

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 4

INQUIRY INTO PACIFIC HIGHWAY UPGRADES

At Ballina on Thursday 27 October 2005

The public forum commenced at 6.00 p.m.

PRESENT

The Hon. J. A. Gardiner (Chair)

The Hon. J. C. Burnswoods

Mr I. Cohen

The Hon. G. Donnelly

The Hon. A. Fazio

The Hon. D. Gay

Ms L. Rhiannon

CHAIR: I would like to welcome everyone to this public forum of the General Purpose Standing Committee No. 4 inquiry into Pacific Highway upgrades. This forum is an important part of the Committee's inquiry as it is a chance to hear first-hand the views of local residents affected by the proposed highway upgrades. I will run through how the inquiry works. We are a Committee of the upper House made up of seven members of Parliament from The Nationals, the Liberal Party, the Australian Labor Party and the Greens. The Committee does not represent the Government, the Roads and Traffic Authority [RTA] or the Minister for Roads.

The Committee is not empowered to choose a route for the Pacific Highway upgrades. We will examine the possible impacts of the proposed routes and then write a report on our findings to be given to the Parliament and the Government. Our findings might include comments on the Government's process for determining route options as well as factors we think the Government should consider when deciding on a route. The Government does not have to accept the recommendations made in our report but it must respond to each recommendation. The report will be made available to the public. If you wish to have a copy of the report mailed to you please advise the secretariat of your name and address. Everyone who has made a submission to this inquiry or sent a form letter to it will automatically receive a copy of the report.

Turning to audience comment, we know that people hold strong and divergent views regarding the proposed highway upgrades. I wish to emphasise that, although this is the public forum, it does not allow for comment from the floor. The role of a parliamentary Committee is to provide citizens with an opportunity to participate in the parliamentary process. The Committee welcomes audience members but we will not allow audience members to disrupt speakers. Audience interruptions are not recorded and will only disrupt the forum. The appropriate channel for commenting on the evidence from tonight's speakers is by making a written submission to the Committee, which can then become part of the formal evidence to this inquiry.

Turning to the issue of adverse mention, the privilege to speak freely as part of this parliamentary proceeding—that is what this evening's forum is: part of the Parliament's proceedings—exists so that Parliament can properly investigate matters such as those being examined in this inquiry. This privilege protects participants from legal action, such as defamation, but it is not intended to provide a forum for people to make attacks or adversely reflect upon others. The protection afforded to tonight's speakers under parliamentary privilege should not be abused. I therefore request that speakers avoid naming third parties except immediate family members unless it is absolutely essential in order to address the terms of reference. If a speaker makes serious allegations that the Committee believes reflect adversely upon a specific person then, as a matter of procedural fairness, the Committee would be obliged to provide that person the opportunity to respond to the criticisms. This process is complex and lengthy and may delay the completion of the Committee's report.

As to adverse mention outside the forum, it is important to remember that parliamentary privilege does not apply to what speakers may say outside tonight's forum. Therefore, I urge speakers to be cautious about their comments to the media and others after they finish addressing the Committee, even if it is said within the confines of this building. Such comments would not be protected if, for example, another person decided to take an action for defamation.

Turning to the procedures for tonight's forum, each speaker will have five minutes to address the Committee. As the forum must finish at 7:30 p.m. to allow some staff members—including the Hansard reporters, who have been very diligent all day—to make their flights home, the five-minute time limit will be strictly enforced. When it is someone's turn to speak I will read out their name from the list of registrants. The speaker will be asked to approach the podium and I will advise speakers when they have 30 seconds left to speak. If you have something left to say at the end of your allotted five minutes and you have notes, they can be incorporated in *Hansard* as a written record of the proceedings. So please do not panic if you are running a bit over time because we can take your notes as evidence.

All the speeches made at this forum will be recorded in a transcript. The transcript will be publicly available and will be placed on the Committee's web site early next week. We will use this transcript and that of today's proceedings, when we heard from 30 sworn witnesses, to write our report. Speakers are asked to provide their address details to the secretariat so that we can send them a transcript to correct in order to ensure that their comments have been recorded accurately. This is your

turn and Committee members will listen to your presentations. We will commence with our first speaker, June Zentveld.

Ms JUNE ZENTVELD: Madam Chair and Committee members, the Newrybar community now sees four lines on maps that shock us further, with the possibility of losing our livelihoods, our homes and our peace. It is 12 months since the initial notification was sent by the RTA regarding the "upgrading" of the Pacific Highway with maps which showed the original study area. A number of meetings were organised to "educate" the public by the RTA regarding their intentions and, in their words, "to get community input". Each time the community voted unanimously that the freight trucks, the B-doubles and interstate trucks should be sent back to the national highway, the New England. So much for community input: the trucks are still here and we, the community, are being asked to pay the enormously high price of noise and diesel pollution, with the possible destruction of our homes, our livelihoods and our land—all for the economic advantage of the trucking industry.

The original study area was only three kilometres wide at its widest point, with totally unpalatable options including the bisecting of Broken Head Road with its 43 houses. And all this through some of the best land in Australia. At the RTA's meetings and then via the 30 residents elected to the Community Liaison Group [CLG] the community asked that the study area be widened. We now all know the RTA widened it to the east only. We also know that the RTA then disbanded the first CLG and elected a new 30-member CLG to bring in those from the expanded study area. Who knows how or why, but the "new" CLG contained a disproportionate number from the expanded study area. And so it was that during a recent "pair wise" exercise the CLG voted that the No. 1 priority was "The length of road through flood prone land". Safety was rated at 19. And the number of currently contiguous settlements severed—that is, for example, Broken Head Road—was rated at 18. With the recent publication of the four possible route options, both B & C1 route options totally bisect Broken Head Road, thereby potentially destroying a community.

Broken Head Road has over 100 people living along its route. I will mention just two of them. We have one 80-year-old gentleman who is the third generation to live on that same land. Then we have another family whose son was killed on the Pacific Highway at St. Helena and whose ashes are scattered over their property. Both families are in the area that the RTA acknowledges would be affected by the C1 route. How do you think they felt when the RTA rang to notify them that their land was in the firing line? How do you think the family feel at the thought that a highway could go over where their son's ashes are scattered?

The whole thing has elements of a Greek tragedy. Just think about it. Once upon a time in the great south land lay a pocket of land of unparalleled productivity and beauty. The farmers who tilled their land and planted trees lived in peace and tranquillity in tune with nature, their neighbours and their land. They said in jest that "they lived in paradise". So the gods looked down and, resenting their arrogance, decided to humble them. First, they sent the truck monsters into their area, bringing diesel fumes and destroying the peace and quiet with their roaring noise. The truck monsters killed many on the roads and filled others with fear as they sped on their way.

But the gods had not finished with man yet. They decided that if they drew lines on maps to show options where the land could be taken for a bigger, better route for the truck monsters it would really cause pain. Each route depicted would indicate the destruction of beautiful scenery and the productive land, and destroy the peace forever. And so it was: neighbour pitted against neighbour and paradise destroyed. And the gods laughed.

CHAIR: Thank you, June. We appreciate that.

Mr DAYNE MEARNS: Good evening. My name is Dayne Mearns. I am an architect and I have owned my property in Ross Lane, Tintenbar since 1983. It is affected by the Tintenbar to Ewingsdale Pacific Highway upgrade. I drive about 40,000 to 50,000 kilometres per year as part of my work, much of it on the Pacific Highway essentially between Port Macquarie and Brisbane. I also cycle regularly in the affected area of the T2E upgrade. I am a member of the Community Liaison Group for the expanded T2E and was elected by that group to attend the route options workshop with the government agencies.

I chose the property where I live as it was away from the highway. I had lived in a number of areas in the region, including Alstonville, Lismore, Ballina and Byron Bay, before I bought the property. Like many other residents in my area, we moved there because we believe this is one of the best areas on the planet. I have travelled extensively and I have worked overseas in many areas in Australia. I work now both overseas and in Australia. I live here. It is noticeable that many people have moved into that area since 1998.

