

Subject: EIS PROBITY

From: Peter Waite <waitepeter@bigpond.com>

Date: Mon, 11 Aug 2014 19:57:31 +1000

To: Tim Parker <m1-m2enquiries@transurban.com>, Barry O'Farrell <barry@barryofarrell.com>, Greg Smith <epping@parliament.nsw.gov.au>, Duncan Gay <duncan.gay@parliament.nsw.gov.au>, Matthew Kean <hornsby@parliament.nsw.gov.au>, "Ray Williams <\\"Ray Williams \\">" <hawkesbury\\"@parliament.nsw.gov.au>

Hi Tim, BCC concerned residents

At 6pm tonight I attended a *NorthConnex* presentation at the Pennant Hills Thornleigh Uniting Church I attend.

Candice, Malcolm and Richard represented *NorthConnex*.

As usual references were made to the Lend Lease misleading artist's fancy impressions of intersections instead of the actual road designs.

At the conclusion as he was leaving I gave Richard, who is employed by Transurban, a copy of my one page paper shown below.

Attached were Barry O'Farrell's 6 August 2014 letter advising he was contacting Prue Goward about my 2 August 2014 email to him about the *NorthConnex* EIS.

Also attached were 39 pages of evidence proving the 2004 SKM report was compromised because SKM was directed reportedly by the then Premier not to recommend the western connection.

In 2006 MPs O'Farrell, Tink, Hopwood all supported the western option. In 2007 Richardson, Williams and another one did the same on the basis of the strategic benefit if the F3, Pacific Highway and rail line was closed for 3 days because of a bushfire.

Also the Pearlam report was only to revalidate the SKM 2004 report. It was not to decide if any other option should be recommended as *NorthConnex* has assumed.

The attached documents, and many more were sent to Minister Gay's office in 2012 when I advised him to be careful.

This is now clearly a political problem to be resolved. As the senior RTA representative I suggests you should immediately ensure Minister Gay is advised of this as quickly as possible.

Please let me know if you require further information or clarification.

Regards

Peter Waite

UNSOLICITED PROPOSALS How can the *NorthConnex* resolve this?

NSW Government guide for submission and assessment 2014 (2012) PROBITY:

NorthConnex EIS Volume 1A Table 6.5 Interagency meetings 26 June 2013 page 222. *"Interagency regulatory meeting No.1 was held with the Environment Protection Authority, the Department of Planning and Infrastructure (now the Department of Planning and Environment) and NSW Health. The purpose of the meeting was to introduce the project discuss the planning approvals process and identify likely key environmental issues."*

P248 'Process – Appropriateness of the unsolicited proposal process with NSW Government and Transurban. – *The unsolicited proposals process in NSW, as outlined in Unsolicited Proposals: Guide for Submission and Assessment (NSW Government, 2014) (revised and updated since its original publication in 2012), is a consistent, transparent and streamlined approach for the receipt, assessment and determination of unsolicited proposals that may be developed and submitted by the private sector for works and/ or activities that would have historically been conducted by Government. Unsolicited proposals and the guidelines that govern their assessment and published on the NSW*

unsolicited proposals process in NSW, as outlined in Unsolicited Proposals: Guide for Submission and Assessment (NSW Government, 2014) (revised and updated since its original publication in 2012), is a consistent, transparent and streamlined approach for the receipt, assessment and determination of unsolicited proposals that may be developed and submitted by the private sector for works and/ or activities that would have historically been conducted by Government. Unsolicited proposals and the guidelines that govern their assessment and published on the NSW Government website (<http://www.nsw.gov.au/your-government/unsolicited-proposals>). I do not agree that: The unsolicited proposal received by Government from Transurban and the Westlink M7 Motorway Sponsors in relation to the NorthConnex project has been conducted strictly in accordance with published guidelines that govern unsolicited proposals."

Probity in NSW State guide at 3.5 as referred to by NorthConnex, which is only a name and not a legal entity. [REDACTED]

The EIS states the Minister is the proponent, not Transurban and Westlink.

EXTRACTS:

Government seeks to conduct its commercial dealings with integrity. *The assessment of Unsolicited Proposals must be fair, open and demonstrate the highest levels of probity consistent with the public interest. . . .*

Maintaining impartiality *a clearly defined separation of duties and personnel between the assessment and approval functions.*

Maintaining accountability and transparency *Accountability and transparency are related concepts. The demonstration of both is crucial to the integrity of the assessment. Accountability requires that all participants be accountable for their actions.*

Transparency refers to the preparedness to open a project and its processes to scrutiny' debate and possible criticism.

