

**REPORT OF PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE No. 4**

**INQUIRY INTO PACIFIC HIGHWAY UPGRADES**

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**At Ballina on Thursday 27 October 2005**

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**The Committee met at 10.45 a.m.**

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**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 welcome everyone to the second public hearing of General Purpose Standing Committee No. 4 inquiry into the Pacific Highway upgrades. Before we commence I would like to make some comments about the inquiry and the procedures for today's hearing.

How the inquiry works: We are a committee of the upper House, the Legislative Council, 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 we will 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 the factors we think the Government should consider when deciding a route. The Government does not have to accept the recommendations made in our report but it must respond to each recommendation. If anyone wishes to have a copy of the report mailed to them, please advise the secretariat of your name and address. Everyone who has made a submission or who has sent a form letter to the Committee will automatically be sent a copy of the report.

I want to advise you that this evening's public forum will now be held in this room and not over at the Richmond Room. There has been a great deal of public interest around the Pacific Highway upgrades issues, as you all know, and as a result we have obtained the largest possible venue that will accommodate the public with as much comfort as possible. Every effort has been made this morning to communicate the change of venue to participants at the forum and to the public through the media. But if you know of someone who you think might go to that venue, we would appreciate it if you could pass on that message. In any case, there will be a parliamentary staffer at that venue to make sure that anyone who turns up there is redirected to this venue.

From 6.00 p.m. to 7.30 p.m. this evening members of the public have been allocated five minutes time slots to address the forum. Tea and coffee will be provided in the final half hour to enable committee members to mingle and talk informally with as many people as possible. Interested persons who would like to attend the forum but have not yet registered are asked to approach the secretariat during today's hearing to reserve a seat. Priority for admittance will be given to those who have preregistered.

Audience comments: We are aware that people hold strong and diverging views regarding the proposed highway upgrades. I wish to emphasise that although this is a public hearing it is not an open forum for comments from the floor. The role of a parliamentary committee is to provide citizens with an opportunity to participate in the parliamentary process. While the Committee welcomes you all here today, the primary purpose of the hearing is to give individual witnesses an opportunity to give their evidence on oath before the Committee, and only questions from the Committee and the evidence of the witnesses are recorded in the transcript. Uninvited interruptions are not recorded and will only disrupt the hearing. The appropriate channel for commenting on the evidence of any witness is by making a written submission to the Committee, which will then become part of the formal evidence to the inquiry.

Adverse mention: The privilege to speak freely as part of these parliamentary proceedings exists so that Parliament can properly investigate matters such as those being examined in this inquiry. This privilege protects witnesses from legal action such as defamation but it is not intended to provide a forum for witnesses to make attacks or to adversely reflect on others. The protection afforded to witnesses under parliamentary privilege should not be abused, and I therefore request that witnesses avoid naming third parties except immediate family members unless it is absolutely essential to address the terms of reference.

If a witness makes serious allegations which 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 with the opportunity to respond to the criticisms. That process is a complex and lengthy one, and it could delay the completion of the Committee's report. Adverse mention outside the hearing: It is important to remember that parliamentary privilege does not apply to what witnesses may say outside the Committee hearing. Therefore I urge witnesses to be cautious about their comments to the media and others after they complete their evidence, 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.

Broadcasting guidelines: The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with the Legislative Council guidelines for the broadcast of proceedings, members of the Committee and witnesses may be filmed or recorded. People in the audience should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the committee. Documents tendered to the Committee: under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any Committee member or by any other person.

In camera deliberations: The Committee prefers to conduct its hearings in public. However, the Committee may decide to hear certain evidence in private if there is a need to do so. If such a case arises I will ask the public and the media to leave the room for the relevant period. Mobile phones: I ask everyone to turn off their mobile phones for the duration of the hearing. I have pleasure in welcoming our first witnesses today.

**IAN JOHNATHON GASKELL**, Environmental Scientist, Ballina Shire Council, PO Box 450, Ballina, and

**STEPHEN JOHN BARNIER**, Executive Strategic Planner, Ballina Shire Council, PO Box 450, Ballina, sworn and examined, and

**JAN BARHAM**, Mayor, Byron Shire Council, PO Box 217, Mullumbimby, affirmed and examined:

**CHAIR:** In what capacity are you appearing today?

**Mr GASKELL:** As an environmental scientist at Ballina Shire Council.

**Mr BARNIER:** As the executive strategic planner at Ballina Shire Council.

**Ms BARHAM:** As the mayor of Byron Shire Council.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr GASKELL:** Yes I am.

**Mr BARNIER:** Yes.

**Ms BARHAM:** Yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Do any of you wish to make an opening statement?

**Ms BARHAM:** First I must apologise. I only returned last evening from Mudgee from the Local Government Shires conference and have just learned about the release of the routes so I am not fully versed on those. But I did want to make comment because an interesting thing came up at that conference about the need for local government to have vision. That was a statement made by the new Minister for Local Government, and I am proud to say that Byron council has had vision for a long time and part of that has been about the protection of this beautiful area we live in and the environmental and agricultural protection of the areas that are now being proposed for destruction with the highway.

