

CHAPTER NINE

PUBLIC INTEREST CONSIDERATIONS



CHAPTER 9

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CHAPTER SUMMARY AND CONCLUSIONS:

- Public interest considerations including stakeholder impacts, public access and equity, accountability and transparency, consumer rights, safety and security and privacy have been examined. These issues have informed the development of the CRR Project.
- A significant infrastructure project, the CRR Project will be delivered in a highly urbanised environment, impacting roads, public utilities, existing and planned developments and public and private land.
- Previous iterations of the CRR Project have undergone extensive community consultation and an environmental impact statement (EIS) process.
- Formal community consultation was also undertaken as part of the CRR request for project change application. This involved communicating the proposed changes to the CRR Project and potential impacts on the community and stakeholders.
- A detailed Social Impact Evaluation (SIE) was undertaken as part of the CRR EIS Process and was addressed in the Request for Project Change (RfPC), with material improvements in social impacts identified compared to the CRR Reference Project 2011.
- Analysis undertaken demonstrates that the Reference Project is in the public interest and provides, on balance, equitable outcomes for all stakeholders.

9.1 Purpose and Overview of this Chapter

The purpose of this chapter is to assess whether the Reference Project is in the public interest and to ensure that, on balance, it provides equitable outcomes for stakeholders.

This chapter outlines:

- identified stakeholders and the potential impacts the CRR Project may have on these stakeholders
- other public interest issues relating to:
 - public access and equity
 - accountability and transparency
 - consumer rights
 - safety and security
 - privacy.



The concept of the ‘public interest’ was defined by the New South Wales Ombudsman in November 2010, as

Referring to considerations affecting the good order and functioning of the community and government affairs, for the wellbeing of citizens. The expression ‘for the common good’ is also used... Every policy decision, such as a decision to build a road or to approve a development application, requires a balancing of interests, at least to some extent. In most cases there will be winners and losers. The decision-maker needs to consider all of those who may be affected as individuals but more importantly, how the community at large may be affected⁵³.

Unlike financial and economic assessments that focus principally on the overall net impact, public interest assessments consider the distributional consequences of implementing the activity or project. The key concept of ‘public interest’ for the CRR Project is that, on balance, the project provides equitable outcomes for all project stakeholders and proceeds with a highly transparent process.

9.2 Impact on Stakeholders

A significant infrastructure project, the CRR Project will be delivered in a highly urbanised environment, impacting roads, public utilities, existing and planned developments, public and private land. The Reference Project (as described in Chapter 5: Reference Project) is expected to reduce negative stakeholder impacts compared to previous cross-river transport proposals due to changes in the project’s scope such as a shorter tunnel and modified tunnel portal locations.

The CRR Project is a ‘significant project’ under the *State Development and Public Works Organisation Act 1971* (SDPWO Act). An environmental impact statement (EIS) was previously undertaken to assess environmental, social, employment and economic impacts of the CRR Project 2011. As discussed in Chapter 8: Policy and Legislative Framework, the CRR Request for Project Change (February 2017) assessed the impacts of proposed project changes. Key areas covered in the application include:

- transport
- land contamination
- land use and tenure
- water resources and flooding
- air quality
- noise and vibration
- settlement
- waste
- indigenous and non-indigenous cultural heritage
- nature conservation
- social
- economic benefits and impacts.

⁵³ Public Interest – Public Sector Agencies Fact Sheet



The impacts can be broadly categorised in terms of impacts to the following major stakeholder groups:

- Businesses and residents: Potential short-term impacts on these stakeholders during construction may include noise, dust and vibration, and possible changes to access and in some areas occasional disruptions outside normal working hours.
- Motorists: Motorists may experience changes in access, delays associated with road network changes and resulting congestion.
- Community: Community members may experience occasional changes to normal train and bus services and construction close to sensitive areas.

The CRR Request for Project Change includes a Draft Outline Environmental Management Plan that outlines a comprehensive environmental management framework and possible mitigation measures for the construction and operations phases of the CRR Project. Operational impacts will be mitigated, as much as possible, through project design. The Coordinator-General has released a report on the proposed changes, including conditions of approval in order to manage and minimise potential impacts.

9.2.1 Property Benefits and Impacts

Property owners are often the greatest beneficiaries of transport projects. They enjoy better accessibility and transport services in their local area, which can result in increased property prices over time. While it can be difficult to accurately predict the absolute value of this uplift, numerous studies confirm the benefits of increased transport capacity and other ancillary infrastructure enhancements on local commercial and residential property utility and value. Adverse impacts generally take the form of loss of property ownership, impacts on businesses operations due to construction or operational requirements and changes in property access.

