

ROD BARTON MLC  
**NORTH EAST LINK EES PRESENTATION**  
**SPEAKING NOTES**

From the outset let me say that like the greater number of constituents and community members – I support the project joining up the two freeways ....but.....

I also support their call that it needs to be done better!

For more than two months, this Panel has been hearing about the concerns with the North East Link project.

As the local Parliamentarian for the area that is most affected by the project, I've also been hearing a lot about the concerns and issues – it is my job to present some of the views of my Eastern Metropolitan constituents to this Panel.

I don't need to tell you what this project is about, so today I'm asking you to consider recommendations from five areas that represent many of the messages, emails, meetings, calls and letters I have received.

I will be asking you to include these five areas of concern in your report to the Minister for Planning.

I'm also asking you to take on board a sixth, overarching item; that's the fact that this is a much-needed project, and it's one I fully support.....but.....

....To date, it's been a project that has been rushed. Things have slipped through the cracks, and some important aspects have been fobbed off.

The rush is evidenced in the awarding of a contract a fortnight ago that locks in the delivery mode, potentially gazumping many recommendations that this Panel may make and disregarding the state's EES and other approval processes.

*\*\*\*\* construction guidelines*

Despite the project's relatively low levels of community awareness, this Panel received a remarkably high number of submissions – more than 850.

Experts within my team, some who have worked on many other major projects, went through and read each one and counted up the issues mentioned.

78% of submissions listed concerns in relation to construction impacts.

Despite this, under the delivery model proposed in the EES, the management of construction impacts is left to the contractors. In fact, the announcement has been made, a contractor doing their own works will now manage the other contractors. That effectively puts a massive concrete wall between the public, governance and responsibility.

The project's proposed Environmental Performance Requirements or EPR's as you call them are negotiable items that are not detailed or specific.

In any event, the EES and the project managers will delegate these into 'back of house' contractor management plans which now will be overseen, not by the managers and proponents of the project, but by a contractor who will also be undertaking their own works.

The weak point here is that there is no independent oversight. What's more, the state's major construction guidelines, managed by the Environment Protection Authority, are just that – guidelines.

There is no value in having the state's environmental watchdog, the EPA set down guidelines and regulations that can be ignored by construction contractors.

What's more there is no accountability to the taxpayers when the contractors' management plans are not published and that the policing of the management plans is done by another contractor whose main priority is their own works.

Many of the people who have contacted my office have already experienced this kind of problem with level crossing removals and some other infrastructure works.

As an example, dust is one of the many common problems that construction work causes – it's one that many constituents have had to put up with during recent level crossing works.

The EPA guidelines can only *suggest* dust should not leave the worksite.

But I want these guidelines to be enforceable; so, if the wind picks up, then I want the contractors to already have an approved, predetermined plan that has controls and responses.

For example, on a hot windy day, the contractors need be ready to use water sprays or slow the speed of trucks and equipment. If the dust is not controlled and it covers neighbours' cars, pools or the washing on the line, then the contractor must pay to clean it up.

This sort of provision should have been included in the contract recently let – but in the rush to start up the bulldozers and issue media releases, this opportunity has fallen through the cracks.

This is just common sense and best practice – in every other state there are enforceable guidelines that set down the requirements for the armies of high-viz vest wearing 'visitors' to our suburbs.

If Victoria is going to be the leading infrastructure state, then we need to be doing it better!

Also, within those 78% of concerns about the construction processes were issues of working hours and construction traffic.

The EES also proposes that these too will be delegated – including working hours and construction traffic.

I note that despite the EPA's established advocacy regarding construction working hours that the project has already disregarded the processes in relation to after-hours works - opening the way for contractors to undertake invasive, noisy night works as 'standard'

I also note that the project managers publicly confirmed during the Panel's site tour, that there has been no specific modelling done in relation to construction traffic – with estimates of up to 300 or more trucks and heavy vehicles an hour rumbling through already congested suburban roads, this is a real concern that deserves the Panel's consideration.

I'm sure you will agree, it is far better to deal with these divisive and serious issues **before** contracts are let.

