

INQUIRY INTO PACIFIC HIGHWAY UPGRADES

Organisation:

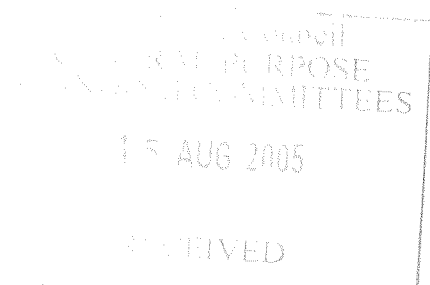
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Date Received: 15/08/2005

Subject:

Summary



SUBMISSION: Inquiry into the Pacific Highway Upgrades

Due: 19 August 2005

Submitted by: Michael and Judy Mellows

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The proposed upgrade of the T2E section of the Pacific Highway outside the existing

highway corridor will have the following impacts on:

THE ADJACENT UPGRADES

Completion times for the adjacent Pacific highway upgrades will be greatly increased.

The Ballina Bypass to the south and the Ewingsdale/St. Helena/Bangalow section to the north which have already undergone

extensive studies at considerable expense and been signed off on, have been put on hold.

Construction costs will be greatly increased.

If the T2E upgrade is located outside the existing highway corridor, the final, total cost of the upgrades for the T2E upgrade,

the Ballina Bypass and the St. Helena/Ewingsdale section will be increased by many millions of dollars representing a

significant waste of tax payers' money.

Land from Emigrant Creek (North of Knockrow) to the Bangalow overpass is already zoned 9A for highway upgrade. Land

has already been acquired in the Ballina Bypass sector. The Bangalow section which has already been upgraded at a cost of

\$19million is part of this corridor and will become redundant if the corridor route is not followed. The studies already done for

the Ballina Bypass and the St. Helena/Ewingsdale section will need to be redone.

Delay the improvement of road safety.

Further delay caused by considering routes outside the existing highway corridor will significantly contribute to the number of

deaths on these sections as the use of the highway continues to increase beyond its capacity.

THE CONSTRUCTION COSTS OF THE T2E

Any route located outside of the existing highway corridor will be longer and therefore more costly to construct.

Any route constructed on the Newrybar swamp will be much more costly to build than a route within the existing corridor

because of: severe and periodic flooding, frequent fog episodes, subsidence due to soil structure as well as the problems

associated with acid sulphate soils.

Any route traversing the escarpment will be extremely expensive to construct as it will necessitate excessively deep cuts in

order to achieve the desired grade.

REASONABLE COMMUNITY EXPECTATIONS

Investment expectations and investment projects already undertaken by people will not be realized.

Given the huge investment costs undertaken by the government for the Northern and Southern sections, it was reasonable for

people to assume that the Pacific Highway upgrade would link these two areas along the existing highway corridor.

Consequently in the intervening years, development plans were made and money spent by families to upgrade businesses and

farms, investments which will never be recouped if the highway goes anywhere else but in the existing highway corridor.

People outside the existing highway corridor are being severely and adversely affected financially and emotionally.

The assets, investment decisions and livelihoods of people outside the existing highway corridor have been entombed for an

indeterminant time without access to compensation The feelings of anxiety, frustration and insecurity created by the dictatorial

methods currently being employed by the RTA underpin the suffering being endured.

The equilibrium between amenity and land values will be destroyed.

Constructing the T2E outside the existing highway corridor will destroy the established equilibrium between amenity and land

values across the whole study area. People who located *on* the highway should not benefit financially at the expense of other

people who have paid a high financial price to locate their businesses and residences *away* from the highway. The Bangalow

and Ewingsdale communities who have built homes near their respective upgrades (Bangalow Bypass and the Byron

Bay/Ewingsdale Upgrade) are now unfairly seizing the opportunity to create another bypass to bypass their original bypass.