Property ownership loss will be limited, as far as possible, through a design that seeks to minimise property impacts of the CRR Project. While much of the preferred alignment is underground or on existing Queensland Government land, a project of this size will require some land for construction, site establishment and volumetric land resumptions for the tunnel and station infrastructure. Acquisition of the volumetric corridor is planned to secure the underground land required for the CRR Project. This will guarantee the long-term integrity of the tunnel and stations, protecting the infrastructure from incompatible future development on surrounding lands.

Given the predominantly underground nature of the CRR Project, the private property volumetric acquisitions, and their impacts, will be significantly less than what would be required for comparable surface rail projects.

Consultation with many property owners for the CRR Project has been undertaken through the public notification phase of the request for project change process from February to April 2017. The scope of the CRR Project significantly reduces property impacts compared to previous solutions.



9.3 Community Consultation

A range of traditional and digital engagement activities were used to inform community members and key stakeholders about the CRR Project design. The project team liaised directly with potentially affected landowners and provided information to all stakeholders on how to make a submission to the Coordinator-General. Activities included:

- letters to 1,488 potentially affected property owners
- meetings with 60 government departments, key stakeholders, landowners and community groups
- doorknocking more than 600 properties
- distribution of more than one million newsletters
- distribution of 12,000 flyers at transport interchanges
- static displays at six libraries and four electorate offices
- three community information sessions, attended by more than 200 people
- seven staffed displays at shopping centres, attended by more than 500 people.

Traditional engagement was supported by a far-reaching awareness and digital engagement campaign including newspaper advertising, social media and a project website. A combination of paid and organic digital content reached 725,872 people on Facebook, 93,289 professionals on LinkedIn and 247,000 individuals on Twitter.

A detailed summary of feedback received during the consultation period has been collated with key areas of interest identified including:

- project design
- land tenure and property impacts
- employment and procurement
- project support
- traffic and transport impacts
- timing and funding.

Community feedback received throughout the course of the CRR Project since 2011 has generally indicated that the need for the CRR Project is well understood and support for the CRR Project and improved public transport is high. The consultation processes also revealed that physical elements such as parks, landscapes and pedestrian and cycle connectivity, and intangible qualities such as sense of place and community cohesion, are considered important to quality of life, health and wellbeing.

Comprehensive community consultation and key stakeholder engagement will continue throughout the future phases of the CRR Project.



9.4 Social Impact Assessment

A detailed evaluation of the potential environmental impacts resulting from the changes between the CRR Project 2011 and CRR Project is outlined in the CRR Request for Project Change (February 2017) Volume 4.

The Request for Project Change forms part of the CRR EIS 2011, under the *State Development and Public Works Organisation Act 1971*. While the impacts have been quantified where possible, this analysis is largely qualitative in nature. Potential mitigation strategies and a comprehensive environmental management and monitoring framework is outlined in the Request for Project Change Draft Outline Environmental Management Plan (RfPC EMP). The RfPC EMP is the key reference document for the management of potential impacts of project construction and operation.

A qualitative assessment of the potential direct, indirect and cumulative impacts (both positive and negative) of the CRR Project on the surrounding area was undertaken. It considered changes to the social environment and the way people interact with their socio-cultural environment.

Overall, the assessment found a material improvement in the potential identified social impacts when compared to the impacts identified for the CRR Project 2011. Table 9.1 summarises the nature of potential changes. With regard to commercial diversity impacts, compared to the CRR Project 2011, changes in the project design may marginally reduce the accessibility and mobility of some suburbs (primarily those in the southern section of the study area) to areas of economic density. The change is not considered material.

SOCIAL IMPACT RISK ASSESSMENT – NATURE OF CHANGE														
POSITIVE	●				●		●	●		●			●	
NEUTRAL			●	●		●			●		●	●		●
NEGATIVE		●												
	Relocated Residents	Commercial Diversity	Employment Changes	Income Changes	Property and Business	Needs of Social Groups	Heritage and Cultural Values and Beliefs	Community Identity and Cohesion	Cohesion of Development and Surrounds	Health	Property Values	Crime and Public Safety	Social Amenity	Residential Stability

Table 9.1: Summary of Social Impact Change, CRR Project 2011 to CRR Project

9.5 Public Access and Equity

The CRR Project has a responsibility to identify the nature and extent of public access needed throughout all project stages and to determine how this will be addressed. Legal and regulatory requirements, third-party access and mechanisms to address potential access deficiencies must all be considered. Community consultation, the EIS process and transport patronage modelling have all assisted in determining the nature and extent of public access required. This, in turn, has informed access, local land-use patterns and circulation elements specified during planning and feasibility stages of the CRR Project.

Technical specifications for the CRR Project must comply with specific statutory requirements and government policy standards, including those detailed in the Disability Standards for Accessible Public



Transport (DSAPT)⁵⁴, *Disability Discrimination Act 1992* (DDA) and relevant building codes. As the CRR Project progresses to the procurement phase, a safety accreditation process will be undertaken. This will ensure compliance with the access and egress requirements of the Director (Rail Safety Regulation), Department of Transport and Main Roads. Applicable rail safety legislation is further discussed in Chapter 8: Policy and Legislative Framework.

