



Legislative Council

Roads Amendment (Road Tunnel Pollution Filtration) Bill Hansard - Extract

27/06/2002

Second Reading

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.58 a.m.]: I move:

That this bill be now read a second time.

The Roads Amendment (Road Tunnel Pollution Filtration) Bill will amend the Roads Act 1993. The object of the bill is to require the State Government to install and maintain pollution filtration equipment that will remove particulate matter from the air exiting the M5 East motorway tunnel stack. The bill will also require the Government to ensure that such filtration equipment is installed for air exiting the proposed Lane Cove tunnel and the cross-city tunnel. The fact that the Coalition needs to introduce this bill is a serious indictment on the New South Wales Labor Government and in particular the Ministers involved. After all, the objectives that this bill seeks to achieve, and the people and things that stand to benefit most from its introduction, are supposedly at the core of the beliefs and priorities of a Labor government.

The Premier, as a self-styled green Premier, would argue that he can be relied upon to act in the best interests of the New South Wales environment. His roads Minister says that he prides himself on being, above all, a family man. However, as always, actions speak louder than words. When it comes to the issue we are now addressing, the environmentally and family minded attributes that they supposedly espouse, and which they would claim come to the fore in their policy formulation and decision making, have failed to surface. Indeed, it is the environment and families that are set to suffer the most from the Carr Government's decisions relating to this matter.

The introduction of this bill by the Coalition provides the opportunity for the Government to right the wrongs of past inaction and to clear the way for the future. It is absolutely essential that equipment to filter exiting air be retrofitted in the M5 East ventilation stack, and that appropriate filtering be put in place during the construction of the cross-city tunnel and the Lane Cove tunnel. The technology is available and it is totally unacceptable for the Carr Government simply to refuse to engage in world's best practice in relation to ventilation filtration devices in road tunnels. The M5 East and the current design proposals for other city tunnels, namely, the cross-city and Lane Cove tunnels, are environmental and economic disasters in the making. They are unhealthy, uneconomical to run and represent a careless attitude to public health and safety. They also betray the expectation that governments will act in the best interests of all their citizens.

To assist the House, as it is very early in the morning and as the remainder of my speech is not only lengthy but detailed in a technical sense, I seek leave to incorporate it in *Hansard*.

Leave granted.

The air pollutants emitted from vehicles include carbon monoxide, nitrogen oxides, hydrocarbons and particulate matter with an aerodynamic diameter of less than 10 microns, such as polycyclic aromatic hydrocarbons. The effect of this particulate matter on people's health is of particular concern.

Recent studies have gone a long way to show the effect that air pollution has on the cause and/or further development of lung disease.

Increasingly scientific research is linking life-threatening illnesses, such as cancer, asthma and cardiopulmonary diseases, to exposure to particulate matter found in air pollution. It is this evidence that the Carr Government cannot continue to ignore.

As we sit today residents in the vicinity of the M5 East exhaust stack are breathing in these dangerous, unfiltered exhaust emissions while the Minister for Roads sits on his hands, knowing full well that this situation undoubtedly will create health problems for these people, particularly children. As if this is not bad enough, it is now determined to construct another two tunnels complete with unfiltered ventilation systems in the Sydney CBD and Lane Cove, placing the health, lifestyle and wellbeing of untold numbers of Sydney residents at risk.

The non-existent filtration and inadequate ventilation system of the new M5 East tunnel also causes problems for motorists travelling through the tunnel. Exhaust emissions from the 70,000 vehicles have created a visible haze in sections of the 4-kilometre tunnel. Drivers who have complained of feeling unwell, including at least one asthma attack, after taking the journey blame the fumes. The response from the Minister for Roads was simply to advise drivers to wind up their windows, close air vents and hope for the best.

It is hard to believe that he claims this is world's best practice. The pollutants mentioned also play havoc with the environment and, in particular, air quality. Current smog and traffic fumes have already left Sydney languishing at 55th on the environmental rankings, a staggering 40 places below the famed US steel city of Pittsburgh.

Failure by the Government to install filtration equipment, thus allowing large quantities of particulate matter to escape, will only accentuate the already acute problem of Sydney's air quality.

The bill covers three road tunnel projects, the proposed cross-city tunnel, the Lane Cove tunnel and the M5 East tunnel. Although I stress that the M5 East tunnel must not be used as a benchmark for the proposed cross-city and Lane Cove tunnels, it is important to examine the mistakes of the Carr Government so that the same erroneous policies are not pursued.

In December 1999 the findings of an inquiry by this House into the M5 East was released. The committee's key unanimous commendation was that expressions of interest be sought immediately by the Carr Government for the installation of world's best treatment process for particulate and nitrogen dioxide removal in the M5 East tunnel.

