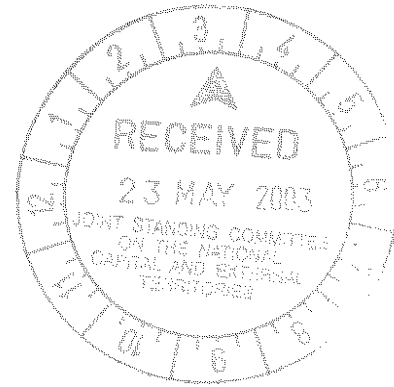


**Submission by Save the Ridge Inc
JSCNCET Inquiry into the National Capital Authority**

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SUBMISSION 17



Committee Secretary,
Joint Standing Committee on the National Capital and External Territories,
Department of House of Representatives,
Parliament House,
CANBERRA, ACT, 2600,
AUSTRALIA.

May 23, 2003.

Submission to the Joint Standing Committee on the National Capital and External Territories Inquiry into the National Capital Authority.

Save the Ridge is a community based organisation which has been involved in the debate over the Gungahlin Drive Extension for a number of years. Our membership of over 500, is drawn from over 61 Canberra Suburbs.

We object to the actions of the NCA in relation to decisions and planning for the route for the Gungahlin Drive Extension (GDE). Our concerns are documented below.

We would like to appear before the committee to give evidence.

Yours sincerely

Julie Murphy
Chair
Save the Ridge
Email: admin@savetheridge.org.au

1. Lack of accountability and transparency of NCA

The consultation by the NCA in relation to both Draft Amendment 41 on GDE – a process which was open to public submissions in Sept 2001 - and the more recent (December 2002) NCA comparative analysis has not been transparent or accountable.

In relation to DA41, there have been no details provided on how many submissions were received, by whom, what major points were raised or what the NCA's response to these has been. It is also not possible for members of the public to get access to any of the submissions that were made. This contrasts significantly with ACT Government public consultation processes (eg Legislative Assembly Inquiries) where the public are able to access details of responses, read submissions and even get copies to take away of submissions made. In addition a written report is prepared which is available for public scrutiny. ***In terms of good governance for ACT residents this lack of***

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accountability and transparency in public consultations by the NCA should be addressed as an urgent priority.

It also appears that submissions made in relation to DA41 in 2001 by groups such as Save the Ridge (STR) and the O'Connor Ridge Parkcare Group were **not considered** as part of the more recent (December 2002) NCA comparative assessment. In spite of a very visible public presence and position on the impact of GDE on O'Connor Ridges, neither organisation was invited or included in any discussions on the comparative analysis, in spite of a very detailed submission made on DA41 and an ongoing FOI request that was in progress with NCA, ASC/AIS and DoTARs relating to GDE at the time of the Young consultancy. **The only stakeholders consulted by the NCA consultants Young Engineers were proponents of the GDE East - namely the ASC, AIS and Aranda residents.**

2. Conflict of Interest

The Chairman of NCA - Air Marshall David Evans - declared his 'conflict of interest' as a resident of Aranda **AFTER** the NCA's stance was announced publicly in December 2002. Although Mr Evans is standing aside from further consideration, the NCA has taken a strong position in accommodating the recommendation of Young Engineers to move GDE further east after Belconnen Way by announcing they:

"Agreed to prepare a new Draft Amendment (DA46) to the National Capital Plan to redefine the western boundary of the Black Mountain Nature Reserve (Figure 24 of the Plan) to an extent generally in accordance with the ACT Government's current proposal for the road reserve. This will enable the construction of Gungahlin Drive Extension at a parkway standard to be finalised outside the Designated Area of the Black Mountain Nature Reserve. The actual form of the parkway may be as the ACT Government has currently proposed, or it may wish to consider the alternative proposal by the Authority consultants together with the Aranda residents." (refer page 14 of NCA Report on the Consultancy on GDE, Dec 2002).

This area east of Caswell Drive is extremely valuable from an ecological perspective - refer to the study on orchids by Jones and Fitzgerald completed in 2002. Of note is that this study was not included in the NCA's considerations.

The NCA position on Aranda is even more surprising when reference is made back to the original NCA terms of reference for Young Consultants, namely "to investigate options for the GDE in relation to Aranda to avoid or minimise intrusion into Black Mountain Nature Reserve."

Additionally, Young Engineers concluded the option of moving GDE further east after Belconnen Way *would have negative impacts on traffic efficiencies* (refer p 17 of Young's Summary Report). Yet the NCA still advocates further investigation of this option.

