BBW Councils Response to Technical Notes and other Documents Tabled since Conclusion of Councils Evidence


   Andrew O’Brien response to this Technical Note provided as an attachment to the Councils’ Closing Submissions.

2. **Technical Note 52 – Response to technical issues raised by Mr Smitt, tabled 6 September 2019 (Document 330)**

   The Councils submit that no weight should be given to information contained in this Technical Note. It is not the role of technical notes to provide evidentiary statements from witnesses or in this case a person who is not a witness, to rebut evidence that has been given in the hearing and has been the subject of cross-examination. Technical notes have the status of submissions, not evidence.

   The Councils rely upon the evidence of Mr Smitt.


   This Technical Note does not resolve the concerns raised by Mr McDougall. If anything, the provision of this Technical Note supports the Councils’ position in relation to the Zenith model expressed at paragraphs [119] – [151].

4. **Technical Note 54 – Cost Estimate, Northern Tunnel Extension (Document 388)**

   This Technical Note makes it clear that NELP has only assessed the direct construction costs of the Northern Tunnel Extension and has not sought to account for the significant indirect or social costs associated with the proposed “trench option” or the associated benefits of the longer tunnel option, such as the reduced impact on the Watsonia community and traders and the reduced environmental impact both during construction and operation.

5. **Technical Note 55 – SMART Taxpayer design, Feasibility of Possible Future Lower Plenty Road Interchange (Document 389)**

   The Councils have no comment on this Technical Note.


   The Councils note the response provided by the YJFL on this Technical Note (Document 418a and 418b).

7. **Document 378a Letter Simon Brookhouse of Golf Australia to NELP 5 September 2019**

   The Committee should not accept and give no weight to this letter. Golf Australia is not a submitter. The joint councils understand that the letter was solicited from its author by NELP. What question Mr Brookhouse was asked to answer and what material he was provided with is not known. The letter is of no probative value.


   To the extent that this document expresses the author’s opinion about the future direction of golf in Victoria and the type of facilities that might be substituted for the Freeway Golf Course to accommodate NELP’s acquisition of existing sporting facilities the Committee should give
no weight to this document. It has not been the subject of evidence, it has not been tested in
cross examination and it was not put to Mr Simon.

NELP has been in possession of the document since January 2019. It has chosen not to
rely on it in its case, not to previously disclose it to the Boroondara Council and not to put its
contents to Mr Simon.