

Ms Felicity Wilson MP
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16th July 2019

Dear Felicity

Sydney Harbour HighLine

Thank you for meeting with Joan and me on 1 July 2019 and discussing the Sydney Harbour HighLine (SHHL).

We are simply staggered that neither the Premier, the Hon. Gladys Berejiklian MP nor the Minister, the Hon. Andrew Constance MP have acknowledged receipt, let alone responded to, the committee's report. This is particularly astonishing bearing in mind the Premier established the committee (March 2017) and the Minister called for the committee's report (September 2018).

At our meeting on 1 July you gave us a copy of Minister Constance's letter to you dated 17 June 2019. We have now had the opportunity to read that letter and would like to respectfully draw your attention to several misconceptions contained in the Minister's letter.

However, firstly a brief summary of the background to the report will be useful:

- **3 February 2017:** SHHL representatives met with Mr Trent Zimmerman MP, Member for North Shore and Mr Chris Muir, Chief of Staff for the office of Minister for Transport & Infrastructure, The Hon. Andrew Constance MP.

Following this meeting Mr Muir discussed the proposed walkway with the Minister for Transport & Infrastructure and Mr Howard Collins, Chief Executive of Sydney Trains and secured their agreement ... *that work to create a walking path along the Lavender Bay Spur can commence on the side where tracks have been removed, before the active rail line is closed on the other side of the spur*".

Due to an error in an email address, the SHHL did not receive this advice until 9 June 2017 – see below.

- **20 March 2017:** The Premier NSW, the Hon. Gladys Berejiklian MP announced “... *I can give an iron clad guarantee that a NSW Liberals & Nationals Government will never sell off the land and ensure it remains a community asset in the event it is not needed for railway use... I can also announce the NSW Government will establish a committee to investigate creating a scenic walking track along this unique stretch of railway land.*”
- **9 June 2017:** Mr Chris Muir advised “...*To assure you of this process, I confirm that the Minister and Sydney Trains have agreed that work to create a walking path along the Lavender Bay Spur can commence on the side where tracks have been removed, before the active rail line is closed on the other side of the spur*”.
- **28 August 2017:** As Chair, you convened the first meeting of the Sydney Harbour HighLine committee which comprised representatives from State Government, North Sydney Council, local Precincts and the Sydney Harbour HighLine Association. At this meeting you confirmed that the HighLine is the length of rail corridor from Union Street (near Waverton Station) to the present northern boundary of Luna Park.
- **28 August 2018:** You met with the Minister for Transport & Infrastructure and the Chief Executive, Sydney Trains.
- **27 September 2018:** The Minister for Transport & Infrastructure requested you to finalise the work in the form of a report to the NSW Government. This report to include a recommendation on how the project should be delivered.
- **12 October 2018:** You conducted the final meeting of the committee at which time it was agreed that the SHHL Association would compile and submit the report to the Minister for Transport & Infrastructure on behalf of the committee.
- **October & November 2018:** The SHHL representatives conducted further meetings with Sydney Trains. In addition, requests were made by the SHHL representatives to State Government Department members on the committee for any required input into the report.
- **25 October 2018:** The SHHL representatives met with residents from the three North Sydney Precincts that adjoin the SHHL to advise them of the outcomes above.
- **12 December 2018:** The report was submitted to the Premier and to The Hon. Andrew Constance, MP, Minister Transport and Roads and circulated to all members of the committee.

Mr Constance’s letter of 17 June 2019 refers to the requirement “...*due diligence being completed...*” and the walkway “... *does not interfere with current or future passenger service delivery...*”.