CURRENT URBAN INVESTIGATIVE AREAS

There has been no consultation with either Ballina or Byron Shire Councils with respect to current urban zoning plans

particularly with respect to the Cumbalum Ridge which has been identified since the mid-1990 's as a key location for an

expected housing demand of between 5,000 to 7,000 people. Putting the Pacific highway through this area would remove any

possibility of achieving such an outcome for one of the most rapidly expanding shires in NSW. The upgrade of the T2E along

the existing highway corridor would preserve the integrity of the Urban Investigative zones approved by Ballina Shire Council.

SENSITIVE HABITATS AND SPECIES

Extensive environmental studies by Councils have identified, in the area outside the highway corridor, sensitive habits and

species which have been ignored by the RTA because of the lack of consultation before the study area was proclaimed. For

instance, constructing a highway through identified wetlands along the bottom of the Newrybar escarpment and then cutting up

through the escarpment at Coopers Shoot will destroy areas of high conservation value which have been identified by Byron

Council in the documents, Biodiversity Strategy, Sept 2004 and Byron Flora and Fauna Study 1999.

Constructing a highway through these areas is a direct contradiction to one of the stated objectives (S5a) of the Environmental

Planning and Assessment Act 1979 (NSW) put in place to encourage '*The protection of the environment, including the protection and*

conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats'.

AGRICULTURAL LAND

The recommendations of the impending legislation, outlined in the paper, Northern Rivers Farmland Protection Project,

February 2005, should be adhered to, namely that, 'Public infrastructure is permitted on land mapped as State or Regionally

significant *where no feasible alternative is available*. Councils or State agencies proposing public infrastructure on such land should

select alternative sites where possible'. [p.29]

That site is available and it is the existing highway corridor.

Rous Water has also indicated [Rous Water Council meeting, May 18, 2005] that the highway upgrade can take place on the

existing highway corridor without compromising water quality provided proper engineering guidelines are followed.

THE STATUS OF THE PACIFIC HIGHWAY

Under the guidelines of the Environmental Planning and Assessment Act 1979, Mr. Craig Knowles said that the Pacific

Highway was a *designated Regional Highway*. He clearly stated that the Pacific Highway 's function was to operate as the North

Coast's primary inter- and intra- regional road traffic route. The purpose of the Pacific Highway was for regional transport (Sydney, 03 August 1998). In the past three years since Mr. Costa allowed B-Doubles to travel the Pacific Highway, without community consultation and against its own guidelines, there have been exponential problems associated with the mixing of inter-state heavy transport with local and tourist traffic. The Pacific Highway has become the pseudo- National Highway at community expense. Returning interstate heavy freight to the New England National Highway would have an immediate beneficial effect on road safety and community amenity and return the Pacific Highway to its original intended status, that of a Regional Highway.

It took ten years to determine the original study area and then three months to extend it, largely based on submissions lodged for the Bangalow Bypass in 2000. At best, this was negligent and at worst, fraudulent. Constructing the T2E upgrade within the highway corridor will help restore flagging public confidence in government policies and processes. It will also save millions of dollars. Further, it will give a much needed sense of security to people who have had their lives put in limbo and now face years of uncertainty.

OTHER RELATED MATTERS: FLAWED PROCESSES

Failure to consult.

There was a conspicuous failure to consult with the relevant planning authorities before the extended study area was announced, namely; the Byron and Ballina Shire Councils Rous Water, DIPNR (Farm land Protection Project) and relevant State Government departments.