3. Lack of rigor by consultants and subsequent erroneous (bordering on fraudulent) claims by NCA re conclusions reached on environmental impacts

(Note - This is an issue we would like the opportunity to present in more detail with actual published documents to the Inquiry).

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It is not clear how the NCA consultants arrived at their conclusions regarding the environmental assessment of the two routes. The conclusions and accompanying figures in their report do not match the limited reference sources relating to environmental impacts that the consultants claimed they used and do not match other published reports by environmental and ecological experts.

They have not taken into account recent studies or data such as those undertaken by the ACT Government in 2002 by David Hogg Pty Ltd, nor those of the Orchid Survey by Jones and Fitzgerald nor those of Dr David Freudenberger in 2000 on the high habitat value of Bruce/O'Connor Ridge in terms of threatened and endangered birds.

One clear example, bordering on the fraudulent, is the divergence between how Young describes the areas traversed by each route and how these same areas are described by Environment ACT in March 2002, Hogg in June 2002 and Nov 2002.

Contrary to the NCA commissioned report, David Hogg in his June 2002 report and in the Nov 2002 PA (refer p31), states the western option will largely avoid the higher quality grassland areas in Kaleen (impacting instead predominantly on poorer quality grasslands) whereas a more easterly route will impact on this higher quality grasslands and moderate to high conservation woodland.

Another obvious divergence is how Young have attributed significance to the specific area between Bruce CIT and the AIS traversed by the western route – shading it on their accompanying diagrams and referring to it as “Yellow box/Red Gum Woodland Remnant” whereas this area has no such classification according to Environment ACT’s March 2002 report nor Hogg’s June 2002 and Nov 2002 (PA) reports.

In fact in Hogg’s Nov 2002 report (PA Section 2.1.4, page 6), this area which is part of the larger Bruce Ridge area is described as

*“This section of road passes initially through woodland or disturbed native forest, then through open forest dominated by Scribbly Gum (*E. rossii*) and Red Stringybark (*E. macrorhyncha*).*

*The woodland is located between the CIT and the AIS, immediately south of Battye Street, and has been modified by the planting of Australian trees and shrubs, some of which are not indigenous to the area (Ref. 5). The absence of mature seedbearing trees for some of the species present in the area (e.g. *E. polyanthemos*) suggests that such trees, which are relatively young, have also resulted from planting and may not be indigenous to the site.*

The forest forms part of a more extensive forest area associated with Black Mountain which has been reduced in size by the development of Aranda, Calvary Hospital and other localised facilities, and has been fragmented by several roads including Belconnen Way, Caswell Drive and Haydon Drive (see Ref. 9 for further discussion).

The remaining forest is generally of high ecological quality and diversity....”

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And also

“Except near Battye Street and near Belconnen Way, where there are areas which contain introduced shrub and groundcover species, the ecological quality of the forest on Bruce Ridge is high.”

In other words, the area between CIT and AIS (ie the area near Battye St and Belconnen Way referred to above) which the NCA consultants and NCA have attributed special ecological significance to, is partly disturbed and modified with introduced shrub and groundcover species, whereas the remaining forest of Bruce Ridge, which NCA consultants and NCA attribute no special ecological significance to and which is much more significantly impacted by the Eastern route is actually of high ecological quality and diversity.

4. The terms of reference set by the NCA were skewed.

It is clear that the NCA terms of reference for its comparative study between East and West routes for GDE were totally skewed to favour the Eastern route for GDE. It is also clear that the NCA are acting outside of its legislative charter. The so-called study of the comparative merits of the Eastern and Western Routes was almost entirely based on the impact of the road on one and only one interest - the Australian Institute of Sport.

5. The NCA ignored its legislative obligation to maintain the integrity of the inner hills and ridges.

The NCA is a body charged with looking after the national interests in planning in Canberra. The Act which establishes the Authority says that the Authority is meant to develop a National Capital Plan which sets out standards for the maintenance and enhancement of the National Capital and aesthetic principles. Nowhere does the legislation say that the Authority's role is to look after the interests of any particular Commonwealth Department or Authority which it thinks is deserving of special attention to the exclusion of all other interests.

The legislation and the National Capital Plan give particular emphasis to the importance of the protection and enhancement of the Inner Hills and Ridges to maintain and enhance the Territory's landscape character. The O'Connor Ridge is part of the Inner Hills and Ridges.

Did the study give any consideration to the impact of the routes on the O'Connor Ridge? No.

Does the legislation or the Plan give the AIS any particular protection or mention? No.

But 12 of the 15 criteria which the study looked at were about the impact of the road on the AIS (the other 3 were about the amount of soil that needed to be removed and the cost and time to build - none of which have any national significance).