The facts and chronology of events confirm that due diligence has been completed and the walkway does not interfere with Sydney Trains’ current or future passenger service delivery:

- Pursuant to Chris Muir’s advice (February 2017) that the walkway and rail line could co-exist, the Premier (March 2017) endorsed the project and established a committee to create a scenic walkway along the Lavender Bay spur. The Premier would not have committed to this inquiry had the Minister and Sydney Trains not previously agreed that the walkway could co-exist with the operation of the rail line.
- Following the establishment of the committee, Sydney Trains and the SHHL Association each prepared a design for the walkway and submitted the designs to the committee. Following consideration of these designs, the committee recommended several amendments to Sydney Trains and its design.
- Sydney Trains amended its design and resubmitted it to the committee. The committee accepted the amended design from Sydney Trains.
- Mr Rino Matarazzo, Sydney Trains then commissioned a Quantity Surveyor to estimate the costs of the project based on the design approved by the committee. Sydney Trains provided a summary of these costs and assumptions to the committee. Sydney Trains, despite agreeing to do so, would not release the detailed costs to the committee or to the SHHL Association.
- The Minister then requested the committee to finalise its work in the form of a report to the NSW Government. This report to include a recommendation on how the project should be delivered.
- The SHHL Association at the request of the committee drafted the report and circulated the draft report, including design and cost estimates from Sydney Trains, for review by the committee.
- The final report was then prepared and submitted to the Premier and the Minister in December 2018.
- Following no response from either the Minister or the Premier, the final report was again submitted to both the Minister and the Premier in May 2019.

Hence the project has been subject to the appropriate due diligence and the final report reflects this due diligence process. In addition, the facts and the above process clearly illustrate that the Minister and Sydney Trains agreed at the outset that the walkway may operate in conjunction with the ongoing operation of Sydney Trains.

The requirements referred to in Minister Constance’s letter of 17 June 2019 “...*due diligence being completed...*” and the walkway “... *does not interfere with current or future passenger service delivery...*” have been satisfied.

Furthermore, the letter states “... *no funding is available at this time to deliver the project...*” This statement is correct. The SHHL Association intends to submit an updated report to the Government in September 2019 in order that funding may be provided in the 2020 budget. However, to date our

efforts are frustrated by Mr Rino Matarazzo's refusal to release the Quantity Surveyor's Report prepared by Sydney Trains.

In 2018, Sydney Trains commissioned a Quantity Surveyor to estimate the costs of the project. In May 2018, Mr Rino Matarazzo provided a summary of the costs and assumptions to the committee. The costs appear to include:

- 1) Items for ongoing and future use of the rail by Transport Heritage e.g. Platform at Lavender Bay;
- 2) Items that are routine repairs and maintenance costs required to be undertaken by Sydney Trains on an ongoing basis; and
- 3) Specific costs associated with the implementation of the Sydney Harbour HighLine. Some of these costs may however not be required with the implementation of GPS signalling by Sydney Trains.

In May 2018, the SHHL Association also commissioned a Quantity Surveyor to prepare a 'Preliminary Feasibility Estimate of Cost' based on the limited information available to the Association.

Between October 2018 and May 2019, the SHHL Association repeatedly requested Mr Rino Matarazzo to enable a meeting between the two Quantity Surveyors or to release Sydney Trains' Quantity Surveyor's report. Mr Matarazzo agreed to organise this meeting however, on 16 May 2019, Mr Matarazzo advised he would not enable a meeting between the two Quantity Surveyors nor would he release the Quantity Surveyor's Report prepared by Sydney Trains.

The refusal of Mr Matarazzo to make available costings stands in stark contrast to the statements by the Premier (March 2017) and Mr Muir on behalf of the Minister and Sydney Trains (February 2017). Of concern is that Mr Matarazzo's refusal is serving to delay the project and prevent informed decisions being taken on matters related to costs.

Felicity, we would like:

- i) the Quantity Surveyor's Report prepared by Sydney Trains so that the costs can be correctly allocated between
 - a. Sydney Trains and its continued operation on the corridor including use by Transport Heritage; and
 - b. The Sydney Harbour HighLine walkway.
- ii) Joint review by Mr Howard Collins, Sydney Trains and a SHHL Association representative, of the scope of work to be included in an updated report and funding proposal for submission to the NSW Government in September 2019.

We greatly appreciate your assistance in facilitating the progression of this project in a professional manner and we look forward to your early response.

Thank you.

Yours sincerely



David Bowman
Vice President
Sydney Harbour HighLine Association

cc: The Hon. Gladys Berejiklian MP, Premier of NSW
The Hon. Andrew Constance MP, Minister for Transport and Roads