Maintaining confidentiality *there is a need for high levels of accountability and transparency . . . at least for a specified time. That time has long passed.*

4.9 Probity adviser *may be appointed for large-scale projects or where probity risk is considered to be important – usually at Stages 2 and 3 of the assessment process.*

6 PROCESS FLOWCHART *does not make provision for an EIS or community consultation.*

Peter Waite, Pennant Hills 11 August 2014

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12 AUGUST

APPLICATION FOR ACCESS UNDER THE
GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 NO 52 Sections 41 & 42

Applicant

Surname
Given Names

WAITE
PETER ANDREW

Mr

19 AUG Natalia rang 5.05p.
20 - will refer to RMS.

(a) AGENCY

Minister for Roads and Freight
Level 35 Governor Macquarie Tower
1 Farrer Place
SYDNEY, NSW 2000

(d) Postal Address

28 WARNE ST PENNANT HILLS NSW 2120

Phone Number

9484 3471

Details of Application: Make public on the 'NorthConnex' website all of the Transurban unsolicited offer to build the M1 – M2 tunnel. Further to my 5 August 2014 GIPA application it is noted that on page 256 item 3 of Volume 1A is this statement:

"The unsolicited proposals process in NSW, as outlined in Unsolicited Proposals: Guide for Submission and Assessment (NSW Government, 2014) (revised and updated since its original publication in 2012), is a consistent, transparent and streamlined approach for the receipt, assessment and determination of unsolicited proposals that may be developed and submitted by the private sector for works and/ or activities that would have historically been conducted by Government. Unsolicited proposals and the guidelines that govern their assessment and published on the NSW Government website (<http://www.nsw.gov.au/yourgovernment/unsolicited-proposals>). The unsolicited proposal received by Government from Transurban and the Westlink M7 Motorway Shareholders in relation to the project has been conducted strictly in accordance with published guidelines that govern unsolicited proposals." (I gave a 'NorthConnex (Transurban) officer the attached 1 page summary (with 39 page attachment) after the 6pm Thornleigh presentation to have processed. Also emailed RTA)

The February 2014 State 'UNSOLICITED PROPOSALS GUIDE FOR SUBMISSION AND ASSESSMENT' at 3.5 (page 6/7 and 4.9 page 11) refers to probity. Extracts attached.

3.6 "Maintaining confidentiality, 'at least for a specified period of time', has long passed.

In 2012 I twice sought details of the unsolicited offer under the GIPA Act and was thwarted when they were not produced and had to withdraw my ADT 9 September 2013 application 133265 because of technical issues, not merit. I request copies of:

1. Negotiated contract between the Minister and Transurban and other parties.
2. Instructions to involved ministerial staff, 'NorthConnex' staff, contractors, agencies and advisers to ensure they are required to comply with the provisions of the State policy for Unsolicited proposals noting 'NorthConnex' is not a legal entity.
3. Where the EIS advises how to access the SKM 2004 report, and
4. SKM's 2003 unpublished 'Dural 28 August 2003 Focus Group Meeting Notes,' and
5. Mason Wilson Twiney Report – F3 to Sydney Orbital Corridor Review March 2006, and
6. Pearlman 2006 report, and transcript of hearing.
7. Taxpayers, State and Federal funds for cost to date of negotiations and contributions that have been made or are TO BE MADE by Transurban and any other sources.

In accordance with S 54 Public Interest considerations: I waive any rights I may have as disclosure is in the widest public interest to ensure the EIS is open and Transparent and the requested material also be included on the 'NorthConnex' website at no cost to me.

(c) FEES AND CHARGES \$30 No discount is requested - Cheque attached.

Applicant's signature

Date: 12 August (concerned people BCC email)

Agency Use Only

Received on...../...../.....

Acknowledgement sent on...../...../.....

**APPLICATION FOR ACCESS UNDER THE
GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 NO 52 Sections 41 & 42**

Applicant

Surname	WAITE	Mr
Given Names	PETER ANDREW	
(a) AGENCY	<u>Minister for Roads and Freight</u> Level 35 Governor Macquarie Tower 1 Farrer Place SYDNEY, NSW 2000	
(d) Postal Address	28 WARNE ST	PENNANT HILLS NSW 2120
Phone Number	9484 3471	

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email)

Date: **12 August 2014** (concerned people BCC

Received on...../...../.....

Agency Use Only

Acknowledgement sent on...../...../.....