Therefore, as the independent advisers to the government, I'm seeking your support in including a recommendation to the Minister that the EPA's major construction guidelines be made the mandatory minimum standard on all North East Link project construction sites and;

...that the principal contractor be made (contractually) responsible for ensuring that all of their subcontractors, suppliers and service providers comply as is already the practice in other states.

A few major projects have already demonstrated that this approach works well for the state, the community and even the contractors themselves – if you wish, outside of this session, I'm more than happy to provide the Panel with specific detailed examples.

*\*\*\* tunnel through the whole way*

As I said, this is a much-needed project, but an overwhelming number of people believe that it is being rushed unnecessarily.

As such, the EES Reference Design does not appear to be the best design. Plus, I believe it does not address the costs to taxpayers and the broader economic impacts.

We have moved from the original Public Private Partnership model that was based on a competitive 'design and construct' process to what many say is an inadequate, basic design that puts speeding up the construction schedule above all else.

I believe that it is an appropriate question for the Panel to ask why this project was taken to the market for tendering before this EES process even started.

As you have heard in this room many times during the past month or so, the design is 'construction-centric' – it is based on what is the quickest and easiest for the contractors with little or no consideration for the community, public transport commuters or local economies.

The project acquires permanently (and temporarily) large areas of land, but much of that is intended for the construction contractors' site sheds, parking and laydown areas – all things that on other projects that have been managed using off site staging, muster areas and keeping the impact footprint to a minimum.

During the Panel's site tour, the responsible project executive publicly stated that: "maybe all these areas won't be needed, we're just guessing what the builders will want"

Just guessing?...

Just guessing..... yet the reference design wipes out a major industrial park at Bulleen, putting more than 770 people out of work to build a modest tollway interchange that is over-scaled by a massive area for the contractors' convenience.

The project tunnels under the more expensive areas, but razes others; wiping out jobs, businesses, sporting clubs and community services.

The cost of compensating, relocating and supporting 110 businesses and more than 770 local jobs is enormous.

Add to that the economic impacts on the local area,

- wider job losses for around 1,200 people
- and the huge dent losing these businesses would make to the local council budget over many years.

Tunnelling costs vary and are usually inflated to include the cost of transportation and mobilisation.

I understand that its big ticket expense – but I've had Parliamentary researchers investigate the actual cost of tunnelling across a number of projects in Australia and overseas; and it seems that the average benchmark cost for this project is around one quarter of the estimate stated by the project managers as the justification for wiping out the Bulleen Industrial Park.

These people have spent almost two years in limbo – no acquisition notices, no overlays, but just lots of bureaucrat-speak by the project managers in the public domain that has gutted the value of the local businesses, prevented business growth and sales while also forcing up the cost of the scarce alternative locations.

It's a bit like what happened to the taxi industry, decisions were being made in a rush and announced before proper assessments and processes were carried out – like the taxi industry, these people are being robbed of their livelihoods.

As a member of Parliament, I support the project, but I don't support blindly destroying lives and a substantive local economy based on little more than bureaucratic hearsay and guess work.

Good governance and project management demands that all of these costs must have been calculated. But they are not examined in the EES reports – that’s a big gap which is why; I’m calling on the Panel to include a recommendation for an open, honest, independent assessment of these costs compared to the cost of using a bored tunnel all the way along the toll road.

In doing the maths, estimates I have seen which are informed by Parliamentary Researchers and some technical experts suggest that the difference in cost is only marginal.

It is my view that this Panel cannot responsibly endorse this project without recommending a more resilient, independent cost comparison being carried out. I ask that you recommend to the Minister that this comparison be done and published.

I also support the request of Manningham Council to re-zone a small area to help relieve the pressure caused by the project.

The Council is proposing sensible solutions including the re-zoning of a small area of land in Webster’s Road Templestowe for light industry and employment.

I support this initiative and encourage the Panel to recommend that the Minister approves the rezoning of this area as a way of giving a small amount of relief to these business owners.

Remember, this ENTIRE project is being paid for by the taxpayers, so the level of governance for such a *High-Risk-High Value* project must be stringent.