This recommendation was completely ignored, which is consistent with the history of the Carr Government's treatment of recommendations of parliamentary committees. Instead, the Road and Traffic Authority [RTA] held an international workshop, which drew upon leading-edge expertise from France, Germany, Great Britain, Norway, Switzerland, and the United States. It looked to be a step forward on road tunnel ventilation filtration. The positive nature of the workshop, which came at a cost of \$210,000 to NSW taxpayers, was short lived.

Many of the recommendations produced were never implemented. Instead, they were simply ignored by the Carr Government. The final report from the 3-day international workshop, written by Melbourne barrister Arnold Dix, was released in August 2000. It recorded expert criticisms of the stack location, the complicated design selected and the appalling community consultation process. It recommended further research and a cost-benefit analysis. The placement of the tunnel was widely criticised at the workshop, with Dix concluding:

The complex, remotely located M5 East single stack tunnel ventilation design can be distinguished from any other tunnel ventilation scheme in the world.

An expert from the United States said in relation to the Wollli Creek Valley stack location:

Well I know the first reaction I had when I first looked at this was why put one stack in a valley ... We've always tried to put them as high as possible, not in a valley.

Further findings from the Dix report include:

- Technologies exist which can alter the composition of polluted air from tunnels.
- Immediate consideration should be given to the most effective ways of improving air quality in areas identified as receiving the least benefit from the operation of the M5 East Tunnel ventilation system.
- Emissions from motor vehicles can cause adverse health effects.

The experts selected by the RTA and representing the very best in road tunnel design from around the world found that the M5 East design did not represent the world's best practice as claimed by the RTA, but was in fact highly unusual, even idiosyncratic. Unfortunately, it now appears that the Government is proceeding down the same shameful path with the proposed cross-city and Lane Cove tunnels as it did with the M5 East.

The Government is again keen to construct massive, unsightly ventilation stacks for these projects. It is proposed that the cross-city tunnel have a 46-metre ventilation stack constructed between the Western Distributor viaduct that runs over the eastern side of Darling Harbour, despite advice to the contrary from one of the CSIRO's leading research scientists on air quality, Dr Peter Manins.

Plans to build this single ventilation stack have been further criticised by Darling Harbour retailers and the Ultimo-Pyrmont Chamber of Commerce, which is understandably concerned about the effects on the multi-million dollar tourist mecca of Darling Harbour of the unventilated air exiting the tunnel. What sort of message does this send our international visitors when the Carr Government willingly allows unfiltered exhaust fumes to be emitted into such a tourist haven?

The Government is also planning the construction of two filtration stacks for the Lane Cove tunnel. Emissions normally contained along a 3.5-kilometre stretch of roadway will now be concealed in two locations.

So far the RTA has withheld the truth from concerned residents about the estimated level of emissions from the Lane Cove tunnel. Of particular concern is that a primary school is located within 300 metres of one of the proposed stacks. The Lane Cove Tunnel Action Group is pushing for the installation of filtration, electrostatic precipitators, and detoxification systems, and activated charcoal beds in the tunnel. This

would remove the need for unsightly stacks. I strongly encourage the Government to investigate the possibility of such options. The people of Lane Cove should not hold their breath. The Premier is adamant that "Tunnels always mean stacks."

The Dix report also indicates that residents believe there was a severe lack of community consultation about the environmental standards, and the process of designing the M5 East motorway and the ventilation stack. A continuing failure to conduct genuine community consultation in relation to proposed road projects is one of the defining characteristics and significant failings of the Carr Government. It looks as though this unfortunate trend will continue when it comes to the Lane Cove and cross-city tunnels.

The Minister for Roads and the RTA are well rehearsed in defending their inaction when it comes to the installation of filtration equipment. It is always hurriedly dismissed by the Minister as being too expensive or unavailable and/or ineffective. Contrary to what the Minister would have us believe, electrostatic precipitators do not consume massive amounts of electricity. During full operation, cleaning 860 cubic metres of air per second, the precipitators required for the M5 East would consume somewhere around 1 gigawatt per annum as compared to the unfiltered tunnel's current estimated energy consumption of 32 gigawatts per annum, at approximately \$2 million a year at commercial rates. Installation of electronic precipitators would bring about a considerable saving in running costs.

The current massive energy consumption of the M5 East ventilation system drew adverse comment from many of the international experts at the international tunnel convention on both cost and the system's excessive greenhouse gas production. The Minister for Roads declares that the cost of installation of electrostatic precipitators is too great, tossing around installation costs of anywhere between \$25 to \$40 million, generally using whatever figure suits his argument. The evidence given by Hans Anderl of Clean Air Tunnel International AS, Austria-Norway, estimated the cost to be much less, in the ballpark of \$7.5 to \$8 million.

