

Recent letters from the Transport Minister and other Federal and State MPs indicated that and or the Government had not been correctly advised in regards to the following issues:

1. Dec 10, 2004 ⁴ "I am advised SKM's study took into account --- as well as the opinions of residents and business community before arriving at the recommended Purple Option" The Groups research contradicts this statement. Refer 21 Feb 2005 letter ⁵ to Minister Lloyd, and "The Government expressed its preference for a fully tunneled link, but has NOT ruled out the possibility of an opening" This statement is contrary to Minister Ruddock's August 2004 advice to Minister Lloyd and about 40 others present, (2004110030 & 2004110014,), and
2. Dec 10, 2004 ⁶ "Furthermore, a 'C' Option would adversely impact on the national parks and heritage areas in the north western area of Sydney". Such statements as this that are taken from the SKM report are of deep concern because they are seen as attempts to justify putting off making a decision on Option C. These challenges will have to be eventually addressed. "Building a 'C' Option would not remove the need for a major upgrade of the Pennant Hills Road" (2004110517). This is an admission that the tunnel is simply an upgrade of Pennant Hills Road and not an alternative route for the National Highway. refer 13 Jan 2005 letter ⁷ to Minister, no reply,
3. Dec 23, 2004 ⁸ "par 3(c) "Preliminary investigations show that a 'C' Option will have parts of the route on surface with substantial tunnels and extensive bridge structures around Berowra Waters" January 6, 2005 Mr Jones again wrote another (unanswered) letter ⁹ direct to Minister Lloyd. Waite also wrote to Minister Ruddock. Option C did NOT impinge on Berowra Waters as the Minister claimed by the Minister who formerly worked the Hawkesbury as a Ferry Master ¹⁰, (refer to attached detailed 6 January letter ¹¹ to Minister Ruddock refuting much of Minister Lloyd's letter). The SKM report clearly indicates and the Minister states "a possible need for a second crossing" thereby passing the responsibility to the NSW Government (2004110635, 23 Dec 2004), and
4. Jan 28, 2005 ¹² "The Type C option would not remove the need for an immediate costly upgrading of Pennant Hills Road" and other misleading statements made in previous letters (2005010150). (This proposal relies on up to \$10 billion of unfunded assumptions that are not necessary for Option C. Furthermore this discussion paper shows serious inconsistencies in the reports that have compromised the Study to the extent that it cannot be relied on.)

State MP Michael Richardson railed at Waite's circulating a copy of Richardson's 25 November 2004 letter ¹³ to a resident and Waite's 4 December response ¹⁴ to Minister Ruddock with copies to 12 Liberal MPs. Some of the replies have been very interesting. However, as yet not one MP has supplied any information that proves the best route has been selected.

***13:** 20 July 2010 "Setting it right on development projects" – Sam Haddad, director general of the Department of Planning. "Giving the Department of Planning a role in assessing larger, more complex development applications ensures that all concerned parties have their voices heard, writes Sam Haddad."

"The part 3A system has more stringent assessment tests which do not exist in the council assessment system."

Par 7: "The department continues to strengthen its checks and balances to ensure probity and transparency of process and outcomes."

This is why the EIS should be deferred to establish why Minister Gay or his minders who refuse to prove the 'probity and transparency of process and outcomes' and issues I raised in this submission have been resolved. Until then, the 'exhibition' should be deferred.

***14: Spin doctors** In October 2012 I applied under the GIPA Act (old FOI Act) to Minister Gay for copies of Transurban's unsolicited offer. On 22 November 2012 [REDACTED] stated "In my 7 November letter to you, I suggested you could call and I would assist you to make your (GIPA) application valid. I note you have lodged a review of the original decision with the Information Commissioner."

On 6 December 2012 I confirmed my appointment and questioned the credibility of the process and how the community had been misled because SKM was advised in 2003 not to comply with the 2001 Terms of Reference. This has still not been addressed.

[REDACTED] promised to arrange for the "independent committee" reviewing Transurban offer, to address my concerns. Despite several requests, nothing happened.

In 2013 I again applied under GIPA to Minister Gay for all of Transurban's documents. On 2 September 2013 the Premier & Cabinet General Counsel released a list of 532 documents set out on 59 pages and a refund of my \$30 fee and \$370 costs to avoid complying with the Act.

More 'Spin doctors': Item 2 is about PriceWaterhouseCoopers disclaimer for the glossy A4 booklet produced for NSROC (Northern Sydney Region of Councils) support for the tunnel that was initiated about 2 years before Transurban's offer. Despite reporting my concerns that there may have been collusion with Transurban, nobody has responded. Who knows what actually happened?

[REDACTED]

[REDACTED]

[REDACTED]

The community is fed up with not being told the truth. Why employ "spin doctors" to avoid the public knowing the facts?

***11: SMH 10 April 2008** *"Poor vision for the state in blurring of the divide"* (Bruce Loader a former NSW commissioner for Main Roads) His article explains how a non political public service delivered some extraordinary achievements such as the metropolitan rail system, Harbour Bridge, water storage dams and water reticulation circa late 1800s and 1900's up to about 1980.