Thank you for contacting the NorthConnex project team

Subject: Thank you for contacting the NorthConnex project team
From: Enquiries NorthConnex <enquiries@northconnex.com.au>
Date: Sat, 23 Aug 2014 14:20:34 +1000
To: Peter Waite <waitepeter@bigpond.com>

Thank you for contacting the NorthConnex project team, and your interest in the project.

Due to the number of highly technical enquiries received, and the time required to respond, we are aiming to respond to all emails within 5-10 business days.

For any urgent matters please do not hesitate to call the project information line on 1800 997 057 (free call).

Regards,

NorthConnex Project Team

www.northconnex.com.au

Project information line: 1800 997 057 (free call)

Email: enquiries@northconnex.com.au

NorthConnex

Please consider the environment before printing this email

Collection Statement

Transurban and the Westlink M7 shareholders respect people's privacy. Where you have provided your personal information to us in relation to the NorthConnex project, your personal information will be used solely for the purpose of providing you with information regarding the NorthConnex project, including to send you project and community updates.

We may disclose your personal information to other Transurban Group entities and third parties working with us on the NorthConnex project for this purpose. Otherwise Transurban and the Westlink M7 shareholders will not disclose your personal information without your consent unless authorised or required by law. We will always take steps to ensure your personal information is kept secure and is handled in a way that is consistent with the Australian Privacy Principles.

Our privacy policy explains how we collect, use and disclose personal information, including how to contact us with access or correction requests or if you wish to make a complaint about how your personal information has been handled. Our privacy policy is available on our website at www.transurban.com/privacy or you can ask one of the project information representatives to send you a copy by mail.

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SUSTAINABLE DEVELOPMENT

Dick Smith and Graham Turner –

National Press Club 13 August 2014. ABC ch 2, 12.30 -1.30pm

Whilst Dick Smith is well known, and recognised for his contributions to industry and society, Graham Turner is not as well known in the wider community.

Graham went to a one-teacher school in the country for eight years and had the same teacher. He then worked on farms and trained as a vet to be able to treat animals and save having to call out a vet from the nearest town. He then changed directions and started what is now the highly successful Flight Centre and is still managing director.

The theme of their address was why globally all first world governments and business people need to change their attitudes to perpetual growth because any thinking person knows it is unsustainable.

Whilst many nations are still third world and over half of the global population live in poverty, the aboriginal and an increasing number of Australians are living in poverty and dysfunctional situations where percentage wise the number in jail is far above the average, and few care.

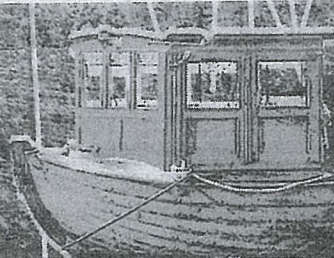
Australia is in an unusual situation as it is a small nation isolated on the world's largest island. Dick and Graham in their own way succinctly explained the position has been reached where if politicians keep increasing the number of migrants, the populations in our eight capital cities, without massive increases of infrastructure, Sydney would be like Shanghai within 20 years with traffic, air pollution 24/7 and massive increases of sickness caused by stress and associated illnesses and death at an earlier age.

As one example, they both made the point that Australia should not allow successful Indians to migrate to Australia for a better life style. Their position was that they should be using their skills in India to create systems that will help those living in poverty to have a better life and access to health care and education as the 'well off' in Australia should also be doing.

Whilst it will be said this has nothing to do with the M1 – M2 tunnel; I believe it does. The State government has admitted there is a need and published a draft plan in 2012 for a second Hawkesbury River route from about Camden to the Central Coast further west than the 2001 Terms Of Reference for what became the Sinclair Knight Mertz (SKM) report that was compromised by directions of unknown public servants, politicians, ministers or lobbyists for as yet unknown reasons. Planning and postulating is one thing, successful outcomes are what really matter. The proposed tunnel was never a good project. It should be scrapped.

Whilst planning is not an exact science, it does not mean illogical pipe dreams should be adopted because a politician or entrepreneur have secret agendas such as has been seen ICAC expose over the last three years and has still not finished.

The wider community is now asking, who will be next, and whom can we trust? This is a deplorable situation for any nation to be in. How can it be corrected is the most important problem for every MP and councillor to resolve by proving they can be trusted.



Greedy politicians made

It's the contrast that keeps striking me. On one hand there's the airship hero Michael Nerandzic who carefully jettisoned his three passengers, knowing that saving their lives would cost his. On the other, there's this endless ICAC parade of the greedy and inane, hell-bent on traducing our trust and our shared habitat for the sake of, what – another overseas trip? A yet-bigger, yet-uglier house? More zeroes?