My property has sweeping views across Lennox Head, Seven Mile Beach and down in the direction of Sandy Flat. You can see the light from Byron lighthouse from our bedrooms. We regularly see the flashing lights of the emergency vehicles attending accidents at the bottom of Tintenbar Hill. In the T2E route options brochure issued last weekend by the RTA, the RTA said that the current planning processes will "provide planning certainty for the local community". My family's plans to expand our original two-bedroom house were put on hold in 1992 when the RTA announced the study of the Ballina bypass. Our property was included in that original study area. Following the final route selection in 1998, we doubled the size of our house. We added a pool, cattle yards, planted trees, renewed fencing. Along with many other people in this area, we spent considerable amounts of money based on the fact that the RTA had given us planning certainty.

Ballina Shire Council also believed it had planning certainty, showing the bypass route on its town planning instruments and rezoning the area south of Ross Lane as 1D urban investigation. Following the opening of the Chinderah to Yelgun highway upgrade, we noticed the very considerable increase in traffic volumes and noise, particularly when the B-doubles were introduced into the mix. My observation from my late-night driving along the highway is that these heavy vehicles pay little heed to speed limits, and there are very few police on the road at that time of night. The introduction of the 70-kilometre speed limit around Tintenbar Hill is meaningless at night. Truck drivers do not take any notice of it.

My objections to the widening of the T2E study area are as follows. From the information eventually gleaned from the Coastal Environment Protection Society's freedom of information received six months after the application was put in, it appears that there was no social, economic or engineering reason to expand the original study area, apart from some pressure from some of the original CLG members who lived on the highway. Like others, we have made significant investment decisions based on the approval of the Ballina bypass route. The inclusion of the coastal route will delay construction of that section of the Ballina bypass, which has already been designed, and the rectification of a notorious black spot at Tintenbar Hill.

The coastal route will be significantly more expensive than the highway routes, and this has been confirmed by the geotechnical engineers at the CLG meetings. Proposed routes C and D will destroy the Dufficy Lane, McLeish, Glenross rural community. I have been living there for quite a long time now. These people are my friends and neighbours. Three of the kids who live there have babysat my kids. My kids now babysit their kids. The routes will destroy my family's heritage. I designed the house, built it. My children's hands are in the concrete. Rous Water has confirmed that there is no reason why the highway cannot remain on its existing route. Routes C and D pass through a greater number of wildlife corridors. As a cyclist I can tell you that our wildlife cannot sustain our current level of road kill. I strongly urge and have a desire to see the highway remain on the highway and that the freight return to the national freight route, the New England Highway.

CHAIR: I acknowledge that our lower House colleagues, the member for the Ballina electorate, Don Page, and the member for the Clarence electorate, Steve Cansdell, are both here this evening.

Mr PAUL GANNON: My extended family and I live on a 100-acre farm at Coopers Shoot. We produce organically grown coffee. We grow vegetables and cattle. Our farm will be rendered virtually useless if it is cut in two by option D of the Ewingsdale-Tintenbar section of the Pacific Highway upgrade. The proposal will eliminate my eight megalitre dam built to be the core of my farm plan. The essential ingredients of the plan were put in place after the present Bangalow bypass was built and after the then Minister for Roads announced in the mid 1990s that the Pacific Highway upgrade between Bangalow and Ewingsdale would follow the existing highway. I have invested hundreds of thousands of dollars on the basis of these public and unequivocal actions committing the upgrade to remain on the existing highway. So much for the assurances by politicians and bureaucrats!

My family and I, like most of us here, have much to be angry about. The focus of my five minutes, however, is not about getting angry, at least at one another, but about overcoming anger and taking focussed, rational action. All of us here are hurting, but much of the action we take, and have taken already, has been aimed at eliminating or discrediting each other's position, or aimed at discrediting the RTA. It is not aimed at solving the overarching problem. In fact, the hurt for many of us has become the problem itself. We have lost sight of the fact that we have a problem of poor transport planning, and we are not being well provided by politicians and bureaucrats. We need to get over our emotions. We need to feel, think and then act. Do not just feel and then act. Where is the plan? What is the plan?

When I was a lot younger and faced with what I am now faced with I would have gone right off and attacked senselessly and indiscriminately. Even now that may be the first thought that passes through my mind. I am more likely now though to be reminded of the words of two young friends of mine who are eight-year-old twin girls. When they are confronted with conflict they face their antagonists and they look them in the eye and they just say, "Build a bridge and get over it." Even eight year olds recognise that we will seriously hurt one another unless we build a bridge and then work together to get over the problem. And we are all faced with the problem. We can come up with a better solution if we get together. We certainly can come up with a better solution than the ones the RTA is offering us.

Let us not be ignored by the State and Federal governments. We are being poorly served with respect to a logical, well thought out and integrated transport plan for our region. The RTA is responding to its political masters with upgrade plans, but who or what is directing our political masters? There is no plan. The politicians are just joining the dots. Ask yourselves: why isn't there a plan? We need to force our politicians to make a rational transport plan. This means acting collectively and intelligently to bring more than the local politicians into the equation. We need to make the final decision makers feel the heat. Tripodi and Iemma—where are they in all of this? Where are our Federal politicians in all of this? Where is the rational and integrated management plan for transport in the Clarence and Richmond valleys? Why destroy the best farming land in the State? What is the best plan for Brisbane to Sydney freight? What happened to rail and ship freight? Why are local road users threatened by cavalier truck drivers? Why can't we reduce the noise trucks make rather than ineffectually try to insulate roads from making the noise in the surrounding areas?

These questions and more, we should be directing at sitting politicians, both State and Federal. But we must do it collectively. I believe our locally elected politicians are with us here. We should be supporting them, not competing with each other for their attention. That does not mean we should not keep fighting the individual fight. I am not saying give up your fight to save your house, your farm or your community. We all need to fight to save our castle. However, we do not need to tear down our community to make that fight. We do not need to attack and discredit our neighbour to carry out that fight. We do not need to publicly proclaim or infer that we are right and all else are wrong in the local paper or on television or talkback radio. We may feel good temporarily. We may give the media some juicy stuff to raise their ratings and revenue, but in the long run we in our community suffer.

In the end the RTA will say that the community is divided and cannot make up its mind so we will make it up for it. You lose, I lose and the community loses. The real fight begins with safety, with immediately and minimal upgrade of the Pacific Highway and dealing with heavy vehicles appropriately, and ends with a rational and integrated transport policy and practise for the North Coast from Coffs Harbour to the Queensland border. I am hurting in this. My family is hurting. You are all hurting. We need to think beyond our own hurt. We need to build our own bridge and get over it, and collectively put the heat on the politicians. We need to make them hurt because if a six-lane upgrade of the Pacific Highway occurs across the North Coast we who live here will never stop hurting.

Mr GERRY SWAIN: I speak as a representative of five generations who have lived in the Newrybar area for almost 100 years, both the families of my mother and my father. We have been through a highway upgrade once before, in the 1960s when the highway cut through the family farm. Now it is happening again. And in that time the population has grown. Much larger numbers will now be affected by this ad hoc approach to upgrades. The Pacific Highway is designated as a regional road. It was a liveable road until three years ago when the Government allowed B-doubles on it. The

opening of the Chinderah to Yelgun section brought many trucks as well as the B-doubles, all with their noisy, outdated braking systems. Shame!

Not only have large numbers of these monsters been put on the road, which is not up to the standards they require, but now the Government wants to push a monolith through as an extra road, one that is wide enough for six lanes, 110 kilometres per hour speed limit and no entry points between Ewingsdale and Tintenbar. The present highway will be a service road. This exercise is a reaction, a quick-fix to a burgeoning problem, not a proactive and civilised solution. What will all this mean? Well, a 200-metre wide cut through some of the best and most productive land in Australia. Heavens above! With the present drought and all the dire warnings about more drought and climate changes in the future, Australia can ill afford to lose one hectare of this type of land, let alone 400 plus hectares.

If that does not impress you, think acres—1,000 acres of productive land taken out. What a disgusting act! In fact, I think it is criminal. Talk about thinking of the future! Talk about looking after Australia! What will future generations think of us for letting this happen? There are many farms in this area producing macadamias, coffee, cattle, passionfruit, peaches, nectarines, sugar cane, bananas, pecans, custard apples as well as nurseries. Take 400 hectares out and many farms will not be viable. Employment will be affected, business will go belly up. Great! Thanks a lot! The mayor of Ballina, who is also chairman of Rous Water, Mr Phil Silver, in a recent advertisement for National Water Week, told us, "Our most precious and finite resource is water." Yet three of four route options pass through the water catchment for Ballina and Lennox Head, and more recently Lismore.