Loader also explains how changes that started around 1980, with a move by the public service to replace eminently qualified heads and department officers with ill-equipped staff unable to provide ministers with sound advice and guidance they require to administer their portfolio.

"These are circumstances in which the economically and financial disastrous Cross City and Lane Cove tunnels were conceived and built . . .

*The government, which allowed the work to be built (and even boasted the achievement), assured us no government money was involved. Lucky for them no government money was involved. **Lucky for them Governments do not have any money; they only direct how the public's money is spent.** . . . (Bad luck for the community) The deterioration in management skills in the public service exemplified in the Roads and Traffic Authority extends throughout the service and explains in part about the problems being experienced in health, transport and public works. . . .*

It will not be easy to restore the public service to an effective provider of works and services and guardian of the public interest, but until then and until the roles of government and public service are once more clearly defined, we can expect the standard of government in NSW to continue to fall relative to other states.

When Loader's concerns are considered the State Parliament should determine if the State Constitution is being complied with, and if not, how it will be complied with.

Noting the Australian Water rort where Sydney Water was paying \$millions of public money to entrepreneurs to use for their personal gain, as custodians of our money how is parliament, councils and public instrumentalities held to account?

Loader's observations make it very clear governments are out of control because most, if not all of their staff do not have the technical knowledge to provide *"frank and candid advice"* instead of replying on consultants supply advice that they can misuse to justify an outcome they or a lobbyist wants.

The NorthConnex \$3 billion plus project should not be approved until it is shown to be in the wider community and national best interests.

***12: 3 December 2009** Hornsby MP Judy Hopwood address to Parliament in part refers to my concerns about hospital budget cuts in mid 1990's and the **Save Hornsby Hospital** team of doctors and staff who targeted me to takeover their committee to avoid them being disciplined.

Apart from me, 'that Team' was only Labor. I was the only Liberal. The many Liberals I asked said they were too busy. So was I. But the hospital was far more important as far as I was concerned.

In less than six months we had evidence to prove the NS Area Health Service had the lowest per capita budget in the Sydney Region. It was half of the SE Sydney Area Health Service. The 'stupid' Health department threatened staff for leaking the figures to the Team. The 'stupid' Health department published them in positions vacant. It proved how dumb they were.

Mayors in the Northern Sydney region and the Minister were invited to explain why Hornsby, Manly, Mona Vale and Ryde Hospitals should be closed and two super hospitals built to serve the region. When the Minister received his invitation, he had a letter couriered to me advising closures would not proceed. Despite this another incompetent Minister remained. In 2014 nothing has changed.

The Liberal Party, Penrith Hills Thornleigh Branch (Concerned Citizens Group), after receiving a copy of the 1994 report on 14th February 1994 Final Community Bulletin 3¹⁵ : Liverpool – Hornsby Highway Study' that recommended a western (C type Option) and the 14th February 2005¹⁶ discussion critique' unanimously passed the attached resolution on 14th February¹⁷. It also agreed to go public if the Federal Government did not provide 100% proof that the study AND the Coalition had not been compromised.

*To prove the point on environmental issues attached is a report on the avoidance of an EIS by the NSW government when building a bridge to replace the collapsed Lawrence Hargrave Drive near Wollongong.*¹⁸

Another example is how the NSW government passed legislation after residents successfully challenged DIPNRs consent given to Collex for a waste transfer station at Clyde. This matter is again before the Courts. A major factor to be considered by DOTARS in responding to this Discussion Paper is that two residents without any legal experience or training have twice successfully defeated a multi national company and the State once.

The implications of this are particularly relevant to item 1 in the letters from the Minister. The Minister appears to be indicating that - the "opinions of the residents and business community do not have sufficient merit to outweigh the opinions and intellectual capacity of professionals and bureaucrats.

At no stage has the Minister, SKM, DOTARS, RTA or any other politician provided any meaningful answers to the technical questions and documents produced. Many emails and letters have simply been ignored or answers supplied that avoided issues raised.

*On 10 June 1999 Ted Mack spoke at Pennant Hills about 'Australia's Sham Democracy'. At one point Ted said "Community values are not a matter of expertise – only the community has a right to determine values – not the bureaucracy. Not the politicians. Not the lawyers or academics"*¹⁹.

Discussions revealed that the Sydney Orbital was fully financed by the Commonwealth based on State planning decisions. The Commonwealth should change its policies and adopt the "He who pays the piper calls the tune" approach when dealing with F3 connection and base the funding on Commonwealth policy. It is absurd that the Commonwealth is prepared to allow taxpayers funds to be used for projects that cannot be supported on basis planning principles.

Hornsby Council prepared a comprehensive report²⁰ supporting the Lane Cove Valley route that would reduce the traffic and accident rate on the Pacific Highway together with a submission supporting a C option westerly route. Is it to be assumed that Hornsby Council traffic planners and Councillors opinions do not matter?