I know. You weary of it. Corruption fatigue sets in. A part of you starts to think, of course they're dishonest, greedy and cheap. Naturally they're infantile, arrogant, self-absorbed. They're Australian political leaders. Yawn. Tell me something I don't know.

Somehow, it took 10 years to confirm Labor's corruption. But then we hired in the clean team; that nice squashy Mr O'Farrell, then nice Mr Baird with his upright Christian values. Or so we thought. Only now it turns out both parties have been in it together, Labor and Liberal tail-to-snout at the same trough.

The past two years of ICAC transcripts make one hell of a read. The secret deal-making is so extensive, so intricate, so industrious and so

Elizabeth Farrelly



enduring it's impossible to believe the party bosses didn't know – just as it's impossible to believe Bob Carr thought Eddie Obeid was clean, planting him in Cabinet.

Unabated outrage is our proper response, and not only because Michael Nerandzic shows that nobility is still possible. After all, it's not nobility we're asking from our politicians – though, frankly, a Nelson Mandela or Ted Mack would go down a treat right now. For polities we set the bar much lower. They just need do the job straight. Or even try.

It's not like they're short of a buck. These guys are all well-salaried; fed and watered at our considerable expense. Yet still they cannot control their appetites. Gimme more, guzzle, slurp. Is there perhaps some surgery we can mandate here? Some moral lap-banding? Sure, they're resigning. Cornwell. Owens. McCloy. There's a joke going round that at this rate ICAC will bring the paper bag industry to its knees. I say bring it on.

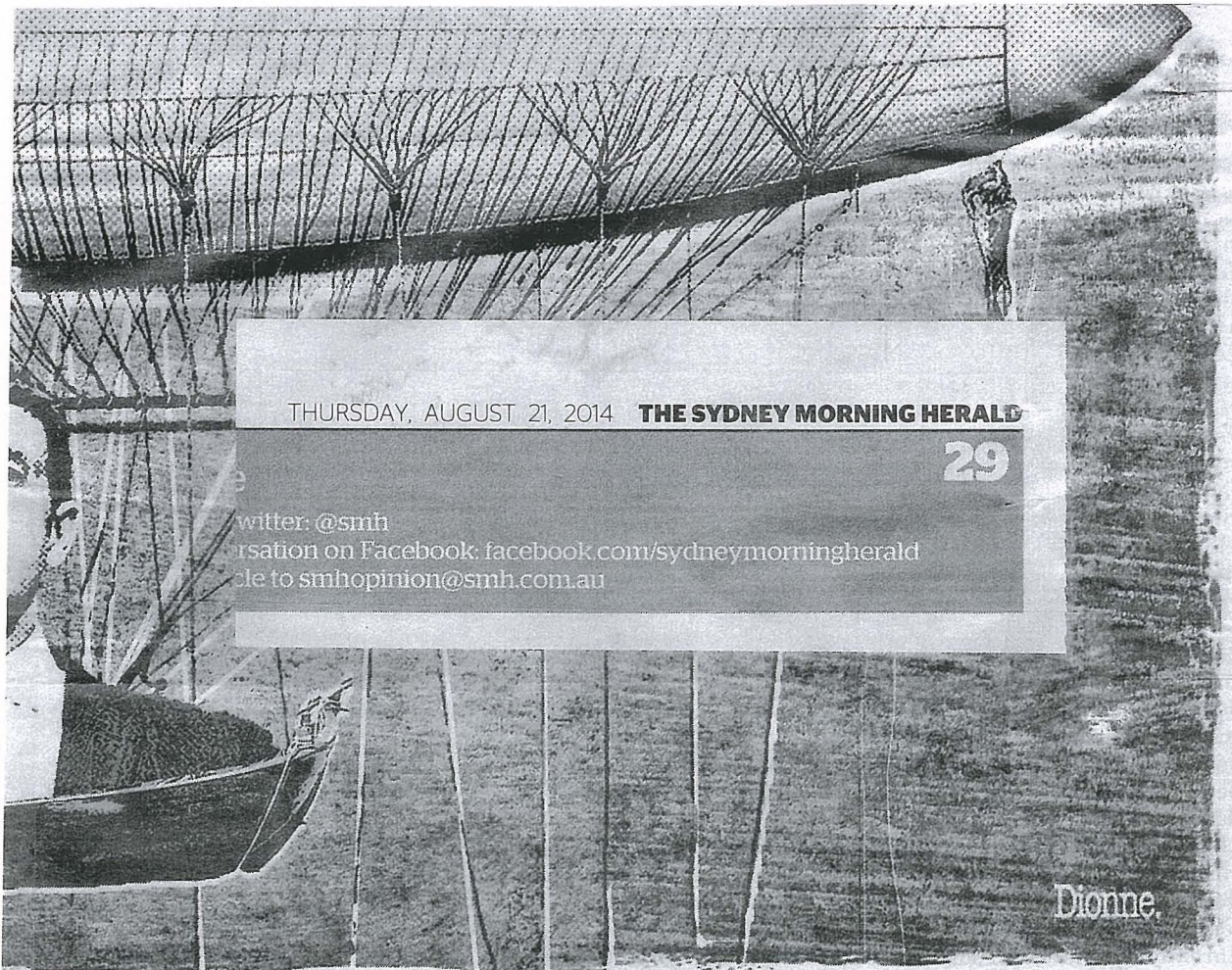
The bag mountain. But, honestly, *resign*? Do these guys have any idea how inadequate this is as a response, how paltry?