Even after all this planning, the RTA route options do not show option C as passing through a water catchment area. It will in fact decimate the head waters of Emigrant Creek. How can they have missed such an important point? People living in the water catchment area have been very restricted by what they can do and they have accepted it. But a Sydney-based government can tell the RTA, "put a freight route through it." Why shouldn't the Government have to respect this area and go elsewhere when there are other options?

Move interstate traffic to the west. One route we have heard and heard and heard—the Summerland Way. Casino would love it. Coffs Harbour to Beaudesert, and Beaudesert is where Queensland is planning its transport centre. But initially get the trucks off the Pacific Highway and back onto the New England. Get the Federal Government to take their money and put it into these options. Where the population is thinly distributed land is much, much cheaper and less productive, and the towns and communities can be bypassed easily, and then there are added benefits for those towns along these routes.

Pursuant to leave, speech incorporated.

The Pacific Highway will still need to be upgraded but not in the major way it is now heading.

Does the government have a plan for transport in NSW? No! Why not then? Surely before you spend millions of dollars on a super highway from Sydney to Brisbane you would make a plan, one that has safety in mind. Surely you would talk to Queensland and find out what they want re cars and trucks etc coming into their state. Has this been done? No!

Why would you not investigate and plan for rail and sea transport options to help reduce the dependence on trucks. Why?

The study area should be allowed to continue what it does best- grow food, support families and communities and supply water. It is not suitable land to carry freight.

The RTA has published its options. I believe they are not options and can be changed with one stroke of a pen. I call on the Government to plan a sensible transport system for the north coast of NSW which integrates with Queensland and direct the RTA to go to a more suitable location with the freight highway.

Mr TERRY SANDON: For the past 28 years I have lived with my family in the area. During this time we have resided at three different properties, all in Newrybar. We could never imagine living anywhere else. On Friday 21 October at 5.23 p.m. we received a phone call from the RTA informing us that our property was affected by one of the four proposed routes of the Pacific Highway upgrade. Apparently government departments recognise Friday afternoon as the preferred time to deliver bad news. They mentioned that our property—so what—was affected, not that our future as members of the Newrybar community, was about to come to an end. Sense of community was not factored into their consultative process. Nor did they mention that a 250-metre wide highway was about to destroy the lives and incomes of many families who have lived and farmed here for years, or that our State significant soils and highly productive agricultural land were about to be excavated and used as fill. This is an economic procedure used by the RTA in road building. Nor did they mention that this would isolate and divide our unique and close-knit community; and that one of the most scenic and picturesque areas of Australia was about to be destroyed; or that it would traverse the headwaters of Emigrant Creek, which is the source of Ballina shire's water supply, it would create an environmental disaster.

But most importantly of all, they did not mention that this was all for the sake of the trucking industry. Why waste over \$400 million to construct a new six-lane highway that we do not need and, in the process, destroy the beautiful countryside and cause despair to so many people? I would like to take a minute to emphasise the importance of our community life at Newrybar. We were told at one of the original public consultation meetings that the average stay for people in rural communities was about 10 years. Well, despite this, the average stay in the Newrybar Community is 15 years. Nearly all the people who moved here 30 years ago are still here and some who have moved away now wish to return. Even our children, who are scattered throughout the country, still feel the need to be associated with the community and, in some cases, are moving back to the area with their young families. This is a growing community, why destroy it? Newrybar has always welcomed new residents and offered them the same hospitality, supportiveness and friendships that were offered to us by the community members 28 years ago. There is no substitute for this lifestyle.

We take pride in supporting our school, local hall and volunteer fire brigade. We are also very active in environmental projects such as the Water Catchers Group, which is cleaning up and maintaining the water catchment area, which will provide clean water to the residents of Ballina shire. In regard to the inquiry's terms of reference, we believe that the main reason for expanding the highway study area was to improve the RTA's options as restrictions and community opposition was becoming more evident as time went on. This is shown in their own publications. The level of upgrade was to compensate for a failure to address the geological restrictions posed in the St Helena zone. It was also acceptable by residents that highway upgrade would one day take place in this area and four-lane section on the Ballina bypass was part of this. The impact on the agricultural land in all areas is catastrophic, and will create many hardships and heartbreak for those who rely on it for their incomes. Most of the land was classed as State significant, until being downgraded to reasonably significant about six months ago. This was due to a slope and not soil quality. It sounds a bit suspect. In regard to the impact from B-doubles and interstate heavy transport using the highway, the only logical answer is to remove it.

We needed to reduce the traffic flow, not encourage it. If a six-lane highway is built, this still will not solve the traffic problem, it will only increase it. The New South Wales State Government and the RTA should negotiate with the Queensland Government to link up with the Beaudesert industrial freight area via the Summerland Way. This is a more viable and better option, as it would be far less devastating to all those concerned. It would also be cheaper and more efficient in regard to freight costs. The worst thing is that both State and Federal governments have failed in developing and maintaining safe and effective freight services using rail and shipping options. Let us not fail now. We need to take all these issues into consideration. Some interesting figures, it takes 15 minutes to travel from St Helena to Sandy Flat on the Pacific Highway, a distance of 21.4 kilometres at an average speed of 85.5 kilometres per hour. The difference in time using the shortest route proposed or the new highway would save only 3.43 minutes. Is it really worth it?

Mr IAN DALL: My name is Ian Dall and I live at Newrybar on a small acreage with my wife, Kathy, and son, Eaven. Kathy and I have lived at Newrybar for 25 years. I would hazard a guess that many speakers will rightly describe the word upgrade as seriously misleading and an obvious misnomer. However, what is being planned by the RTA for Tintenbar to Ewingsdale is a major piece

of public infrastructure, a massive motorway, not simply a lesser upgrade of the existing highway. Unfortunately the RTA have refused stubbornly to engage in any discussion about a limited upgrade on the existing corridor that addresses road safety issues and is done in conjunction with the reduction of truck movements by firstly degazetting the Pacific Highway for B-doubles as a forerunner to getting all interstate trucks off the Pacific Highway. The proposed motorway will carve a 250-metre swathe through the study area and pave a thousand acres of some of the richest farmland in Australia with concrete and asphalt. This exercise will cost the public purse \$400 million, which is equivalent to the cost of building half a dozen Lismore Base Hospitals. And this is for 20 kilometres of road that may save a couple of minutes in travel time. As to the assertion that the investment in this motorway is the only way to improve the safety for travellers along the Pacific Highway, there are many who will dispute this claim and suggest a variety of options.

But who will be the major beneficiaries of a motorway, certainly not the local communities of the study area, but the trucking industry, which may gain a reduction of a few minutes travel time and a few cents savings in fuel costs. The four route options short listed and publicly announced last Friday by the RTA have promised nothing for residents of the study area other than the serious loss of amenity, the dissection and disruption of their communities, a threat to the viability of agricultural enterprises and jobs, and the compromising of the Emigrant Creek water catchment. For the cynical, there may be a case to argue that the chosen options were selected to have the maximum impact on the maximum number of people. The discussion about these short-listed routes in the RTA's Route Options Development Report gives the impression that apart from road engineering and construction factors, all other considerations are of marginal significance. The options paper may prove that the RTA has expertise in the physical design and construction of roads, but it does not have a clue when it comes to assessing either the economic or social impact of superimposing a road of this magnitude on a densely settled and intensively farmed rural area.

The treatment of the economic impact is amateurish. There is no attempt to quantify the loss of production and employment with the resumption of 1000 acres of farmland. The treatment of the social impact is similarly amateurish with the glib treatment of the areas demography. Although clusters of residences are mapped, there is no evidence of a serious effort to review population densities, the distribution of settlement, and the movements and patterns of relationships within the communities of the study area. There is mention that the motorway may have an impact on school bus routes, and the division of some communities, but this is hardly a penetrating and adequate analysis of the social impact. There is a more detailed treatment of traffic noise impact and what is called visual sensitivity. However, both analyses are obscured by number crunching, which is a challenge for the reader to understand. Neither of these analyses provide simple raw figures of how many residents will be affected by noise or may have their views compromised. Other than quantifying the number of residences the RTA will need to resume, there is no comprehensive review of the span of social impacts, including the failure to identify the range of affects on and the number of residents who live adjacent to the route options corridors.