For some 10 years this region has been working on a regional strategy, and throughout that time there have been many studies and assessment done of this area that identify the importance of transport for settlement in this region. It is a disgrace that this matter is being left to the last minute and then mismanaged in this way, and certainly a lack of vision when it comes to transport for the North Coast has made it near impossible to undertake proper strategic planning for the shires in the region and particularly for Byron shire where we have done an enormous amount of work on protecting our environment and that has led us to being one of the State's most important tourism areas.

I have a document here that I would like to table. Hopefully it will be of great interest to some of the members. It is an important document we have done on sustainable agriculture—the first council in the region to do that—that has indicated the importance of agricultural land to our region as the second most important economic base in the shire, second only to tourism. What is being proposed with the highway upgrade, the new motorway, whatever it is we are meant to have, will impact severely on the economic viability of our region, I believe. Agricultural land forms 20 per cent of our shire and so much of that land has been identified as being likely for the upgrade.

My concerns about transport for the region—it is interesting that many of you were here for the previous inquiry into the rail. Transport is an essential part of community cohesion and basis for a resilient community. Without good transport planning, integrated with all other aspects of planning, it is very difficult for local government to deliver to the community their needs to address their social

issues, their educational issues, their lifestyle and economic viability. So my initial comments are just to identify the great disappointment about the process, the disregard for council that I believe has happened in this and the unwillingness of some of the consultants to obtain appropriate information from council, to consult in a meaningful way and having attended some of those forums extremely disappointed about public money being used to engage consultants who turned up to meetings to dictate to local communities without having done their homework.

A result of that has been great stress for my community to have to then educate highly paid consultants into the history of transport issues on the North Coast and to be treated in a manner that is less than fair and reasonable at those forums. So apart from our sustainable agriculture strategy, which I feel confident will be an award winning process that we will undertake over the next 20 years to implement and work with farmers and landholders who choose to do agriculture in this area, that we very much support. Byron council has also won awards for a biodiversity conservation strategy, and it is interesting to note—and I am not sure, and will make available if you do not already have them—areas where this highway is proposed. Much, if not most of the, are lands zoned 1s or 7s—environment or agriculture. As I said, our environmental strategy just won a national award for protection of biodiversity. I will be in Canberra next week to collect that award, and then the first week of December in Sydney to collect or to see if we are fortunate enough to win the award. We are finalists for our biodiversity conservation strategy.

Those two issues are very strong economic drivers for our region and something we are very proud of. They continue to attract more and more people to the region. The economic impacts have not been considered properly with this process, nor have the social or environmental impacts. I just find it abhorrent—sustainability and ESD are words bandied about without real definition or understanding by some people—that those assessments are not undertaken for each of the proposed routes. No reasonable assessment can happen unless you look at all the aspects of any of those routes—ecological, social and economic. The submission that council prepared identified all those other matters relating to the inquiry about the opinion of council that the highway upgrade is not for the benefit of the residents of the area and not to pursue the public safety of people that use our roads, but purely for the purpose of supporting freight and that economic driver of the State.

We feel it is a very poorly thought out strategy, particularly with continued awareness about oil shortages, climate change and global warming. It is a disgrace that those issues are not thought of. For many years people in this area have been promised an upgrade. A highway on the current route would be quite reasonable. If the Government were truly interested in public safety they would get the trucks off the road, after they wrongly put B-doubles on our roads, broke their own rules and inflicted B-doubles on the people of the North Coast at great risk not only to the health and safety of people but also to the detriment of those who are here to enjoy the area. Often I get complaints from visitors to the area having to deal with those big trucks about how at risk they feel, to the point where it actually discourages people from coming to the area because of the uncertainty and local safety on the roads.

**CHAIR:** Mr Barnier or Mr Gaskill, would regard to make an opening statement on behalf of Ballina Shire Council?

**Mr BARNIER:** Thank you, Madam Chair and Committee members for the opportunity for Ballina Shire Council to be represented at today's proceedings. Obviously, they are important proceedings. Unfortunately, both the council's Mayor and General Manager have other commitments today that have prevented them from being here. In their absence they have asked me to present council's position, and I will endeavour to do that. I have prepared a brief report that I propose to hand up to you and read directly from. The General Manager has asked that Ian Gaskill, council's environmental scientist, be here today. Mr Gaskill has expertise in ecological matters, if the Committee is inclined to delve into those areas. With your permission I will hand up what I propose to read.

**CHAIR:** That would be helpful, and you can proceed to read your statement.

**Mr BARNIER:** Council is the principal planning authority for the shire of Ballina, operating within the framework provided by the State Government. Our shire has, for many years, experienced significant population growth and related demand for services. Of course, Ballina Shire Council is not unique in this regard, but the level of growth we are experiencing, and which is projected to continue,

exceeds that of the New South Wales average and the North Coast region in particular. Demands by an increasing resident population are exacerbated by increasing tourist visitations, particularly during peak holiday periods. Council is cognisant of its responsibilities in meeting the challenges associated with rapid growth. With the financial assistance of the New South Wales State Government, council has committed to the preparation of a new plan for our shire that is founded on the principles of sustainability. Work associated with this project is currently under way, involving a high level of community engagement. But we recognise that council cannot control or influence everything that occurs in our shire.

