens and visitors to have better freedom of movement in the same.
- It is able to do this in an economically responsible way, such as recycling other Government assets back into the private sector such as WestConnex, which has and is providing relief for Sydney's motorists. It is expected this project will do the same.
- This project, in particular the North shore to Rozelle section is an enabler. That is a full connection from the North Shore road matrix to the Inner West road matrix. Thus connecting The North Shore and South Shore. In turn this provides diversity and contra alternatives to the Gladesville and Harbour Bridges, both in regular times and times of emergency.
- The route which is a tollway, is optional allowing the public still to choose their route.
- The project if approved will bring jobs to business in NSW, which as we speak is undergoing the financial pain of the coronavirus. Project initialisation will help address the shortfalls caused by the latter.
- Even in ordinary times, such a project would bring employment.
- It is noted the strong evidence being given by the Western Harbour Tunnel & beaches Link Team in their documentation.
- The Western Harbour Tunnel & Beaches Team have taken exceptional care in proposing the route of the tunnel. It is strongly noted except perhaps during construction, the Rozelle to North Shore section is all underground sparing houses, business and the public major grief. A perfect example of how hard the team has tried to provide a well considered and pleasing outcome.
- It is envisaged, the project will ultimately be privatised (subject to Government policy) and the capital mentioned will again be returned to the treasury of NSW, whilst delivering a positive outcome for the public.
- All other positive reasons given in the EIS instrument.

On the other hand we have those that may not completely be on board with idea and completion of this project. There are many reasons for this. Maybe that don't like Government (any Government), hate cars, perhaps are politically and ideologically opposed because of their political commitments or they have other reasons.

I urge the Director General and your honored clerks of planning to continue further and peruse the next section, a "Short 3 Year Summary", as it applies both to the project and the people of Rozelle.

I will show that a number of your objectors to the project are compromised and I will leave it for you to verify my statements as evidence.

I am sure the Team Leader of the Western Harbour Tunnel and Beaches Link, will be able to verify all of my information either immediately or on notice, through his or her staff.

Short 3 Year Summary:

This applies particularly to the Western Harbour Tunnel and Beaches Link Team's plan to use the vacant former Balmain Leagues Club site at Rozelle for the WHT-2 dive site mentioned throughout the EIS.

- | | |
|-----------------|--|
| March 16 2017 | NSW Government launches the Burnt Bridge to Warringah Expressway project, the northern part of the WHT & BL overall project. |
| March 20 2017 | Minister Melinda Pavey announces full preferred route of all of the WHT BL, a project earlier identified in the 2012 Long Term NSW Transport Master Plan, and various other documents.

Believe former Balmain Leagues Club site owner Ian Wright and Rozelle Village Pty Ltd, would have known this. (Refer WHT-2 dive site proposal on the project EIS). |
| June 2017 | Although there is no public announcement and it is kept highly secret, Ian Wright and his company Rozelle Village Pty Ltd, are already in contact with Heworth about selling the former Balmain Leagues Club site and land parcels. |
| June 6 2017 | Grand Rozelle Pty Ltd incorporated by Heworth at the Australian Companies and Investments Commission. ACN 619 872 749. |
| July 13 2017 | Rozelle Development Pty Ltd incorporated by Heworth at the Australian Companies and Investments Commission. ACN 620 430 891. Month later on August 4, Rozelle Development Pty Ltd's, name is changed to Heworth Grand Rozelle. |
| October 23 2017 | Rozelle Village Pty Ltd after it's multiple DA failures of 2010 -2016, fully finalises the sale of the former Balmain Leagues Club site to Grand Rozelle Pty Ltd, a fully owned subsidiary of Heworth. Reputed sale price 75 million. |
| December 7 2017 | preDA launched by Heworth with InnerWest Council, (reference: preDA/2017/349), six months after Ian Wright (Rozelle Village Pty Ltd) sells. A preDA is not a full DA but a test DA to tell the developer what he or she can get away with. |

March 1 2018 Melinda Pavey announces plans for NSW Government to acquire the former BLC Site, which is sitting empty and derelict. Grand Rozelle (Heworth) had previously been notified.

March 2 2018 Melinda Pavey discusses in radio interview on 2GB, probable leasing or acquisition of the former Balmain Leagues Club site.

March 7 2018 Leichhardt Cr and now InnerWest Council Mayor, Darcy Byrne becomes involved.

March 2018 Grand Rozelle (Heworth) through consultant Meccone, asks InnerWest Council to amend the DCP (District Control Plan).

May 2 2018 Heworth continues to proceed and lodges a formal \$135 million DA for the former Balmain Leagues Club site at Rozelle, with InnerWest Council.

Later this is withdrawn and replaced with yet another DA.

This is despite notification from the team at the Western Harbour Tunnel Project.

Heworth seems now to have had a double strategy. Either to claim maximum RMS \$\$\$ compensation or to just break through.