A measure of the deficiencies of the planning process is the extent to which there has been dissension and division within the study area community. This is best epitomised by the controversy about the creditability of the Community Liaison Group, especially in regards to the development and weighting of route selection criteria during the short listing phase. Fundamentally the whole route selection process is a sham. In practice, the RTA is seemingly not accountable to anyone, not even the Minister. They are the planning authority, the design authority, the construction authority, and the authority that briefs and informs the Minister at every stage. Ultimately, the RTA will retreat behind closed doors to determine their preferred route, and in the final count, the concerns of local communities will be considered inconsequential, irrelevant or damned as parochial and self-serving.

Mr LES EINHORN: Thank you for the opportunity to make a presentation to this Committee. I thank you for coming to see the people who are affected by this, which is a lot more than the senior RTA people did. I have some handouts on what I intend to speak about, but I would like to make a couple of points. You will see I have some relevant work experience in terms of traffic and planning as well. I live on Coopers Shoot together with my wife and two children. If you look at the new route map for the four options I live on this little green dash and have a perfect view from my front porch of the northern options of all four options and routes C and D from my back porch going down. I have been involved heavily in the community. Following up on a comment from today's panel as a foundation member of the Bangalow Community Alliance, I would like to reiterate that at the last

forum held on this specific subject over 200 people, a lot of people overwhelmingly voted to keep the highway on the highway. As a sign to you of what people here might feel, would you people please put up your hand if you agree to try to keep, in a modified form, the highway on the highway.

CHAIR: Most of the hands went up.

Mr LES EINHORN: Almost none did not go up. I would also ask another question of the audience, who would prefer for the interstate freight to be removed off this existing coastal option?

CHAIR: A similar result.

Mr LES EINHORN: Almost unanimous. I think that speaks volumes, perhaps more than words, but I will say a few more words. This is an extremely divisive course that the RTA has taken. One could almost say, cynically, that this has been an intentional course of action to divide the community, but I hate what it has been doing to a lot of the community and a lot of people as I have heard today, not just our community from Ballina through Byron but also the south.

I do not know whether, when you were outside, you saw some of the people who were crying, people who had been phoned at 4.30 on the Friday afternoon and posed with this option, people who are facing destruction of their lives and everything they have built up. Health and stress problems have been going on here for 12 months. There are people who live in blight, such as myself, some who are not actually in blight by the official terms of what can be compensated but are suffering real health problems. People are truly suffering on a medical basis, and the RTA does not factor that in at all.

I note from the first hearing in Sydney that the truck drivers said that fog "is a big one" when considering road challenges by experienced road truck drivers. It is a major safety challenge that slows them down; it relies on experience, communication between drivers to inform them of conditions, and a challenge they wish to avoid. I took some photographs just this week. This photograph is from my back porch, looking down over options C and D, looking towards Lennox Head. The next photograph zooms in on options C and D, and was taken at 5.30 on Sunday morning. I can tell you that the fog was there again today. These are the fog conditions that will be over options C and D, looking down the 17 to 20 kilometres, about half of the Ballina to Byron stretch of the Pacific Highway they are looking at. It is a very large stretch.

I also point out a photograph taken from my front fence, looking over all four common options. If you look at all four common options, coming out of the tunnel, you are talking about coming out into the fog wherever you come out of the tunnel. I have a blow-up photograph. Picture this: You are coming out of the tunnel and this is the fog you are going to experience. That is this week, an average week, with no special conditions. That photograph was also taken at 5.30 on Sunday morning, but the fog was there again this morning.

If you look through the photographs you will see that you cannot protect from noise, air pollution, and damage to scenic heritage and the environment. The RTA has not factored in that cost at all. They talk about tunnelling and say they can protect it, but if you look at the costs that have come out in their report, they obviously have not included or factored them in.

I wish to point out one other comment about the environmental impact. At the public information session meeting that was held at Broken Head in April this year—one of the few sessions that was misleadingly advertised by the RTA and ARUP to only a small section of the affected community- the majority still do not realise what is happening- I spoke at length with the T2E project manager. I queried how they could meaningfully comply with Minister Costa's direction to come up with the final route option within the very short declared time frame, when even experienced environmental professionals require more than 12 months to perform a decent EIS.

I also pointed out to him some of the threatened flora and fauna species in the area, and that they are not well mapped through the whole area and it takes a long process. The project manager's response was, "We can always change the route." I specifically said to him, "So you are saying that even if we get to a stage where the Minister declares a final route option and at a later stage EIS

information highlights concern, that the route can be changed?" He replied, "Yes." How can you have planning certainty with this?

ROBYN HORNERY: Thirty years ago Jeff and I bought our 55-acre property in Watson's Lane, Newrybar, where we commenced growing passionfruit. Except for the first few years when Jeff worked as an electrician, the farm has been our sole generator of income. At about the same time, Jeff and I became actively involved within the industry. Jeff has held, and still holds, various positions with the national association, working closely with the agricultural department to offer advice to new and existing growers and participating on various committees.

Research projects have been carried out on our vines to evaluate new varieties, crop nutrition, and management systems. Other nearby farms, including coffee, macadamia and stone fruit, as well as a palm nursery, have also been selected for developmental projects. Any loss of these farms would impact upon their associated industries. Many of these farms also provide a valuable educational resource service for local students, as well as students from interstate and overseas who are seeking work experience.

Because of the climate and soil fertility, our farms are capable of increasing production to accommodate additional family members wishing to join the family concern. One of our sons has been working with us full time for several years, hoping one day to take over the responsibility of management. The location of a highway or motorway through our property may result in the farm becoming an unviable unit. A second-generation farmer would be lost at a time when very few young people are entering the farming industry.

The resumption of farms and the relocation that would follow would not only place a huge burden on the families involved but would result in the loss of a wide range of expertise. Many farmers are now in their late fifties or early sixties. To find new areas offering favourable conditions for cultivation, such as the suitability of the soil and site, the availability of water and wind protection, would be difficult. To say that partial resumption would not necessarily affect a farm's viability is not always the case. The paddocks that our farm stands to lose under option B are our best- producing paddocks.

It has taken Jeff and I almost a lifetime to set up and develop our farm to the stage that it is now at—and we are still not finished. It would be heartbreaking to see those paddocks destroyed, where we have spent so much time working and caring for the land. As farmers, we recognise the importance of soil and water conservation. All options offered pass through farms containing regionally significant land. One option passes through farmland designated State significant. New South Wales, and indeed Australia, cannot sustain this loss.

Emigrant Creek flows along our eastern boundary. Like many farmers, along its course we have worked hard to regenerate sections along its banks. In the middle of our farm is a spring-fed dam, which is our farm's water source. It is now under threat. Its waters also provide a permanent home for the platypus and a variety of water birds, including the jacanta. The jabiru and black swan visit seasonally.

Because our farms are situated within the catchment area, we accept the restrictions placed on us by local and State governing bodies. How, then, can a motorway be allowed to pass through such an area? A reduction in crop production will result in job losses in our region of high unemployment. Because of the intense nature of our farming, we rely on a large pool of permanent casual labour. Many people living locally fill these positions. For all these reasons, and for the importance we place on our community life, we ask the Government to recognise the need to shift the proposed highway away from such an agriculturally rich and closely settled region.

This box of goodies is a small sample of some of the viable and sustainable businesses that exist along Broken Head Road, which is one of the roads that will be badly affected. I was surprised to hear this morning that Ballina council did not mention the importance of the agricultural industry in its shire. Perhaps because we live on the northern border, we are somewhat forgotten. Is a "proposed" community more important than an existing one?

Mr JAMES MANGELSON: I am from the dreaded area of Ocean Shores. We have been through what you are now going through: it is called divide and conquer. The reason I am here is to show you what the RTA did to get the B-double route gazetted. Basically, the problem was that your councils were asleep at the wheel. They had the power to stop the B-doubles from being gazetted on that route. There is a procedure that they must follow before they allow the route to be gazetted. I would ask this Committee to look closely at the way that was done.