Anyone else (except maybe a priest) would find themselves prosecuted. But if you're a corrupt city mayor, MP, lackey, lobbyist or senator – someone with real power for good or harm – and you're caught stuffing yourself with chocolate in a famine, resigning is it. Enough said. Off you go now and play.

Crikey. You pay more for parking in a bus lane than for destroying an entire transport system, not to mention a fertile valley or a lovely coastal city.

Even so, it's less the principle than the size. Owen and Cornwell took \$10,000 directly from prohibited donor, "walking ATM" McCloy. They had to go. But Garry Edwards, Liberal MP for Swansea, took a mere \$1500 – or was it \$1800? Poor chap forgets (it was so commonplace). Edwards was merely sent to the cross-benches.

Mike Baird talks of "atonement". He says his party has "forfeited the right" to contest the Newcastle and Charlestown elections. It's hard to disagree. But backing off from the ballot box is no answer. Backing off,



THURSDAY, AUGUST 21, 2014 **THE SYDNEY MORNING HERALD**

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made of hot air, not heroics

from the Liberals or the Nationals, is cowardice and bad sportsmanship. Whatever happened to democracy?

The moral stature may be pygmy, but the implications are immense. McCloy, who describes himself as a "walking ATM", vows to fight the developer-donations ban in the High Court. Meanwhile, winemakers and horse breeders in the Hunter Valley wish for just such a ban against other industries (mining, coal seam gas)

his restaurant, Peter Doyle @ The Quay. Doyle said he had proposed this Liberal Party donation-laundering scheme to police minister Mike Gallacher in 2010. Gallacher - whether despite or because of the donations ban - thought this a "great idea". Well, you would, wouldn't you? Unless, as shadow police minister (and future minister for both the Central Coast and the Hunter), you had some regard for the law.

where we live, and these guys are tramping all over it.

And it's both sides, together. Allegations of Tripodi and Roozendaal conniving with Tinkler and Hartcher to "bone" Jodi McKay. McCloy destroying the fine Newcastle Art Gallery, the city's medium-rise future, the rail line. And all backed by the boys' clubs. Eightbyfive. Club 13. 6.5. A nasty, testosterone-fuelled cross-party coalition of the corrupt. This is not politics. It's not conservatism. As Ted Mack said recently, political parties are "like two mafia families seeking control of the public purse for distribution to themselves, supporters, the special interests who fund them". And while they squabble over filthy coal, it's our clean future - carbon farming, public transit, urban agriculture, solar farms - that dies.

If it's atonement the Premier wants, he must halt all mine, development and rail truncation approvals, investigate the art gallery scandal, punish the McCloy, Owens and Hartchers with two years working their butts off for the Greens. He must see that he's the pilot here. We're the passengers he should jettison to safety.

It's not like they're short of a buck. These guys are all well-salaried; fed and watered at our considerable expense. Yet still they cannot control their appetites.

making party donations. But in truth, it's hard to see the value of either course, since the ban itself is so patently ineffectual.

Direct person-to-person paper-baggery is the simpleton's method. Restaurateur Peter Doyle told the ICAC on Monday just how eminently futile the donations ban is. Doyle, who gave his occupation as "unemployed", gave evidence in return for immunity from prosecution. He told of the \$1000-a-head dinner he held at

But law is not the only casualty. The ICAC transcripts bristle with corrupt transactions over container wharves, coal terminals, mining rights, water licences, exploration permits and land.

It's like a game of Monopoly where there are rules set out in a little book but no one is expected to play by them. In fact, the game is how to get around them. Except here the board - all those mining rights and rail lines and spot rezonings - is our world. It's

Twitter: @emfarrelly