- In the Environmental Planning and Assessment Act (1979) Craig Knowles (1998) designated the Pacific Highway a Regional Highway and directed development to occur on that premise. In the past three years since inter-state B-doubles were given permission by Minister Costa to travel on the Pacific Highway, without community consultation and against guidelines, local communities have been faced with an ever increasing number of traffic accidents and deaths, the majority of which have related to the mixing of heavy interstate freight traffic with local and tourist traffic on a highway not built for that purpose. While the use of the highway is continually increasing beyond its capacity, inter-state rail freight and country passenger services have decreased and rail infrastructure is in serious decline. At a time when the cost of fuel is rising, demand for fuel is increasing and fuel reserves declining, the solution will not be provided by a pseudo- National Highway of Mr. Costa's making. What is needed is a proper transport strategy, incorporating rail, road and sea utilities. Safety will not be improved by continuing to allow heavy inter state traffic to use what is essentially a Regional highway. Heavy inter- state traffic should be returned to the designated National Highway, the New England Highway, where it originally came from.
- Extensive environmental studies have identified sensitive habitats and species which have been ignored by the RTA. For instance, constructing a highway through identified wetlands along the bottom of Newrybar escarpment and then cutting up through Coopers Shoot escarpment will destroy areas of high conservation value identified in Byron Council's Biodiversity Strategy, 2004 and The Flora and Fauna Study of 1999.
- Constructing a highway through these areas is also a direct contradiction to one of the stated objectives (S5a) of the Environmental Planning and Assessment Act 1979 (NSW) which was put in place to encourage 'the protection of the environment, including the protection and conservation of native plants and animals, including threatened species,

populations and ecological communities and their habitats'.

- The recommendations of the impending legislation, outlined in the paper, Northern Rivers Farmland Protection Project, February 2005, should be adhered to, namely 'Public infrastructure is permitted on land mapped as State or Regionally Significant where no feasible alternative is available. Councils or State agencies proposing public infrastructure on such land should select alternative sites where possible' (p.29). **That site is available and it is the existing highway corridor.**

- The Urban Structure plan for the Cumbalum Ridge area has been ignored by the RTA. The Cumbalum Ridge area has been identified since the mid- 1990's as being a key location for accommodating the anticipated demand for housing in the Ballina Shire over the medium to long term. Investigation and planning is well under way and has been based on the existing approved Ballina Bypass route. Any realignment of the approved Ballina Bypass route that may be proposed in light of the expanded investigation area would significantly undermine this work. People have already built homes and lifestyles in this area based on the realistic assumption that the Pacific Highway upgrade would not affect them. A commitment was made to the people of Ballina which should now be adhered to by the Government.

It is anticipated that the Cumbalum Ridge will accommodate urban development with a residential population of between 5,000 to 7,000 people. The realignment of the Pacific Highway in this location will remove the possibility of achieving such an outcome which in turn will put unacceptable stress on the housing market exacerbating already inflated real estate prices.

- Liability and the RTA.

Like Bangalow and Newrybar, the Ballina Urban Investigation area with a projected population of approximately 30,000 people within 10 years, should be declared by the RTA as a 'no go area'. Instead, it has been ignored by the

RTA which will most likely result in legal action by the developers who have been working with Council for the development of these residential areas.

- No sense of closure

People in the Ballina Bypass area who have already had their land acquired by the RTA or who have had their land marked for upgrade after ten years of having their lives and livelihoods held in limbo are now again facing an indeterminate wait for their fate to be decided. This is not the 'fair go' Mr. Carr was talking about just before he resigned.

Constraints /Evaluation Criteria

- The RTA agreed that the Ballina Bypass and the St.Helena section would be constraints and then did NOT include them in the evaluation process.

- Using the noise evaluation model based on an English Socialist premise is highly inappropriate to the T2E and Australian conditions. The English model relates to the denser settlement patterns of the English country side and does not have a bearing on Australian conditions. People who have large properties located away from the highway

and who are making a living from them are unfairly discriminated against using this model.

- The impact of highway proximity to current land values is not included as an evaluation criterion by the RTA. The fact that people paid a commensurate price to locate away from the highway is a fact which is being ignored in the evaluation criteria.

- The fact that people chose to live near the highway , many building their homes after it was upgraded in the Ewingsdale and Bangalow Bypass areas, is being ignored unfairly to the detriment of people who paid a high price to locate away from the highway and now risk an upgrade going through their properties.