There has to be an EIS undertaken, and that has a lot to do with community amenity. They have to consult with the community before they can gazette that route. Unfortunately, the EIS is a fake. It is a "tick the box". You get some underling at the RTA to tick the box: "Yes, we have considered the views of the local community in noise-sensitive areas and community amenity. We have considered the community's concerns."

They even went to the stage of printing a report called the "1998 Roads and Traffic Authority Environment Report". They highlighted the community involvement in a major project: the proposal for the upgrading of the Pacific Highway from Brunswick Heads to Yelgun. They said they held lots of community meetings. They held none. They even went further. They showed the model used to illustrate the project and promote discussion. The only model that was made in our area was made by the affected community.

So I went to see Mr Paul Forward—who has been sacked today—and I indicated, "You have a web site up with incorrect material on it." His response to that was to turn to his underlings and say, "Who are these people and what is that model? Is this man telling the truth?" They said, "Yes." So his response to that was to leave the web site up, and take out the photograph and any reference to the underlings.

Ladies and gentlemen, I concur totally with what you are saying. The highway has to be separated from the local traffic. You have to go west. You need at least 200 metres. We were given 120 metres at Ocean Shores. We are the largest residential area between Newcastle and Brisbane that has had a highway shoved right into them. You are going to have the same thing done to you, unless this Committee looks at the procedure that was used to gazette this corridor. They can un-gazette it.

Your council can actually say, "Review the gazettal process, because things have happened that we were unaware of. We were not told you were going to put B-doubles on this road. We were not told this was going to be a major route corridor." So they did not consider the amenity of the community. What they did was to stack the community liaison group with people with vested interests who want the highway to be where it is because they know they will be paid four times the Value-General's valuation of their land.

I am very pleased to be able to stand here and say this without the threat of being sued. But everything I have said, I can document. If you want to have your hairs curled, I suggest you have a look at our submission. It is not defamatory, because we are protected.

Ladies and gentlemen, I will not take up more of your time. I wish you good luck. But I urge you to get to your councils and tell them to wake up. The truck has crashed; it is going to keep crashing. But you have the power to ask for a review of the gazettal route. Get the trucks off the highway; fix the highway. It has got to be fixed, regardless of whether there are trucks or anything on it. Get the rail system back up. There are a lot more viable alternatives than destroying the best area in Australia.

CHAIR: Thank you. I call Mr Mark Gittoes.

Mr MARK GITTOES: Good evening. I am a third generation farmer of our three properties, all of which are affected by the RTA corridor options—worse luck! The properties are located north of Woodburn near Langs Hill and two near Broadwater. The major concern I have for the community and myself is the definite increase of flood levels in Woodburn and Broadwater area. I am old enough to recall the floods in the 1970s. Other than a couple of medium to minor floods since, our community has not seen a major flood for 31 years. Nothing surer, we will see a major flood at some time in the future. If this highway is built across the floodplain between Woodburn and Langs Hill there will be an increase in flood levels and the duration of inundation. When the RTA is

approached regarding these flooding issues the response is that the highway will only increase flooding by 50 millimetres. Imagine if you would have missed the impact of water on your property if the flood level had not been artificially increased by 50 millimetres. To me, 50 millimetres of floodwater may be the difference between crop survival and failure. Keep in mind that no insurance company will insure against flood losses in known flood areas.

Flood levels will increase for the following reasons. Water flows from the Richmond River to the Evans River when the Richmond is in major flood. This natural relief channels a large quantity of water to the ocean via Evans River. The Rileys Hill and Broadwater areas never see this water, and Woodburn gets the effect of a lower flood peak. Any reduction in this flow caused by the levee effect that a 4-plus metre high road will have must increase the duration of the flood and increase the flooding levels. In conclusion, as to the flood problems on the lower Richmond area, I feel that the RTA's flood modelling is incomplete and doubtful. For the RTA to suggest that a 50-millimetre increase in flooding is okay is absolutely negligent.

Another serious impact affecting all my neighbours and me will be the loss of prime agricultural land that is currently protected from subdivision by the Northern Rivers Farmland Protection Project. The reasons behind this project are sound, allowing agriculture to progress into the future. This area has highly fertile soils, is almost drought free and has the potential to feed Australia now and in the future. Why governments, State and Federal, wish to downgrade agriculture and rely on buying food from overseas is beyond me. The Government forging ahead to have a coastal highway at any cost is negligence at the highest level. The greatest threat to agriculture in our area is the encroachment of population onto small acreage blocks and the segregation of farms into smallholdings. This will be the result of all paths that the RTA has proposed.

I will outline the effects of options proposed on my properties and those of my neighbours, and why we will be unviable businesses after the corridor is resumed. We will have reduced access to the split section of our properties forever. We will have reduced paddock size, short rows making harvesting and cultivation difficult and more expensive, and angled headlands and odd shaped paddocks, let alone the reduced area available to farm. When it comes to flooding, we may lose crops from increased inundation. We run cattle as a sideline to sugar cane and availability and access to as much hill country as possible is paramount for cattle safety and survival during the wet season. All options in section 1 greatly reduce the access to and availability of hill country on my property and my neighbours' properties.

RTA consultation, I feel, has been carefully manipulated to facilitate the impression of full community consultation when in fact there has been very little a community member has been able to do to convince the project managers of the many concerns we have about the project. The RTA know what the majority of the community want in section 1—that is, to expand the study area onto property to the east that is almost flood free not prime agriculture land or a route that travels within metres of our local communities. In conclusion, there are so many critical issues involved with building a freeway through this coastal area that I feel that the whole community—whether you are a farmer, a greenie, an industry worker or just come here for holidays—needs to say no to this coastal highway route and look outside the square. For example, consider linking the Summerland Way to the highway infrastructure already completed north of Bangalow.

Pursuant to leave, speech incorporated.

Another real concern to me is the corridor that travels between Cooks Hill & the Village of Broadwater less than 200 meters from village residents. And again through prime agriculture land that is low and flood prone. I have found misleading and inaccurate information in RTA study documents such as: Options 1B & 1C travel to the east of Langs Hill. When in fact they travel through Langs Hill at almost the highest point. This important key information is stated many times throughout the study document.

CHAIR: Thank you, Mr Gittoes. I call Mr Richard Grzegorzulka.

Mr RICHARD GRZEGRZULKA: Thank you for this opportunity. I will speak mainly about the local community but I want to continue the theme about the huge flaws in the RTA planning

and community consultation. I hope that your Committee will have some impact in the future and spare other communities what we are currently undergoing and are yet to undergo.

I am here to represent the community of Fig Tree Hill. This is a residential development about two kilometres from the study area boundary and also the community of Sanctuary Village, which is a mobile home about 300 metres closer to the boundary. Together we represent a population of 300 to 400 people—outside the fringe of Bangalow, the largest community affected by this process. Yet we feel marginalised as far as consultation is concerned. I have not had much opportunity to look at the report but I have noted that there is a new category of "newly affected domiciles"—that is, homes that are further than 200 metres from the proposed route. There is actually a count. I assume that the category cuts off at about 250 metres because we are certainly not there.

Fig Tree Hill is a residential development on the coastal plain. It has an elevation of about 40 metres. This affords fantastic views of the coastal plain, which are simply beautiful, but we now realise that it could well afford fantastic views of the highway. I am not sure—I will have to confirm it with a map—but I estimate that I and others will have a view of the highway of some five kilometres in extent to the west, northwest, north northwest and north. As to noise, local knowledge is incredibly important. Noise carries an incredible distance on the coastal plain. We know this because we are also near the coast road to Byron, and at night we can follow the car lights and listen to the noise—and that is easily five kilometres distant. So all members of this community will be affected by noise. In the report we do not rate. The RTA uses a rating—I am not sure what distance you need to be from the proposed highway that will put you in the equation but we are certainly off the planet as far as they are concerned. Yet it will have quite a serious impact on us.

The other reason why our community is strongly opposed to the options in the extended study area is our love of the coastal plain, which we regard as simply beautiful. It has a fantastic amenity, character and visual beauty and will be totally scarred and destroyed by a superhighway. How did we get there? We bought the land and built in 1999, feeling certain that we were a safe five kilometres from the highway and for all the reasons explained by previous speakers, including the 9A zoning.