\*\*\*\* *green ribbon*

The North East Link is needed, but the rush to start up the bulldozers is threatening to forever change the unique 'green ribbon' that supports and protects the Yarra River that is a hallmark of this area.

Victoria leads the nation with its 'avoid, minimise and offset' philosophy, but the current project plans wipe out significant areas of vegetation and take away huge tracts of open space, and recreational areas, much of which cannot be replaced.

I support the community groups and local councils that have already expressed these concerns to you.

I also agree that 'construction-convenient' decisions to put natural waterways into pipes or Los Angeles-styled concrete channels at Borlase Reserve and other locations are not the hallmarks of a best practice environmental plan.

When highly experienced, senior executives from four Councils that live and work in the area, present evidence that there are serious environmental risks, you have to acknowledge their unique local insight.

But when leading technical experts support their concerns in relation to water management, vegetation loss and other environmental impacts, it's fair to say that in the rush to get started, things ARE being overlooked and positive opportunities are being missed.

I believe that the Panel is obligated to highlight these voids.

Although Victoria's legislation allows for lost trees to be replanted anywhere in the state, I believe that any trees that are lost during the project works need to be replanted locally.

It's not acceptable to cut down a forest of mature trees and plant 6-month-old seedlings in another part of the state.

This is Melbourne's 'green ribbon' – take away the green and the area's character is lost forever.

I want to see that all trees removed for the project are replanted locally – and they should be like-for-like.

An 85-year-old gum tree cannot be ‘offset’ by planting 22 tiny seedlings in another part of the state.

I ask that the Panel recommends that a review of the invasive ‘cut and cover’ construction method be undertaken in order to reduce the loss of green spaces better protect our unique ‘green ribbon’

I also ask that the Panel recommends supporting the improvements to walking and cycle paths, including Manningham Council’s request for a new connection across the Yarra between Bulleen and Heidelberg; and for financial compensation to be provided for those sporting and community groups who will be forced to relocate.

Many of the sporting and community groups have put a lot of effort and their own money into caring for the sports grounds and local green spaces – they will incur real costs in relocating and those who don’t own the land are not entitled to compensation.

I believe that that if the project is forcing their relocation, then the project needs to fully fund proper alternatives, both during and after construction and I ask that the Panel includes this recommendation.

*\*\*\* feeder roads*

The North East Link is first and foremost a toll road – its primary beneficiaries are the drivers who, according to the project’s own traffic models are NOT locals.

It’s a very expensive, risky, taxpayer funded toll road ....and without streamlined connections and feeder roads, tollways often fail financially, leaving the taxpayers to foot even more debt.

But when suburban streets are used as toll road 'on-ramps' then appropriate measures must be taken to ensure they are up to the task and that safety and protections for local residents are provided.

Many residents have approached me about the project's exclusion of feeder roads - especially single lane feeder roads such as Templestowe Road and Bullen Road at North Balwyn.

Kim Grace, a resident who lives on Bulleen Road, highlighted to me that the project has deliberately excluded this area, despite the EES forecasting a massive increase in traffic.

Half of this Panel would have heard Warren and Ann Davies last week who have lived on Bulleen Road since the 1960's. They also echoed the concerns of many of their neighbours – but because of an arbitrary boundary, these people have been largely ignored and excluded.

Bulleen Road at North Balwyn in my electorate, is identified in the project's Environmental Effects Statement as having the largest increase in the eastern suburbs as a result of the North East Link.

The project's own traffic modelling states traffic will rise from its current level of 1,600 vehicles per day to almost 5,000 vehicles a day when the toll road opens. That's not counting the seven years of construction traffic either!

It's a two lane suburban street that already has right turn restrictions due to the high number of rear-end accidents and near misses – the increased traffic using the road to access the North East Link Tollway will make this a disaster zone for local residents and create pedestrian dangers at the nearby schools and shopping centre.

The project has an arbitrary boundary that conveniently includes some areas where land is wanted for construction contractors' site sheds, but it seems to deliberately exclude these two roads in order to avoid the costs of the road upgrades....