- Human impact is excluded from the evaluation criteria. The people in the study area are victims and are not being given the opportunity to present a family impact statement. This is a basic right which is being denied to people who stand to lose their investments and life dreams. The process is flawed because it does not allow for social impact in the evaluation criteria. The assets, investment decisions and livelihoods of the people outside the existing highway corridor have been entombed for an indeterminate time without access to compensation. These people paid a very high monetary price for their location away from the highway and are now being penalised. They are the victims and

cannot, as in a court of law, present a family impact statement. People who built within the highway corridor and purchased their land at a commensurate price are now being unfairly advantaged.

- The constraints being considered for the T2E and applied to the sieve 1 process are based on old information much of which is out of date e.g. the aerial photography is out of date.

Undue Haste

- The original study area for the T2E took ten years to determine and then three months to extend based largely on submissions lodged in 2000 for the Bangalow Bypass. At best this was negligent, at worst, fraudulent.
- After the three or four routes are made available to the community in November 2005, the community will only be given three weeks in which to respond. This would be laughable if it were not so devastating to the people affected. To think that three weeks is sufficient time for people who are in emotional trauma, to gather the facts as they apply to them and to then put them into some logical format, beggars belief and shows complete lack of understanding and empathy on the part of the RTA.
- The meeting process has been rushed with little time given for the CLG to assimilate data and gather information from their stake holders.

Secrecy

- Nine initial route options were outlined to the CLG members by the RTA who then invoked a confidentiality clause which effectively prevented the CLG consulting with the community as to the constraints on the routes as they applied to them.
- The duplicity of the RTA was illustrated when one of its officers inadvertently showed the Jarrett family a map of the St. Helena tunnel on their property and then more senior officers denied that such a map existed.

Poor public relations

- The RTA used an Arup facilitator for the original CLG1 meetings and then had to change to an independent facilitator when the meetings got out of control.
- Some landowners were contacted to arrange on sight inspections which Arup then failed to attend.
- There were insensitive drilling operations alongside properties without the adjacent residents being contacted.
- There has been unwillingness on the part of the RTA personnel to directly answer questions concerning the T2E upgrade with those 'answers' being changed at a later date.
- Many land holders have received multiple copies of the same information letters from Arup.
- There have been numerous administrative errors on the CLG Web site notes.
- Arup has also been unable to keep their advertised deadlines, often by many days, for minutes of meetings, evaluation data and the pairwise process. This in turn has exacerbated the problems experienced by the CLG relating to the undue haste with which the processes employed by the RTA have been executed.

Freedom of Information Request

A request was made in April 2005 to the RTA for:

- documents, studies and reports connected with the eastern expanded study area for the T2E,
- all previous studies, documents and reports for the same area undertaken over the last 20 years
- the costs incurred by the RTA for the consultation process.

The required money was paid to the RTA and a reply received from Mr. Phillip Youngman, dated 3 May 2005 that the requested material would be released. The material is needed for the Parliamentary Inquiry on the Pacific Highway upgrades (closing date, 19 August 2005). Despite numerous phone calls to Mr. Youngman, the information has not yet been released.

Compensation

In theory, the Just Terms Legislation is supposed to compensate people when infrastructure is built on their land. Yet in practice, this is just not happening. Along other sections of the highway, people have been entombed for years waiting for the RTA to turn the first sod. Where are the Just Terms here? Is this an Aussie fair go? The answer is decidedly NO.

Then there are the people who, once kilometers from the highway and are now within metres of it seeing it, breathing its fumes and hearing the constant cacophony, who under Just Terms Legislation will never be compensated or able to realize the pre- highway value of their properties and business that they bought and developed. What compensation can be delivered to a small community such as Byron, if it has its economic base destroyed in the name of the general good and State economic development? Driving a highway any where else except along the current highway corridor will not only destroy homes and lifestyles it will destroy the very livelihoods upon which much of Byron depends, namely; farming activities, value adding industries, tourist facilities, and the jobs generated by and dependent upon these activities.

The T2E Upgrade should be contained within the existing highway corridor.

**Signed : Michael and Judy Mellowes.
12 August 2005.**