The CRR Project must also protect third-party access to essential major infrastructure and services. The project design provides for emergency parking and emergency incident access and evacuation for essential service providers and others that contribute to the sustainability of the system. The CRR Project is also committed to ensuring that construction and operational impacts do not unreasonably impinge on access to essential third-party infrastructure or emergency services. (Essential infrastructure includes power, rail, water, sewerage and the road network.) Additional details on design and construction are provided in Chapter 5: Reference Project. Table 9.2 summarises the safeguards the CRR Project will put in place to ensure infrastructure and vehicle access for the community.

ACCESS SAFEGUARDS	
ACCESS REQUIREMENT	SAFEGUARD
Identify the nature and extent of required access.	<ul style="list-style-type: none"> ▪ Ongoing patronage demand modelling ▪ Identify interest groups, including the disadvantaged ▪ Application of DSAPT
Develop strategies and mechanisms to ensure access.	<ul style="list-style-type: none"> ▪ Product development or specification ▪ Project delivery ▪ Establish performance criteria
Ensure third-party access.	<ul style="list-style-type: none"> ▪ Identify third-party needs through normal business and contingency processes ▪ Access assured under differing scenarios
Protect design and ensure delivery of public access.	<ul style="list-style-type: none"> ▪ Consider establishing incentive and penalty regimes for both infrastructure and service delivery
Deliver infrastructure to specification and government standards.	<ul style="list-style-type: none"> ▪ Establish CRR Project specifications and processes to ensure compliance to building codes and other statutory standards

Table 9.2: Access Safeguards during CRR Project Development

For the CRR Project to be in the public interest, there must be equity between the recipients of benefits and bearers of associated costs.

As a major infrastructure project, the CRR Project will benefit the entire SEQ community but will temporarily impact on specific communities. These impacts are highest around the tunnel portals, new station sites and construction worksites. However, over the long-term, the CRR Project will positively impact many of these same affected communities. These communities will experience better public transport services, reduced congestion and faster car trips, potential increases in property values, better local amenity, improved local infrastructure and better access to employment centres and government services. Further details on benefits are discussed in Chapter 6: Project Benefits and Chapter 7: Economic Analysis.

⁵⁴ The DSAPT were developed to assist public transport operators and providers to meet their obligations under the DDA. The DDA makes it unlawful for any person to contravene a disability standard (including the DSAPT).



The CRR Project will implement mitigation measures through design and construction planning processes, as outlined in the CRR Request for Project Change, to maintain a reasonable environmental amenity and ensure any negative impacts are managed and minimised to the extent possible.

9.6 Accountability and Transparency

On larger, complex projects and activities that impact many people, transparency of process is particularly important, as is the opportunity for community members to participate and have confidence in the development of the project or activity.

Governance arrangements for the CRR Project clearly denote lines of accountability. As the CRR Project proceeds through to delivery, governance arrangements will evolve, ensuring continued clear lines of accountability and transparency. Future governance arrangements will consider the project's technical complexity, implementation time, decision-making mechanisms, funding arrangements, approvals, accreditation and commissioning arrangements.

The CRR Project will be delivered in accordance with the principles of accountability and transparency as outlined in the Code of Conduct for the Queensland Public Service. These principles include:

- exercising proper diligence, care and attention
- using public resources in an effective and accountable way
- managing information as openly as practicable within the legal framework.

Demonstrating accountability and transparency reduces the likelihood of unethical behaviour, reassures and informs the community and instils confidence in all stakeholders concerning the integrity of decisions. All phases of the CRR Project must comply with relevant legal requirements, policy standards and government commitments to stakeholders. These include:

- National Public Private Partnership Guidelines
- Queensland Government's Project Assessment Framework
- *Right to Information Act 2009*
- *Public Sector Ethics Act 1994*
- *Public Records Act 2002*
- *Integrity Act 2009 (Qld)*
- *Transport Infrastructure Act 1994*
- *Transport (Rail Safety) Act 2010* and superseding *National Rail Safety Law*
- *Transport (Rail Safety) Regulation 2010* and superseding *National Rail Safety Regulation*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Passenger Transport) Regulation 2005*
- *Financial Accountability Act 2009*
- *Queensland Industry Participation Policy Act 2011*
- Queensland Procurement Policy (QPP) and procedures
- Queensland Government Land Transaction Policy.



Procurement processes will be undertaken in accordance with the underlying intent of the QPP and related procurement procedures.

Transparency in procurement refers to the openness of a procurement activity to scrutiny by interested parties. It involves providing documented reasons for decisions and appropriate information to relevant stakeholders.