.... and the costs of providing appropriate protections for local residents who will have a freeway on-ramp at the end of their driveways.

Despite the project's own documents confirming the increase in traffic along these single lane roads and their significance to the success of the project, the ESS leaves the cost of upgrading and providing residents with protection for noise, air pollution and safety as someone else's problem.

Responding to callers, the project's CEO correctly acknowledged these issues, but.... he also told 3AW's Neil Mitchell that:

"the issues with these roads are a matter for other parts of government"

This is bureaucratic nonsense to make the project look better by 'duck-shoving' legitimate project costs onto local councils and other government departments.

I could not imagine that the Auditor General would be comfortable with disguising project costs in this manner!

This is a fully taxpayer funded project - so the government's rules on proper accounting, cost disclosure and auditing must apply.

I agree with my communities, that if the roads are important enough to count the traffic to "talk up the tolling revenues" - then they are important enough to be included in the project.

I would ask that that the Panel recommends to the Minister that the arbitrary project boundary be amended to enable that both of these roads can be upgraded **prior** to the start of construction.

I also ask that the Panel recommends a set of controls to be established that will, in the future, provide remedies for residents should noise increase and air quality decline.

\*\*\*\* *public transport*

Finally, I would like to raise the issue of public transport.

With Melbourne's population set to equal that of present-day London in the next 15 or so years, local councils, public transport users and community members are correct in calling for more importance to be given to integrated public transport as part of the North East Link's Busway proposal.

With a growing population and a forecast of seven years of major construction disruptions, delivering the Busway before other works start is a critical priority - but I have received many concerns that that the proposed design won't meet the needs of public transport users.

The change to a taxpayer funded project has meant that we've lost the opportunity of competitive, innovative design and ended up with poor decisions such as just 'bolting-on' a lane for buses and giving it a low construction priority.

Forcing the buses to merge back into traffic at the already congested Hoddle Street end of the Eastern Freeway is not ideal.

I've been a professional driver for over 25 years, and I can tell you that this intersection doesn't work now; and it certainly won't work by putting more buses into the traffic in the future.

The public transport option **MUST** be designed to quickly connect people directly with the city centre's trains and trams without adding to traffic congestion and....

..... without just 'dumping' passengers at Hoddle Street to fend for themselves!

I believe we need to look to some of the innovative, scalable solutions such as trackless trams that we're now seeing in other countries and ...

... build this transport link before we start the seven years of construction chaos that will cause huge disruptions to the road network - Disruptions that by the project's own admissions have **not** been modelled or fully assessed.

Solutions other than just bolting on a bus lane are available;

For example, trackless trams which are carbon-zero and can be scaled up and down relative to demand – best of all they can be built quickly and easily.

Currently used in China and some parts of Europe, a 'trackless tram' can travel at 80km/hour with rapid acceleration and deceleration while carrying up to 500 passengers at a time.

This technology also allows for autonomous operation in the future and it can be sustainably powered using rooftop solar panels and wheel generators that creates reserve power storage as the tram moves.

Trackless trams also can be easily integrated into the city's existing public transport network where more buses simply cannot.

Plus, they can be delivered at a fraction of the cost of conventional tram or train networks and can enable 'park n ride' car parks, to be thriving economic centres rather than just ugly concrete shells.

It is not specifically in the Panel's remit to make such decisions, but it is worthy of inclusion in the Panel's report as a consideration under the required provisions of the Transport Integration Act which has been given little more than tokenistic mention in the project's planning.

I also believe that Panel needs to recommend a more considered review of the project's plans to shut down the nearby Hurstbridge rail line for extended periods to facilitate construction which will increase the need for alternative transport options.

The rail shutdowns are not properly examined within the EES and WILL put additional pressure on the roads.

It is another reason why the 'Busway' facility must be delivered before major works commence.

*\*\*\* conclusion*

Today I have reflected on just some of the many issues that the project must address.

Like many others, including councils, communities, professional organisations and peak bodies, I believe that the lack of competitive tension in the project's delivery has been lost and the blind rush to start up the bulldozers and organise media releases has meant that many community concerns have been pushed aside.