Perhaps if the Minister had cared to accept the recommendation of the parliamentary inquiry we would all know the truth. The cost of a filtration system is only a small fraction of the \$800 million cost of building the M5 East, and certainly only a very small price to pay if it means maintaining the health and quality of life for local communities.

If this bill is successful the Government will have to retrofit electrostatic precipitators in the M5 East stacks. Sufficient land is available near the M5 East stack site to engage in retrospective installation, and the construction of the stack itself lends itself to just such a fitting. In the case of the proposed Lane Cove tunnel and cross-city tunnel, the time to install filtration systems is early on in the piece, as inevitably retrofitting will be at a greater cost.

The Government's other favoured argument is that electronic functional precipitators do not exist. On the contrary, there is plenty of evidence that demonstrates how filtration technology is successfully used in tunnels in Japan, Norway, Korea, Austria and Vietnam with significant improvements reported in air quality as well as considerably reduced capital operation and energy costs. Instead of pursuing a genuine solution in the form of filtration equipment the Government has thus far been preoccupied with wasting money on stunts to cover up its inaction.

The first of these has been the buy-back system.

In February last year the RTA confirmed that it would buy back homes within 400 metres of the M5 East stack at the unaffected market value. The offer came complete with strict conditions. It was to apply only for 12 months after the motorway opened and only to those people who owned homes on or before 22 August 2000 when the stack was approved by DUAP. Residents would have to pay their own relocation costs, obtain valuations of their properties at their own expense and demonstrate that they were unable to get a fair price. The Government's 400-metre decision has no scientific basis. It is a quick political fix, which allows the Government to appear as though it is doing something while it is actually doing very little.

It is nonsensical that the Government is prepared to spend \$10 to \$15 million to buy back homes rather than install a high quality filter to solve the problems. The RTA offered to buy back about 270 homes that are within 400 metres of the stack. That is an act of financial ludicrousness; it is simply a stunt. It is not only the residents within 400 metres of the M5 East who will be affected. What about residents located 405 or 415 metres away? The Minister's cheap political stunt will not wash with residents. A spokesman from the group Residents Against Polluting Stacks [RAPS] stated:

We are much more interested in getting the system filtered than getting sold up. Besides anything it's immoral—it just leaves the problem here for someone else to live with.

The Minister for Roads, who insisted on such a scheme, obviously has some understanding of the problems faced by residents. As a family man he should now act with the best interests of other families in the area, as well as those in Lane Cove, Pyrmont, Ultimo and Darling Harbour, and support this bill to introduce filtration. The Carr Government likes to hide behind the safety screen of air quality limits. It justifies the absence of filtration systems and compliance with a set of predetermined standards. Conditions of approval were placed on the M5 East by DUAP to ensure that the tunnel portals, ventilation system and stack were designed to prevent emissions that resulted in ambient air quality exceeding the set standards.

However, I have heard from a representative of RAPS that serious delays are occurring in the provision of data from the RTA for its own air quality specialists to analyse. Frequently, the quality of the supplied data can only be described as dubious. In fact, no accurate data has been made available on the omissions of particulate matter from the stack. The RTA has admitted that available figures for PM10 concentration are uncalibrated and many times less than the actual level. In addition, no evidence has been provided on the accuracy of the nitrous oxide or nitrogen dioxide concentrates or on the appropriate quality assurance measurements.

When it comes to ambient air quality measuring, the air quality experts who are to carry out the calculations have, I am told, not received any data more recent than February. The available data is insufficient to allow any conclusion. It is completely unsatisfactory that the Minister is allowing these significant delays in the release of data. Is it because he has something to hide? If the complaints made by hundreds of local residents of offensive odours, sore throats headaches and increased respiratory difficulties since the opening of the tunnel are anything to go by, the answer would be yes. The Coalition has previously received the signatures of at least 71 local residents who have signed a petition and documents, which state they have experienced changed health conditions since the opening of the M5 East on 9 December last year.

They are desperately seeking action from the Government. Some of the symptoms from which they are suffering include: an increase in headaches and migraines, sore throats, more frequent asthma attacks, dry throats, sore eyes, runny eyes, blocked noses, wheeziness, itchy eyes and rashes. They have also reported that there is a bad smell in the air. The documentation that the Coalitions has demonstrates that people are experiencing difficulty because of the changed conditions since the construction of the M5 East tunnel and the Government made the decision not to install filters. These people have called on the NSW Government, EPA, Department of Health and DUAP to urgently and comprehensively investigate and publicly report on the incidence and extent of adverse health outcomes among residents and workers in the area affected by motor vehicle exhausts from the M5 East tunnel.