A similar situation applied at Berowra Waters where Planning Minister Refshauge called in for termination applications Hornsby Council staff recommended be refused. Residents successfully challenged Refshauge's approvals. Two S/Cs and two barristers appeared for the Minister and applicant. A junior barrister represented the appellants. The Ministers team claimed the Act provided that the Court did not have the power to overturn his decision. In other words the Minister claimed he was above the law. The Court changed Refshauge's decision but not his arrogance and contempt for the law and the community.

Waite's 8 page presentation titled '*Has the community been deceived*' (circa June 2004) was based on the April/ May 2004 Joint Media Release by Ministers Anderson and Campbell. There has been no meaningful response to that and many other submissions or the report on the outcome of the 5th November 2004 meeting with SKM, DOTARS and the RTA.

It is attitudes and arrogance like these examples that bring politicians and bureaucrats into disrepute.

North and South Tunnel Intersections: Figures 11-2, 11-3 ²¹ Historically proposed works such as these will involve lengthy delays for many months. This has not been addressed in the study. It is only 10 years since through traffic, residents and businesses in the area were subjected to inordinate delays and loss of amenity.

An argument has been advanced that traffic counts provided have only been for the western side of Pennant Hills Road. This is seen as spurious as most of Hornsby Shire residents have to access or cross Pennant Hills Road. The exceptions being Epping and Eastwood residents who will use or cross Pennant Hills Road to travel to the northwest and the F3.

North: Two lanes from the F3 widen into 3 lanes at Mt Colah to become a 3k parking lot in AM peak. Vehicles then crawl when lights go green at the Pacific Highway and Pennant Hills Road. These 3 lanes become 3 lanes on Pennant Hills Road and effectively 2 lanes on Pacific Highway that are already carrying heavy local traffic at capacity.

No meaningful counts of the F3 and local traffic at these intersection are provided to give an accurate count or %age using each route.

South: The proposed layout will cause confusion for those who do not know the area. The merging of traffic will increase the existing serious accident rate and delays.

M2 – F3 widening: This would not be necessary with Option C. If in the future it was found necessary the impact and delays and safety on the F3 in particular would be reduced because traffic could be rerouted onto Option C.

***7: SMH 26 September 2007 'lemma must stop Costa in his tracks – Off the rails: how the west was stung'** These articles state the NW sector population will top 475,000 in the next 25 years and 18 percent of Sydney's future housing is planned for the area. This means in 18 years - by 2032 a second Hawkesbury River highway should be operating as part of the National Highway as well as Transurban's proposed tunnel if it is approved.

RTA's former Chief Executive Bruce Loader's 10 April 2008 SMH article (*12) commenced; '*In NSW, until about 1980, there was a clear separation of government and the management and administration of public works and services*'.

If politicians, advisers and community no longer have the benefit of impartial advice. How can the Premier, Ministers, MPs or councillors cannot prove they have made informed decisions?

Knowing that the EIS for the Epping to Thornleigh Third (rail) Track [REDACTED] Department of Planning approved the EIS despite serious flaws, how can anyone know if the NorthConnex EIS for Transurban's unsolicited offer is the best solution when the government has refused to release details of the offer?

***8: SMH 25 September 2007 "The liquor industry is truly ugly and politicians are puppets"**
FIRST WORD "Brad Pederson Manly – President of Democracy Watch – Australians for Political Funding Reforms." ". The truth is our politicians have become puppets of the alcohol industry. The alcohol industry is the second biggest donor group after the development lobby. It buys governments and, just as importantly it buys the silence of the Opposition. These donations are bribes, to think anything else is naïve. . . ."

Seven years later the situation is far worse. Nearly every day there are reports of alcohol related deaths for many reasons. The greater number appear to be drink driving and teenagers under the influence. Whilst many politicians have suggested solutions, they are swept under the carpet with PR campaigns about the latest idea to divert attention from a national problem.

It is time politicians stoped being puppets and impartially represented the community. Whilst there is nothing wrong with anyone lobbying politicians, **everyone should have the same rights.**

***9: SMH 26 September 2007 "Warning – money blinds us to broader needs" POLICIES**
Matt Wade Economics Writer. "GOVERNMENTS have become obsessed by economic success they are discounting the environmental and social effects of many policies and alienating voters in the process, a report to be released in Australia and Britain today says.

It calls for all government policies to be assessed according to their contribution to "true national wealth" – a measure that recognises the need for social and environmental progress as well as economic wealth.

***10: SMH 26 September 2007 page 4 "COMMUTING Off the rails: how the west was stung"**
Seven years ago Sunanda Creagh Urban Affairs Reporter wrote ". . . North-western Sydney's population is expected to top 475,000 in the next 25 years and 18 percent of Sydney's future housing is planned for the area. . . . News that the NSW Treasury might put a stop to the planned North-West Rail Link has residents seething. . . . Buses just were not good enough. . ."