I hope that the Committee will look into the process of what the RTA did to extend the study area and the dynamics of dividing the community. It has been terrible, and now they can pick and choose community opinion. I also have a consultation questionnaire that I am supposed to fill in but I feel that it is poison. If I tick the box for "noise" it will favour options that I do not favour because I will be deemed to be far away from where it is. Having said that, without being totally parochial, I feel incredibly for previous speakers, a number of who were here when my friends got the phone call. I think it is terrible what is happening and what is being done to everyone. I travelled by car to Sydney and back recently for the first time in ages and nowhere did I notice adjacent to the highway the density of population that we have here.

CHAIR: Thank you. I call Mr Robert Deards.

Mr ROBERT DEARDS: Madam Chairman, honourable members and ladies and gentlemen, I think you have probably heard enough about everybody bagging the RTA. Therefore, I submit my remarks for incorporation and ask you to read them in due course.

Pursuant to leave, speech incorporated.

My presentation concerns the processes the RTA has currently in place for both its Community Liaison Group strategy and its Communication strategy with the larger community.

If you look into the way in which the RTA controls the way it liaises with the community of this particular study area it is not dissimilar to other RTA projects. You are no doubt aware of the issues surrounding the Coffs Harbour alleged manipulation of the CLG by the RTA project team as reported in Hansard dated 19th June this year as raised by Mr Andrew Frazer, Member for Coffs Harbour. As a community we are aware of this and the recent

revelations concerning the Sydney Cross City Tunnel where the contract appears to have required the RTA to undertake actions that are not in the public interest.

Firstly there is a need to understand the position the RTA is coming from. This can be done by simply examining their vision, mission, customer and community statement and the published RTA values statement and finally their key outcomes as stated on their web site.

The number one issue is safety, as it should be. However the following 'Pacific Highway aims' as published by the RTA are focused on the reduction of travel times, the reduction of freight costs and with community involvement 4th out of 6 stated aims, I wonder who or what is really driving the RTA's objectives?

This is certainly highlighted when you examine the process that was in place to select the original Community Liaison Group for this study area and the subsequent CLG that was put in place when the study area was enlarged.

The best analogy I can give you is a sporting one. It would appear that the RTA chose:

- The playing field
- The game to be played
- The rules by which this game was to be played but never told the teams.
- How long each half of the game was to be
- The players in the teams
- The referee
- And selected themselves as the video referee

At half time the RTA changed

The Team

- The Rules, and
- Brought in foreign players

And finally the RTA is also the sports governing body and judiciary with no requirement to disclose any criteria for the above and expecting the team not to disclose relevant and important information to the community or media on pain of being 'red carded'.

This in my opinion is an unsafe process because it lacks transparency and has no independent audit or appeal process. It has the outward appearance of a liaison process and would possibly pass internal scrutiny. However it fails to deliver a satisfactory level of service to the customer and would fail if measured against a community satisfaction measure.

There is no published criteria for the selection and membership of the CLG which appears to have been change at the halfway point and is based on secret subjective opinions of a selection panel.

The communication process appears no better and certainly not to be in the interest of the general community but more for the achievement of certain outcomes the RTA desire; this is highlighted by two recent events.

One being that the RTA website has not been updated frequently or regularly until recently and then it was updated just four weeks ago. This update brought the information up to July 2005. Prior to that the most recent information was dated May 2005 with the content being minutes from the CLG and the ARG meetings and of very little value to the community.(unless of course you attended those meetings)

The most recent announcement of the routes which is now on the RTA web site, updated 21 October 2005, begs the question "was it as a result of this committee sitting here today that the routes were published earlier than expected" this is also highlighted by the following.

The RTA communication to members of the community whose homes 'have been identified as being potentially affected by the route options', is lamentable a phone call, a voicemail message or a letter in the post with little chance of the home owner understanding the potential impact.

The information pack and letter did not have sufficient detail to allow the householder to actually assess the degree of impact on his/her property. How hard would it have been to provide a detailed map to these householders? There were no details concerning property acquisition, the environment or noise issues. A possible time table of events, outcomes and a follow up call to allay and manage issues and fears would have been highly desirable.

A footnote to this is that I attended an RTA information site located at Bangalow yesterday to find that additional material was then available. On enquiry it was stated that this additional material was not ready in time for inclusion in the letter. This supports the hypothesis that the RTA was endeavouring to upstage and even manage the impact of this forum.

Further to this when my wife was talking to the RTA acquisition expert, he referred to parts of our property, our home that may remain if the RTA require part of the property as "a block of dirt" that really sums up how the RTA view the community and is indicative of their sensitivities and customer service

The RTA's communication process and strategy is questionable and certainly not world's best practice. If the RTA were in the private sector and dealt with its clients or customer in the same way it would be out of business in a very short space of time.

There is a distinct need to address both these issues before any further time elapses and this project continues.

My credentials and career experience are that I was part of the National Communication team for Telecom Australia during the deregulation of the telecommunication market and subsequently as the CEO of an industry information centre I believe supports support my comments here today.

Finally, in the spirit of increasing community awareness and information I have produced a visual representation, in the form of a filmed over flight of the RTA T2E study area, it is available on DVD and Video.

It was filmed on 13th October 2005 and is being made available to the community, government agencies and the media, to enhance their knowledge of our region and assist in the important decision process. Copies have been passed on for each member of this committee this morning.

Thank you for your patience
Robert Deards

Mr ROBERT DEARDS: I will simply try to draw a simple analogy, as an ordinary resident of part of this fantastic paradise in which we live. If we are very keen on sport—and most Australians are—I think we can make a sporting analogy. It would appear that the RTA chose the playing field. The RTA chose the game to be played. They chose the rules by which this game was to be played but never told the teams. They decided how long each half of the game was to be. They then selected the teams—and, by the way, they chose the referee. And, guess what, they are even the video referee.

That is not all. At half time the RTA changed the team and the rules and brought in foreign players. And, finally, the RTA is also the sports governing body and, believe it or not, the judiciary. If any team members care to confide in their community or the media with salient points, they are red-carded. I will not bore you with the litany of issues, but I think we can thank an honourable member, Mr Andrew Fraser, for raising a point. He pointed out, as is mentioned in *Hansard* of 19 June, that the RTA and one of its project teams were overhead discussing how to manage the community liaison groups. In my opinion, if that is said and thought by people who are supposed to be responsible for us as taxpayers in providing infrastructure there is something seriously wrong with the RTA.

I must say that the one bit of good news I have heard today is the possible demise of a certain person within the RTA. If that is the first step on the long road to changing the culture and the attitudes and behaviours of a bureaucracy that appears to be out of control, I am 100 per cent behind it. I think the Leader of the Opposition said in Newcastle that if he were in power he would disband the RTA as it is impossible to conduct planning and deliver the plan. About two weeks ago I was with a friend who showed me an aerial film of his house and surrounds in the study area. Obviously the lights came on for me at that point. I have commissioned a video, which I believe you should all have a copy of, of the entire study area from about 1,200 feet, filmed by a fantastic pilot who flew just above stall speed with full flaps—if any of you understand how that is—and an amazing camera man who flew in a plane without a door on to do this. It does not contain any commentary. It has some pleasant music for you to listen to but it has some pull throughs and some actual facts and information and no opinion.

I am a great believer that process, due process or justice prudence should be allowed to presume that everybody has an equal say. So I hope you will view this on the laptop on the plane going back or even on a DVD on a wet Sunday afternoon. But the important thing is it is available and has been sent out today to about 60 media outlets, government and local councils. It is available for a number of people within the community. As it was a personal project, I have had to limit the number of copies to 100, because you could imagine that it was quite an expensive venture. But I would commend that if you do not know this area as well as some of us here, you should take the time to understand why you are hearing the concerns, the emotion and the tragedy that we feel is being delivered to us. With that, I thank you for your time and your effort.