June 28, 29 & July 3 2018 Supreme Court hearing is conducted regarding the nearby Desane vs. RMS (WestConnex) PAN, which is heard in the NSW Supreme Court.

Unconnected to Heworth, none the less Heworth, lord the initial outcome in the press and online, thinking it will apply to them too. True, the initial court judgment sets aside the Desane RMS PAN. However, RMS mounts an appeal in the NSW Court of Appeal.

Sept 6 2018 NSW Court of Appeal then finds in favour of Roads and Maritime. The PAN originally issued to enable compulsory acquisition of Desane becomes valid.

Refer, Roads and Maritime Services v Desane Properties Pty Ltd [2018] NSWCA 196

<https://www.caselaw.nsw.gov.au/decision/5b8c9202e4b0b9ab4020f6ec>

Oct 29 2018 Balmain Leagues Club Ltd (company) goes into full administration, without possibility of recovery.

Nov 10 2018

Balmain Leagues Club Fivedock permanently closed by administrators. This follows a finding of unviability and heavy losses, caused by the managers of Balmain Leagues Club Limited.

Primary reason by Parker Administrators given, is over spending on staff and poor revenue. Losses (for the second time round), are in the many millions.

Other half of West Tigers franchise, Wests Ashfield, which has never had any direct financial connection, is told by the NSW NRL to bail out the situation and help members move across, with an amalgamation.

Executives of West's Ashfield unfortunately find out, Heworth has obtained securities over all the former Balmain Leagues Club poker machine licenses.

These licenses (needed by Wests Ashfield) would then be used by Heworth to pressure and coerce InnerWest Council's Mayor Darcy Byrne and the other Labor Councilors, to do their bidding on a vote to approve drastic changes to the controls on the former Balmain Leagues Club site. This would be in Heworth's favour, through another Heworth subsidiary company, Laurus Projects.

March 19 2019

InnerWest Council holds public meeting advising it's changing the DCP (District Control Plan) for the former Balmain Leagues Club site. Residents are asked to submit but ultimately in a complete u-turn are rail roaded and explained away in Councils response.

June 25 2019

DCP is changed by InnerWest Council in support of Heworth. Opposing Councilors, asking for just a little more time till next months meeting and legal advice, are stomped on, by Labor Mayor Darcy Byrne.

Refer audio sound which was made available by Council for broadcast on YouTube.

It is later revealed that staff & Councilors were each handed a private email between the Chief financial officer of Wests Ashfield and Laurus Projects, indicating that the poker machine licenses held by Heworth would be released if Council voted through Heworth's request.

Note the email was handed out just before the vote, which was very narrowly passed. Further note, West's Ashfield did not need the poker machine licenses to either survive themselves or amalgamate the Balmain members. It was already doing what was left of Balmain Leagues Club a favor. It's nice to see how ethical life is. Meanwhile the residents and businesses of Rozelle were sacrificed more than they will ever ever realise or know. Maybe there is no such thing as a favor. Just money, politics, way before the needs of the public and community.

Sep 18 2019	Administrators, Parker Insolvency, assist the amalgamation of members of the former Balmain Leagues Club to move across to an amalgamated Wests Ashfield, after a meeting held at Balmain Town Hall. This is approved by all stakeholders.
October 29 2019	Changes to NSW Just Means Land Acquisition Act come into force, following the Russel Review. It provides a minimum period of six months during which the acquiring authority needs to make a "genuine attempt to acquire the land by agreement" before giving a proposed acquisition notice (PAN).
Nov 26 2019	Release date of EIS and submissions for approval for Western Harbour tunnel announced by Minister Andrew Constance, as being January 2020.
Jan 20 2020	Western Harbour Tunnel EIS now on display, including the acquiring or leasing of the former Balmain Leagues Club site.
March 2020	Tenth year anniversary of the former Balmain Leagues Club building at Rozelle having been fully closed and left empty. This was after the first Balmain Leagues Club's <u>first</u> financial failure of 2009. This saw the sale of all their Rozelle property portfolio and their subsequent move and leasing, of their then new site in Fivedock.

Requests to Department of Planning:

Request Compulsory Acquisition of site WHT-2:

In view of this, I would like to ask and recommend that Heworth, the current owners of the proposed WHT-2 dive site, (to be located on the site of the former Balmain Leagues Club), be given a PAN (proposed acquisition notice) if it has not been given one already, thereby beginning the compulsory acquisition process under the *Just Terms Act*.

I remind that Heworth which trades as Rozelle Grandview and Laurus Projects, has had no less than two years, since Minister Melinda Pavey and the RMS gave broad private and public notice of the decision to proceed.

If it pleases the Western Harbour Tunnel & Beaches Link Director, I would ask if there is no legally binding memorandum of understanding for a lease for the WHT-2 dive site at present, that TfN (Transport for NSW), legally and quickly acquire the site, outright as soon as possible.