The North East Link Toll Road was originally intended to be a delivered as a Public-Private Partnership similar to CityLink, and Eastlink where the benefits of competitive, design led proposals provided world class outcomes.

However, the government determined that it would use taxpayer dollars to fully debt-fund the road as a way to rush forward the start of construction.

The entire cost of building the road is now coming directly out taxpayers' pockets – it's around one third of the state's debt, so we're all paying for it.

We want the best value for our money, and we are entitled to know how our money is being spent.

It's a toll road, but there has not been a single word in any EES economic report on how this huge taxpayer investment will be recouped.

Last week, the project was again re-badged in a media release as a “Public Private Partnership”

But so far there has been no partnership involving the public and certainly no partnership with my constituents. That needs to and can change.

It’s a necessary project, but too many things are falling through the cracks that will become costly burdens for the taxpayers at a later stage.

Just as these hearings have received evidence of the substantial issues and concerns, my office continues to receive questions and concerns from worried community members who are not getting answers from the project managers.

They tell me that they are repeatedly being fobbed off with bureaucrat-speak or just as this Panel received, they are being given convoluted lists of document references that use non-standard phrases, rather than straight, honest answers.

On the final day of these hearings, I would suggest that the question this Panel needs to ask the project managers, not their lawyers, would be;

“If you had the opportunity of starting over, what are the things that you would change or do better?”

Today, I ask that the Panel simply includes the genuine and valid advocacies that I bring from the community in your recommendations to the Minister.

These have come from hundreds of people who in principle agree that joining up the two freeways is a good idea, but they don’t believe that its fair for their jobs, amenity, environment and lifestyle to be jeopardised.

Each of you individually sit at the end of this process ....you have been described by the government as an independent, expert panel that will provide frank and fearless advice.

The outcome of this hearing therefore has each of your names on it!

I look forward to reading your report to the Minister and like my Parliamentary colleagues and my many local constituents, I trust that you will honour the Parliament's expectation of your role in providing independent, frank and fearless advice in formally acknowledging the concerns that the public and stakeholders have raised in these hearings by making the appropriate recommendations within your report's pages.

*Rod Barton MLC  
9<sup>th</sup> September 2019*

AREA	RECOMMENDATION
<b>1 Construction Guidelines</b>	EPA Guidelines be adopted as the mandatory minimum standard in all contracts
	Principal contractor be (contractually) accountable for all sub-contractors, suppliers and service providers onsite (includes delivery trucks and construction traffic)
	Management plans to include proactive controls and arrangements for the public to be compensated/issues rectified
<b>2 Tunnel under the entire route</b> <i>(Bulleen Business Park)</i>	Reduce the area for contractors and use offsite staging and mustering areas to raze less land and minimise local impacts
	Properly compensate ALL businesses and organisations affected
	Prepare and publish an independent, transparent comparison of the cost of the extra tunnelling compared to the cost of relocating, compensating affected businesses and organisations - including a more robust economic and social impact assessment
<b>3 Better protect Melbourne's Green Ribbon</b>	No waterways to be covered over, placed in pipes or 'Los Angeles-style' concrete channels
	Reduce the amount of vegetation lost. Replace ALL lost vegetation 'like for like' locally (independently audited)
	Relocate and compensate all affected sporting and community groups before any works start
	Commit to maintaining and upgrading walking and cycle paths including the delivery of a new pedestrian bridge over the Yarra joining Bulleen and Heidelberg
<b>4 Feeder roads to be included in the project</b>	Amend declared project area to include critical feeder roads such as Templestowe Road and Bulleen Road south or of the Eastern Freeway
	Both roads to be upgraded prior to the start of any works
	A proactive set of controls be established in a fully funded plan to monitor residential noise and air quality, including future remedies should levels exceed pre-determined levels
<b>5 Busway (Public Transport)</b>	Deliver the busway first, considering innovative options that avoid buses merging into traffic at Hoddle Street
	Examine and prepare an integrated plan for transport and road disruptions and minimise rail disruptions