The RTA has not yet publicised a clear complaint mechanism, let alone responded to these serious complaints despite clear requirements to do so under the DUAP conditions of approval. Furthermore, remaining within so-called safe limits does not take into account the long-term cumulative effect of particulate matter on residents. The Government decision to not put in filtration but instead measure the effects and see what happens is not acceptable. Residents are, in essence, being used as guineapigs by the Carr Government. The Minister in the other place, argues that, in the future:

The fuel is going to get cleaner, engines are going to be using fuel to drive their vehicles in a different way. That means what comes out is going to be cleaner—you don't need a filter.

This is yet another gross cop-out by the Minister. Such benefits will obviously come only in the long term, when much of the damage has already been done. The Minister seems determined to bury, disregard or overrule all intelligent medical or community input on the subject of filtration.

If the Government does not support this bill, they will need to be prepared for the onslaught of litigation by residents for the Government's wilful jeopardising of their health and wellbeing, because their homes are located near unfiltered air and pollutants exits from road tunnels. The Government has had plenty of forewarning by international experts that filtration is necessary and the technology exists to make it a reality.

Sadly it seems likely that the Government will have many cases of ill health and even death brought against it as a result of its point-blank refusal to filter the air exiting the tunnels. In the United States, the California State Government is being sued over air pollution and its "failure to take aggressive action to reduce motor vehicle emissions." This Government has no way of telling what cumulative effects of living near the unfiltered ventilation points will have on the health of residents. One would think that it would err on the side of caution when the health of the people it is supposed to represent is called into question.

The technology exists to remove particulate matter from air exiting the M5 East and the proposed cross city and Lane Cove tunnels. Filtration systems are in place in other countries. Precipitators are installed in tunnels in countries such as Norway, Japan and South Korea and are also planned for Austria, Vietnam and France. Indeed, the Government has written quotes, demonstrating that electronic precipitators remove 90 to 95% of fine particulate matter. The Carr Government continues to turn a blind eye to this evidence and refuses to engage in world's best practice when the construction and design of road tunnels and their ventilation systems is concerned.

This Government should hang its head in shame over this issue. The Minister in the other place, who in one breath says that emissions from road tunnels will be safe and do not require filtration, in the next breath admits that he would not want his family living near them.

Minister, if it is not good enough for your family, it is certainly not good enough for any other family in Sydney.

I call on the Premier to honour his publicly stated commitment to the environment by supporting this Coalition bill. A failure to do so will certainly say goodbye to any credibility he has as a green Premier.

This complacent and insensitive Government has consistently ignored community interests, expert opinion and findings from parliamentary inquiries, a critical tunnel workshop and more than 17,000 petitions and

letters. It is time that the Government started listening to residents who are begging it to take the necessary steps to ensure that they will not have to live in fear of themselves or their children getting sick and the local environment being destroyed.

It is disgusting that it is up to the Opposition to hold the Government accountable and encourage it to do the right thing by residents, by the environment and indeed by taxpayers' money. It is absolutely necessary for the Opposition to do so because this uncaring Labor Government is too arrogant to realise the real needs of the people it is supposed to look out for. The Opposition is proceeding with this bill on behalf of the residents who are currently and may in future be affected by the operation of road tunnels.

The introduction of this bill by the Coalition will hopefully achieve what the Carr Government has failed to do—to install systems to remove particulate matter from air exiting the M5 East and the proposed Lane Cove and cross-city tunnels.

This Bill differs from that introduced by my colleague in the other place. It includes important provisions that will require the constructors of a tunnel, if that is the private sector, to be responsible for the installation of the filtration device and its maintenance in the event that the RTA is not the constructing authority.

Since the second reading of this Bill in the other place a significant issue has been publicly raised.

The first is the concerns raised by RAPS that the RTA may be in serious breach of a legal agreement signed in December last year, by failing to run the tunnel's fans at significantly higher speeds nightly for 6 months. RAPS spokesperson, Mark Curran is quoted in a press release dated 13 June 2002, as saying, and I quote:

RTA data released only yesterday shows the tunnel and stack fans have operated below the required speeds on at least 49 days between February and May and for much of this time, they were not even turned on.

When the Government appears to disregard a legal agreement that it initiated it is now up this House to ensure that it does not continue ignore the wishes of the community and is forced to address the problems of unfiltered tunnel emissions.

I commend the bill to the House.