I remind all concerned of the legal structure of the site, in that it is divided into a number of separate land titles, totaling seven properties.

These being:

- (1) 138-152 Victoria Road Rozelle NSW 2039
- (2) 154-156 Victoria Road Rozelle NSW 2039
- (3) 1 Waterloo Street Rozelle NSW 2039
- (4) Vacant Lot 3 Waterloo Street Rozelle NSW 2039
- (5) Vacant Lot 5 Waterloo Street Rozelle NSW 2039
- (6) Vacant Lot 7 Waterloo Street Rozelle NSW 2039
- (7) 697 Darling Street Rozelle NSW 2039

It is hoped that for TfN (Transport for NSW) and the WHT& BL Team, that work can and will proceed smoothly.

InnerWest Council will request WHT-2 site not proceed:

I note in the press there have been statements from InnerWest Council that they would prefer the WHT-2 dive site to be confined to the Lilyfield rail yards. Given how compromised that certain political commentators over there are, with some more interested in helping negotiate poker machine licenses (behind closed doors with Heworth & Laurus Projects), I ask strongly that this lobbying and request not viewed seriously, as the reasons and motivations may not meet the expectations of the public and therefore the public interest.

Removal of the WHT-2 dive site would seriously disrupt the Western Harbour Tunnel project, which is what those opposing the project (and road building) fully want.

Displacement of WHT-2 dive site would mean other active properties with people and businesses on them would need to be acquired in Rozelle, causing serious hardship, which the WHT &BL Team has gone out of it's way to avoid. That is, the least possible impact on people and active business, during construction.

Also the WHT-2 dive site will contribute strongly to safety during construction, as an exit or entrance for construction workers and possible emergency vehicles for emergencies and OHS.

Further Benefits:

The WHT & BL project offer to clear the former Balmain Leagues Club site of dereliction is way beyond generous, serving the present owner, if they wish to work positively with the Government.

However, I don't need to remind the WHT & BL Team, that acquisition of the seven (7) properties for the WHT-2 dive site outright, would be a much better choice for the people of NSW. Not only would the site not be confined to time overruns on delivering the project, ultimately future resale of the seven property titles, after completion, would turn the NSW Government an excellent profit, for and on behalf of the people of NSW.

Acquisition outright, would also extinguish much of the difficulty regarding the former Balmain Leagues Club site. Particularly if the seven properties were broken up and sold off separately at different times spaced apart, after the WHT project's need. In turn possibly depleting the zoning, which has worried almost all of the businesses and community in that section of Rozelle. It has been noted that during the previous DA's 2010 – present, that the RMS has opposed interference to traffic on Victoria Rd, Darling St and surrounding streets, by the various proponents.

If a PAN is issued, I also ask that due to the complexity of the site, that the Department of Planning make no new orders or conditions at this time that would remove any flexibility the State of NSW might choose to assert in disposing of the site and it's seven land parcels, after project construction.

Request for deferment of matter planned for Sydney Eastern City Planning Panel

It is my understanding that Heworth and InnerWest Council intend to railroad your plans to use the fore mentioned sites above (for dive site WHT-2), by sending their latest DA as quickly as possible to the Sydney Eastern City Planning Panel. Which is part of the NSW Department of Planning.

Please can I most humbly request that the WHT & BL Director, urgently advise the panel and chair, the most Honorable, Carl Scully of your objection to the process proceeding, on the grounds the DA can't proceed due to the necessity of the WHT-2 dive site and for protection for your application SSI-8863. I note your project is State Significance. As such it should have right of way.

That the process to be initiated by Heworth & InnerWest Council at the respected Sydney Eastern City Planning Panel, be deferred until approval (or in the rarest circumstances not approval) and then full completion of the tunnel. A stay of proceedings as it were. By this time, traffic modeling and circumstances will have changed in Rozelle and any such hearing, will be more relevant for the criteria requested by the Panel.

Other:

I couldn't see how traffic travelling from Drummoyne eastbound could enter the tunnel from Victoria Road, after the Iron Cove Bridge, without going down the hill to Lilyfield. Nor visa versa. Could this be investigated and any entrance points added strictly without damage or impact to Darling Street or the historical buildings there. This may be my own failure to locate or understand the EIS drawings and I accept this and my apologies for this if applicable. If so, please disregard latter statement.

That about covers my concerns, evidence and requests. I know the project is much much bigger than the information I have provided. However I have tried to stay “local” and not offer judgment in other areas that would prove my lack of knowledge. Such as the Harbour floor and the North shore. These locations are no less valuable than Rozelle but I will leave it to the project and locals on the North Shore to guide you.

I would like to again thank the Department and their staff for the opportunity to submit and I wish you all the best in your deliberations.

If I can be of any further assistance, please feel free to make contact, otherwise I will hear or see the results in due course.

Yours Most Faithfully,

David Hunt