The NCA set the criteria for the study to focus almost entirely on the interests and concerns of the AIS. In doing so it has clearly acted outside of its legislative charter in putting the interests of this one Commonwealth agency - the AIS - above all other interests. It has even blatantly disregarded its clear and particular legislated responsibility to look after the Inner Hills and Ridges.

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The AIS is not on National Land nor in a Designated Area as defined in the legislation governing the actions of the NCA. It can be argued that the NCA's planning responsibilities in relation to the AIS are peripheral – restricted specifically to the need for the NCA to approve a DCP for the AIS.

By contrast, Bruce and O'Connor Ridges and Black Mountain are all specifically defined areas in the National Capital Plan. As such the NCA has a legitimate planning role and responsibility in relation to these areas.

The NCA's approach in terms of transport planning is piecemeal, not strategically or nationally focussed as their role dictates.

6. The NCA report is based on concerns which do not exist, and if they did exist they are outside the charter of the NCA

Significant concerns were raised by the NCA report about the cost and time delay caused by the construction of the "trench" proposed by the ACT Labor Government. It was suggested by the ACT Labor Government, that the GDE-West would run below ground in this trench to the west of the AIS. This was suggested in response to concerns raised by the AIS; and designed to reduce the impact of the Western route on the athletes residences.

Firstly - the cost and timing of construction roads are matters of concern at the level of a local council and not subjects of national importance and as such are outside the legislative charter of the NCA.

Secondly – the need for the "trench" does not now exist nor did it exist at the time the NCA made its recommendation in late December 2002.

In late March 2003, the AIS notified the Senate of its intentions to undertake extensive construction on the AIS campus: see

<http://www.aph.gov.au/house/committee/pwc/AIS/Submissions/Sub1.pdf>

Part of this extensive construction is to move the athletes residences to face Ginninderra Drive and refurbish them extensively eg to double glaze to reduce noise impacts.

We had been told as early as June last year, by a person employed at the AIS, that the AIS was moving the residences. It is almost impossible to believe that the NCA was not aware of the AIS plans to extensively refurbish and move the residences and at the time that it made its recommendation in late December 2002.

7. Bias in NCA assessment due to favourable re-design of the Eastern route

The eastern route endorsed by the NCA was designed by Young Engineers *during the NCA study*.

This eastern option encroaches further eastward into O'Connor and Bruce Ridges than the route recommended by the 2001 ACT Legislative Assembly Planning and Urban Services Committee report which was subsequently accepted by the then ACT Liberal

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Government in 2001 prior to the passing of Variation 138 to the Territory Plan just before the last ACT election.

By comparison, the NCA assessment treated the Western Alignment as though it were the only possible alignment West of the AIS. Yet the Eastern Alignment was modified to provide enhanced results, such as moving the road further eastwards, providing extra parking and reducing impact on certain facilities. This helped skew the conclusions of the consultants.

As an example of the lack of consideration of the current development context, there was no mention of the fact that the AIS residences are ageing, of poor design for their purpose, and due for refurbishment. From the perspective of developing alternative options, it would be possible to build new residences near the bushland of the Ridges, and convert the existing residences for commercial use. This would put the athletes near the bushland many of them like to exercise in, and provide a generally more congenial environment for residences while simultaneously facilitating the provision of significantly enhanced accommodation. On the other side, the commercial facilities could be located near to good transport access for both clients and customers.

8. Lack of rigor by NCA in accepting without criticism the poor quality and limited scope of work undertaken by the engaged consultants.

The reference material used by Young Engineers in their assessment was extremely limited with many recent, publicly available, detailed reports of relevance to this assessment being totally ignored.

For the western option, Young relied on data from only 2 published sources (refer p46 of their Dec 2002 report) – namely, the PA (West) by Roads ACT Nov 2002, and "GDE; Ecological Information for parts of the proposed route" prepared by Environment ACT March 2002.

For the Eastern option they have relied on only one published source – namely the 1997 Maunsell PA.

The majority of other data about the Eastern route has come directly from Young consultants own (engineering) work in redesigning the eastern option further away from the AIS and from the two subcontractors employed by Young to undertake traffic analysis and visual analysis as part of the NCA consultancy.

In relation to the western option, the selection of reference material was clearly limited in relation to the large number of studies that have been undertaken by the ACT Government over a 12 month period in 2002. In particular environmental and ecological studies such as that by David Hogg and the Orchid study were notable omissions.

In relation to the eastern option, the data from Maunsell is now quite dated and there was no reference to the studies and reports produced after 1997.