In the context of procurement, accountability involves being able to demonstrate how the CRR Project has achieved its procurement objectives⁵⁵ in a manner consistent with the QPP and government priorities associated with procurement, including the Queensland Charter for Local Content and Best Practice Guidelines for Agencies (2015). This will ensure:

- full, fair and reasonable opportunity for participation by local suppliers
- value for money
- regional and industry development
- transparency of process
- compliance with international obligations.

The charter does not mandate that government agencies must use local suppliers; rather it provides a mechanism for government agencies to effectively and efficiently consider potential suppliers when making procurement decisions.

The CRR Project has engaged a probity advisor to provide probity oversight. A probity plan has been developed setting out the general principles and practices necessary to ensure that processes are conducted properly and with regard to probity requirements. All participants in the CRR Project are required to complete appropriate documentation declaring any conflict of interest and binding them to confidentiality. This also involves attending a probity briefing.

9.7 Consumer Rights

The CRR Project is not anticipated to adversely impact those people to whom government has a higher duty of care. Furthermore, it is anticipated that the CRR Project will beneficially impact socially disadvantaged people who are more dependent on public transport, with safer, more frequent and reliable services. Other public transport patrons in the broader community will also enjoy these benefits.

9.8 Safety and Security

The CRR Project will be developed to address applicable security, health and safety requirements. The regulatory and legislative frameworks that inform the CRR Project include:

- *Transport Infrastructure Act 1994*
- *Work Health and Safety Act 2011*
- *Electrical Safety Act 2002*
- *Dangerous Goods Safety Management Act 2001*
- *Disability Discrimination Act 1992*

⁵⁵ Outlined in the Queensland Purchasing handbook, Ethics, Probity and Accountability in Procurement.



- *Transport (Rail Safety) Act 2010*
- Transport (Rail Safety) Regulation 2010
- *Transport Security (Counter-Terrorism) Act 2008*
- Building Code of Australia
- Queensland Counter-Terrorism Strategy 2013–2018
- Queensland Government Infrastructure Protection and Resilience Framework 2005
- Crime Prevention through Environmental Design: Guidelines for Queensland (2007)
- Bridges and Tunnels Security Risk Context Statement
- Surface Transport Security Assessment, Office of the Inspector of Transport Security
- Land and Water-based Mass Passenger Transport Security Risk Context Statement, August 2009.

In accordance with strict international, federal and state government standards, safety in design principles have been considered during the development of the CRR Reference Project. Safety is an integral part of a wider set of design objectives, including practicality, aesthetics, cost and functionality. Safe design successfully balances these sometimes competing objectives without compromising the health and safety of those potentially affected by the product over its lifetime. A detailed risk analysis has been undertaken for the CRR Project, the outcomes of which are presented in Chapter 11: Risk Analysis.

The fire and life safety elements incorporated into the Reference Project have been developed and peer reviewed by suitably qualified and experienced engineers. Queensland Fire and Emergency Services and Queensland Rail have been and will continue to be consulted to ensure the CRR Project is developed in a manner that addresses relevant security and health and safety requirements.

The CRR Project is not expected to adversely impact existing Queensland Rail security standards or practices. Queensland Rail is committed to ensuring customers and staff are safe at all times. Queensland Rail design standards take into account security and health and safety requirements to reduce the risk of accident, injury, antisocial behaviour and crime.

The CRR Reference Project considers crime prevention through environmental design principles to ensure that public spaces are safe and opportunity for crime is minimised. Features such as platform screen doors, adequate lighting, closed-circuit television cameras and barriers that encourage passive surveillance and allow clear sight lines are part of the Reference Project (refer Chapter 5: Reference Project).

Implementing the CRR Project will beneficially impact a wide range of stakeholders. Safety has been considered in the design and development phases and will continue to be a key driver in the implementation and operations phases.



9.9 Privacy

The CRR Project is responsible for complying with legislation relating to information privacy and must comply with the principles in the *Australian Government Privacy Act 1988*. Queensland's *Privacy Information Privacy Act 2009* and *Right to Information Act 2009* also provide safeguards for the handling of personal information in the public sector environment.

The Queensland Government's Information Standard 18: Information Security sets out the principles for addressing information security risks, including classification and control of material, personal security and physical and environmental security.

As part of probity requirements, all participants in the business case development process completed statements requiring them to maintain the confidentiality of designated confidential information. These obligations continue after their involvement has ceased, until participants are advised otherwise or until the information becomes public (other than through a breach of the obligations).

Any information supplied by the community, industry and stakeholders as part of the business case development process will be used solely for the purpose of developing the CRR Project in accordance with the Queensland Government's privacy guidelines. This information will not be disclosed to any third parties without the consent of the individual, unless otherwise required by law.