Ms MARIANNE LOGAN: I am Marianne and I live on Old Byron Bay Road with my husband, Alan. We first looked at our property in 1987. We fell in love with it. We walked down the scenic escarpment to the rainforest remnant and to our waterfall. This was paradise. There are some pictures of it on the back of my notes. We made an offer to purchase the property before we even returned to the car. We have spent 17 years regenerating rainforest on the land. We have planted 3,000 or more trees, and watched increasing numbers of birds and other animals moving into our rainforest, including species that are uncommon in the wild like the rose crowned fruit dove, jabirus, plant species such as macadamias which are uncommon in the wild. I have noted this and given this to ARUP on a report, also in the community information sessions I wrote this down that these occur on our property and our neighbour's property.

When the report came out it said that there were these species on the existing highway, that they did not occur on routes C and D. ARUP and the RTA have been told about these on both routes C and D. We value our peace and tranquillity. This is our story but every person in this room has a similar story to tell. Last weekend we found that option C will pass directly through our property on the coastal escarpment or route D will pass below our property. We, like many other residents in the study area, were justified in believing that an upgrade of the highway would occur within the existing highway corridor because of the RTA's plans that are already in place: the Ballina bypass that is approved, the Bangalow bypass that already exists, and the approved route from Ewingsdale to Bangalow.

When the RTA expanded the study area it was like the RTA carried out no investigations prior to expanding the area. Only a desktop study to see if it was feasible to look at options to the east. A desktop study may have shown coastal routes were feasible but it also showed that there were no advantages in routes in the expanded study area over routes in the original study area. This is confirmed in the ARUP report to the RTA. Surely the question the RTA had to consider was not one of feasibility of other options but, rather, were there any overriding reasons such as environmental, social, economic or engineering reasons why the highway could not be upgraded in its existing corridor in accordance with its plans?

Residents within the study area now have their properties entombed until the final route is confirmed. This includes people in the northern end of the Ballina bypass who have already been going through this process for over 10 years. To consider locating a new highway on some of the most scenically beautiful coastal land in the State, as opposed to keeping the highway where it is, is unbelievable. The upgrade of the highway becomes a misnomer if the highway is located in the new corridor, just like other speakers have said. It is in fact a new highway. Our property is located in a scenic escarpment zone, an area that the RTA report describes as "visually iconic". It is visually iconic

because of the outlook over the coastal plain and back to the escarpment. Iconic locations are inherent parts of a locality. They are what people associate with a place. They provide the images that visitors take home with them.

Yet through this iconic location, the RTA has an option C that will cut a 2.4 kilometre swathe across the escarpment with a 25- metre deep cut at the top, as well as passing through an area of potential land slip. Option D cuts its way across the coastal plain and back up the escarpment at Piccadilly Hill. These options may be feasible but is this what you do to iconic locations? I think the community are all united in putting the through-freight traffic back onto another highway. The Pacific Highway should be upgraded as a class A highway. It should not be an interstate trucking route. Any upgrade to the highway should remain on the highway.

Ms HEATHER LLOYD: My attendance tonight is as a resident of Fig Tree Hill, and I am also on the community liaison group. As a way of background—I think Richard probably gave a good description—Fig Tree Hill, which used to be called Newrybar Island, is a raised island that overlooks the flood plain. It is about six or seven kilometres from the existing Pacific Highway. We live in an area that has a population of 300 plus, together with Sanctuary Village, which is just across the road. Ours is a very unique community. We are located a short distance from Lennox Head but in a rural residential environment. We directly overlook the Newrybar swamp flood plain, which is within the study area, and where options C and D that have just been announced go through.

Our community is approximately seven kilometres from the Pacific Highway, but the expanded study area put the route options within two kilometres of us. The elevated nature of our environment means that any noise barriers or any amelioration would be of little benefit to us. We would look directly over the highway. Even though we are outside this study area, we will be potentially impacted on a lot more than some people who are in the study area, and I feel that we have been neglected in this process. In regard to the process for determining the expanded study area, the RTA told us that it was because of complaints from people living along the original route and that it was technically feasible to move the study area east. In response I see some really serious flaws in this reasoning.

Firstly, we and the greater population affected by the expanded study area were not directly consulted about the expanded study area. We did not receive any notification. The RTA maintains that it undertook consultation, but obviously if you were not in the original study area you had no reason to go to those meetings because you were not going to be affected. We were never told that the meetings or the original CLG's agenda was to look at expanding the study area. As far as we were aware, the highway was staying on the existing route within a constrained study area.

Once the expanded study area was announced to the public there were several public meetings in our area. I attended one at Broken Head hall, where there were about 300 upset people. The RTA was at that meeting, and I understand similar meetings occurred at Newrybar and Bangalow. There were votes held at this meeting. If the RTA is really interested in community views it should have taken away the message then that people did not support the expanded study area. At the first reconstituted meeting of the CLG in May 2005, following the expansion of the study area, the CLG voted to request the RTA to reduce the study area, but the RTA would not respond to this request. Therefore it is clear to me that the requests upon which the RTA based its decision to extend the study area did not reflect the views of the broader community.

Also of concern to our community is that people have based their decision to live in this area on the basis that the highway was well away and would not impact on our lives. The RTA provided this certainty through its own plan for the Bangalow bypass, the plan approved for the Ballina bypass and the plan EIS published for the Bangalow to Ewingsdale route. The existing highway has taken its current route for many, many years. The ongoing upgrade program has been well known for many, many years, and people who have bought away from the highway had every reason to believe that the upgrade would not affect their land.

I shall talk a little about the current process of the CLG, which I am involved in as a member. I have attended every one of the reconstituted CLG meetings and I have some concerns about the process. It is my greatest fear that the RTA may have already made up its mind about the route and that it is determined for the highway to be on the coastal flood plain. As an example, I refer to a recent

incident which I believe demonstrates at best poor presentation of information or at worst a deliberate attempt to gag a technical expert who provided information to the CLG and was designed to push the highway down to the flood plain. If I could quote from the June 2005 meeting of the CLG, the geotechnical expert was asked, "If the geotechnical experts were to recommend the building of the road in the study area based on geotechnical data only, which would be better?" The response from the geotechnical expert was, "I would build across the plateau from a geotechnical perspective only." And that is recorded in the minutes.

At the September 2005 meeting of the CLG the RTA brought the same geotechnical expert to the meeting to do a presentation. His presentation was based on moving away from desktop studies to having done more detailed investigations. He would not answer the question. We asked the same question. It was only with some persistence from the CLG members, including myself. He was told by the RTA that he was not there to give his personal opinion but at some persistence did give the answer that the plateau was still, from a geotechnical point of view, a preferred route. Finally, I support just about everybody else in this room who has been asking for the RTA to move the trucks to the New England Highway or some other inland route and not wreck this gorgeous country we have.

Mr ALISTAIR ANNANDALE: Route C goes through our property, which is immaterial in the whole process. The only thing about route C, which I think is a furphy, is the fact that it goes through the headwaters of Emigrant Creek. At the base of our property is the swamp where Emigrant Creek starts. But I am looking at the forest. I am sorry, I am politically incorrect, but I do not have any faith in the powers that be. If you watch Parliament you may as well watch a kindergarten show because they are more polite and they get more done. My apologies, but that is the way I feel. I lived in Singapore for 20 years and I saw how things got done. The CLG process was a farce perpetrated the RTA, which I stated right from the start. I was on the CLG in the Tintenbar-Ewingsdale area. I was removed due to the re-election process, which originally the advertisement said they were electing six new persons to the CLG. They did not accommodate us and got rid of me and several others, probably mainly because I called Shane Higgins a liar, producing a basic indication of where the highway would go. You do not get to that stage where it is theoretically consulting with the community if you do not have something to personal consultancy on.

As far as consultancy is concerned, I am afraid Mr Higgins said in the first CLG meeting that anything the CLG said would not alter the RTA's position on the construction of a new highway. I am afraid that, generally speaking, no-one in their right mind would accept anything that the RTA has to say. They have not been straight with the community. Their purpose is to tick of the community consultation box in their paperwork, tell the people who make the decisions that the community was consulted, could not come to an agreement and go ahead and do what they propose to do in the first place. As far as everything else is concerned, you have a situation whereby baby boomers are retiring in the next three to five years. Once they start moving up in this direction for their seachange you are going to need a highway, but you are not going to need heavy haulage on it. The best thing to do, everyone was aware when they bought their properties of the 9A situation, maybe straighten out the existing one, turn it into a four-lane, drop your speed limit to 80 kilometres where the highway has not been upgraded because it is not the purpose of upgrading the highway, to stop deaths? How much is a body worth? Plenty have been killed out of our community. We do not need it anymore. Please, in your wisdom, move the freight elsewhere. Put a railway line alongside it. Do whatever the hell you do with the New England or the Cumberland Way. We need a basic road for local traffic tourists and nothing else.