For example, several independent studies conducted on behalf of the ACT Govt and by the AIS (eg Eldemar, Fitch) in 2002 found that many of the concerns of the AIS re noise and emissions were either not warranted or could not be substantiated. In some areas the eastern route was assessed as being equally bad if not worse in relation to

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such factors as noise and emission impacts on the AIS outdoor ovals and athletics tracks.

The NCA again failed to ensure good governance and transparency of process by accepting this work without question.

9. Further lack of rigor by NCA in accepting without criticism the poor quality and limited scope of work undertaken by the expert peer reviewer.

The peer reviewer engaged by NCA, Professor Black, failed to address questions of balance with respect to claims made by the consultants and failed to raise or comment on engineering and strategic issues appropriate to infrastructure likely to have impacts lasting for centuries. This particularly applies to recreational land, which is rarely reclaimed from subsequent development.

The Peer Review repeatedly talked of the depth and quality of the assessment as being appropriate, without backing the statements up with detail or analysis.

The peer reviewer, Professor Black, only read and commented on the reports produced by Young Consultants and their subcontractors. In addition, Black was provided (by the NCA) with only three other reports - namely the 1997 Maunsell report, the 2002 SMEC Report and the 2002 Fitch Report.

Black did not directly review any of the other source documents from which Young Consultants reached their conclusions nor did he review any of the additional source documents that are available that surely would have been relevant to reviewing the adequacy of the comparative study.

The NCA again failed to ensure good governance and transparency of process by accepting this work without question.

10. Bias in conclusions

The NCA assessment was biased in many of its findings. For example, costs attributed to the east did not account for consequential costs that have been subsequently raised publicly in the media (eg Jan 3 Canberra Times) – such as relocation of the AIS athletics track and outdoor ovals if GDE is to go to the east.

From a transport performance perspective, the NCA consultant's are recommending a transport solution that is less efficient by (at least) 8%. The report discusses the 10 second time penalty of this extra 220 m additional length, and presents this as being insignificant. It does not mention that the difference in design speeds over the road's length means that the Eastern Alignment takes some 35 seconds or 35% longer to traverse than the Western Alignment. This will directly translate into higher costs for commuters (fuel and travel time) and the environment (emissions) especially when considered over the lifetime of its use.

The Assessment raises the considerably greater earthworks proposed for the Western Alignment, and the significant cost penalty that results. No mention is made of the fact that the earthworks were devised in an attempt to mollify the AIS, and that other far cheaper options are available.

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For example, the western route could be provided substantially at grade, thereby probably reducing the earthworks and construction costs to considerably less than the Eastern Alignment. This would also likely overcome the vertical alignment issues of steep grades and vision over the peak in the Bruce Ridge vicinity, as an alternative to lighting that section at night. Vertical walls, either transparent or opaque could be provided in sensitive areas such as past the AIS, so as to control noise levels. Such an option also avoids several other issues regarding drainage and provision of service infrastructure.

11. Lack of consistency by the NCA in relation to its views and involvement with GDE.

There are many reasons for doubting the objectivity of the NCA. Perhaps the most compelling is the fact that the NCA proclaimed so quickly after Labor had progressed its plans for building GDE to the west to an almost 'formality' stage in late 2002 that a comparative study on GDE was necessary. This contrasts with the NCA's previous position, when the former ACT Liberal Government was pushing through the eastern route. At that time the NCA was indifferent to which of the two routes was constructed and there was no suggestion that a comparative study was necessary.

In fact the 2001 NCA Draft Amendment 41 for GDE, states that "The Authority's view, is that the broad interests of national significance will be served equally by either the "Community Option" [ie to west of AIS], or the option that passes to the east and south of the AIS towards Caswell Drive". It was only in 2002 when Labor was well advanced to build GDE to the West of the AIS that the NCA suddenly decided to spend \$100,000 on a very rushed 'independent study' only to conclude that GDE West was in fact not appropriate.

12. Enormous financial burden of NCA actions on the ACT Community

Since winning the 2001 ACT election, the ACT Government invested considerable funding (several millions of dollars) and an enormous amount of community and professional resources in producing detailed studies, reports, community consultations to progress GDE West. These were effectively rendered a total waste when the NCA belatedly stepped in and took the actions it did. It makes a total farce of a consultative, democratic process for Canberra residents and rate payers. It also raise the following question :

If NCA has the ultimate mandate for making decisions such as this on freeways such as GDE (as claimed by Federal Minister Wilson Tuckey), why does it fall to the ACT Government to do all the planning and design work and pay the enormous costs associated with this road (an anticipated final cost close to \$100 million)?