Mr GAVIN BROWN: Thank you for the opportunity to address the public forum. I would like to acknowledge the previous speakers and the speakers who will follow me. I represent the Jali Local Aboriginal Land Council, whose boundaries extend from Woodburn down to Broken Head, which is the southern tip of Byron Bay. My main contribution will focus on the Woodburn to Ballina route. Jali land council was not represented on the CLG until March this year when the administrator attended. I first attended a meeting of the CLG in May. My first observation was a difficult or impossible task that the CLG had in trying to achieve some sort of meaningful agreement or consensus. My second observation was the impact of routes 2D and 2E, particularly Cabbage Tree Island and the impact that would have on the Jali land council. My first observation was the lack of transparency on behalf of the RTA. As a result, we called the members meeting of the Jali Aboriginal community. I would like to refer to the submission we wrote on 15 June. It was a short time that you

could respond, which was also an issue for us given that we have our own processes in calling meetings. We forwarded this to Geolink, and I will extract the first couple of paragraphs:

In response to the proposed Woodburn to Ballina Pacific Highway upgrade, Jali Aboriginal Land Council met with our community members and would like to express our extreme concern with the proposed routes 2D and E for the following reasons. This route will have a devastating impact on the Aboriginal community of Cabbage Tree Island and Wardell. Cabbage Tree Island is an island situated in the Richmond River and represents a community of approximately 300 Aboriginal people who have resided in this area on Cabbage Tree Island since 1917 when it was officially gazetted as an Aboriginal reserve. The environmental, archaeological and ecological damage to proposed routes will be caused. Noise was another issue, vehicle collision, of course and destruction to the high conservation areas to the proposed routes. These routes impacted substantially on the Jali land council acquired in the Wardell land, much of which is of high cultural and heritage significance, and high conservation value. These routes in particular came within 600 metres of the established housing on Cabbage Tree Island. As a result we got a response from the RTA at a much more in-depth level. The next thing I would like to refer to is a letter forwarded to the former CEO, Mr Paul Forward, of the Roads and Traffic Authority. This referred to the action we needed to take as a land council to get some sort of voice within this process. The letter states:

It is noted that under the Roads Act 1993 the NSW Government has power to acquire land generally and this may be done by agreement or compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. However Aboriginal land acquired under the ALRA is treated differently under the law.

This is to ensure that members of a LALC have increased certainty about the continued ownership of their land. Section 42 of the ALRA provides an additional layer of protection for the Aboriginal land rights granted by the NSW Government.

In order to safeguard Aboriginal rights to continued ownership of the land to the maximum extent possible, Section 42 of the ALRA States,

Notwithstanding anything in any Act, land vested in an Aboriginal Land Council shall not be appropriated or resumed except by an Act of Parliament.

We have to go to that extent to get some sort of voice and bulldoze out of left field. Although it is not a complete safeguard, we feel that it is a much better position that we hold. The CLGs had a very difficult job. There has been a lack of compromise in terms of the restriction of routes in the area on the lack of size of the study area. The lack of acknowledgement of the Aboriginal issues from the RTA and without something like the safeguard of section 42 we were looking at the dire consequences as a result of this highway. I would like them to consider their engagement with Aboriginal communities more in depth.

Mr ROBERT GRAHAM: I live between Wardell and Meerschaum Vale, which you heard this morning is a very significant environmental area. It is one of the few examples of Richmond River flood plain vegetation left. The rest has been cleared in days gone by. I have lived in my home for seven years. I moved there because the area is so beautiful. When I got there it was a rundown cattle farm and I thought, "What am I going to do with this place?" Because of the significance of the area I decided to make it an environmental project. I contacted the Government, the Land and Water Conservation, and I was lucky enough to be granted funding to undertake restoration and replanting of the rainforest on my property. Since being there I have learned that the whole area is just an amazing area. It has eight threatened ecological communities within the Broadwater to Wardell area. Most of that is old growth, never to be repeated. There are something like 103 threatened species in the area, not necessarily right on the road corridor but within the animal corridor system, the Blackwall Range, the Wardell wetland et cetera. There are something like 500 koalas in that area. As we all know, koalas are in great jeopardy up and down the coast because of loss of habitat. These koalas are disease free. Most koalas in stressed areas have chlamydia. Their days are numbered. Ours are very good.

My concern is over routes 2A, B, C and D. They are the ones that will pass pretty close to my place, within about 100 metres. The project I have spent seven years working on is an extension of the animal corridor from the range behind me through to the coastal plain. The highway will cut that. It will be useless. Seven years of work, seven years of trying to foster some integrity in the area to increase the wildlife, the ecology of the area will come to nought. Route 2C that the RTA is looking at is something like 1.5 kilometres longer than the existing highway. If you compute that out, it works out at an extra one million kilometres travelled by transport travelling up the highway. RTA figures

suggest there is something like 10,000 vehicle movements a day. You can then imagine how much extra fuel will be used. Something like an extra 1,500 tonnes of greenhouse gas emissions per year. As we know, between 20 per cent and 40 per cent is truck traffic. A little-known fact is that it would offset emissions coming from diesel trucks as dioxin, which apparently has not been well studied. Certainly there are not many papers that are available to the public, but it is the most toxic substance known to man.

Apparently when diesel is emitted it falls onto the trees, the roofs and whatever is in the area of the highway. That becomes a greasy substance that becomes water soluble. That will go into water tanks and into the groundwater table. I have been conducting some research in the area and we have been doing some pit trapping just to see what sort of animals are there. We dug in on one of the sites at Lumleys Lane and the water table was one spade depth down. That feeds into a creek called Bingle Creek, which is almost pristine. It is not quite because a few areas have been cleared. That runs directly into the Richmond River. The area runs into a huge fish breeding habitat. Not only will our precious environment be ruined but I have spoken to the fish co-operative about this and people who are very interested in continuing production of the fishing industry. They are horrified. I concur with all the former speakers and representations from this morning suggesting that trucks are not compatible with this road.

Pursuant to leave, speech incorporated.

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- At least 54 houses will be adversely affected.
 - 260 hectares of old growth forest will be cleared.
 - Wick drains used to drain areas adjacent to the road will lead to much greater forest destruction as most vegetation is wetland vegetation.
 - Inversion layers in valleys will lead to a huge build up of emissions at night i.e. more dioxin into the local systems.
 - The amphitheatre effect of hills in the Blackwall Range will lead to an amplification of noise.
 - Many nights during cooler months are foggy along the whole valley resulting in dangerous driving conditions.
 - The area between Lumleys Lane and Wardell Road was 3 meters under water during the last rain event in June.
 - A huge loss in environmental values, property values and amenity for the whole area if routes 2A, 2B, 2C or 2D are used.
 - Destruction of any of this area which is unique will be gross environmental vandalism.
 - Use of the existing highway (upgrade) will have the least effect on all areas of concern i.e. environment, social and economic.
 - A whole review of transport is needed as the current system is unsustainable i.e. peak oil.
 - Interstate transport should be directed to an upgraded rail system with strategically placed hubs along the route.
 - The South Eastern Queensland Infrastructure Plan must be used as a model for future road routes i.e. transport hub at Beaudesert and Ipswich and rail link coming to the border.
 - The RTA should be accountable. At present the reverse appears to be true i.e. they treat CLG members and the public with disdain and contempt.
 - The RTA should be held accountable for the accuracy of the studies undertaken to date. They are wildly inaccurate and therefore deceptive i.e. at least 80% of the Geolyse Flora and Fauna Assessment is wrong.
 - How can an objective decision be made if these flaws are not addressed?
 - Thankyou for the opportunity to express these concerns on behalf of the residents along route options 2A, 2B, 2C and 2D of the

(The Public Forum concluded at 7.47 p.m.)