It is the principal responsibility of the State Government to provide a range of services for our community, and we sincerely hope that the Government will come to the party in responding positively and adequately where appropriate to matters that are likely to be identified in our sustainability plan. One service within the domain of the Government is the provision and maintenance of our main road network. The Pacific Highway traverses Ballina shire in a north-south direction over a distance of approximately 42 kilometres, passing through the villages of Newrybar and Wardell and the major urban centre of Ballina. The highway is of major social and economic importance to our shire and, of course, much more broadly. It is also the major freight road corridor linking production and bulk handling areas to dominant markets. There are currently four substantial highway upgrade projects impacting on Ballina shire, which are creating division, tension and frustration within our community. One of these projects is the upgrade of the Bruxner Highway involving the Alstonville bypass. Whilst I acknowledge that this project is beyond the ambit of these proceedings, council respectfully suggests that members of this Committee do everything they can to support the immediate and efficient delivery of this project.

The remaining three projects involve the upgrade of the Pacific Highway. First, the Ballina bypass was approved in May 2003, but currently remains unfunded. No doubt there are a number of reasons for this, but the failure to commit to funding and construction of this project is a major disappointment to the council and the broader community. Safety for motorists using the existing highway remains the primary concern, but the noise and amenity disturbances associated with the operation of the highway, particularly through the urban area of Ballina including those attributable to the increasing number of heavy haulage vehicles, is significantly impacting on the wellbeing of our residents. The second major Pacific Highway project involves the proposed upgrade between Woodburn and Ballina. The RTA and its principal consultant for this project, Hyder, recently concluded exhibition of the route options report and, we understand, are reviewing responses. Council, through its various technical departments, has endeavoured to assist in the background and planning for this project. The RTA is fully aware of council's concerns that have been expressed on a number of occasions relating to the veracity of the ecological evaluation conducted within the study area, and the resultant outcomes of the route options assessment.

I also note that in relation to this project, the ecological considerations appear to have been omitted from the Committee's terms of reference. So, too, has the impact of the highway upgrade on the village of Wardell, through which the existing highway passes. Whilst the route options that have been exhibited for public comment avoid the existing Wardell Village area, one option, route 2F, appears to impact on a potential future urban release area north of the village adjacent to Pimlico Road. Urban expansion opportunities in the Wardell locality are already limited. Any action to further diminish these opportunities is undesirable from council's perspective, and may not be supported by the Wardell community. The third of the major Pacific Highway projects within the Ballina shire is the proposed Tintenbar to Ewingsdale upgrade. Arguably, this has been the most controversial of the projects that I have referred to. As with the other projects, council has endeavoured to assist the RTA and its consultants, in this case ARUP, by providing technical and planning information when requested. The map attached to this presentation illustrates the Cumbalum Ridge urban investigation area, the alignment of the approved Ballina bypass, the original Tintenbar to Ewingsdale upgrade study area and the subsequent expanded study area. Council understands that as of last Friday, a route options report for this project had been placed on public exhibition. A map illustrating the route options that are exhibited for public comment is attached.

Shortly after the announcement concerning the expansion of the study area for this project, council resolved to write to the RTA to express its disappointment at this decision for two reasons. First, council is concerned that the comprehensive community consultation and technical investigations that led to the adoption and approval of the Ballina bypass have been dismissed.

Further, the announcement potentially will delay finalisation and construction of the bypass. Second, council feels that the expansion of the study area potentially will jeopardise the considerable level of investment made toward the planning of a new urban area on the Cumbalum Ridge. If you will allow me, I will briefly elaborate on this second point. In 1995 council resolved to impose an urban investigation zone over an area of land at Cumbalum containing approximately 1,450 hectares. This was done primarily in response to a strategic document prepared and released at that time by the New South Wales Department of Planning entitled, 'The North Coast Urban Planning Strategy', in which the Cumbalum Ridge had been identified as a locality within which future urban development might be considered. Part of this area has since been rezoned and is being developed for residential purposes, referred to as Ballina Heights Estate.

Over the last two years or so we have been preparing a draft structure plan relating to the remainder of the Cumbalum Ridge that is zoned for urban investigation. The aim of the draft structure plan is to provide an assessment of the characteristics of the area and to provide an outline of the future urban potential or capacity of the land. The structure plan will establish a framework to inform future rezoning and development application processes. The preparation of a structure plan before further urban rezoning is a requirement of the Ballina Local Environmental Plan. The draft structure plan that council is preparing has not been exhibited yet for public comment. However, the draft indicates that the northern sector of the Cumbalum Ridge, that is, the area between Sandy Flat Road and Ross Lane, appears to have the potential to accommodate a future residential population of between 3,400 and 5,800 people, dependent upon adopted housing densities as well as other associated urban services and infrastructure. The approved Ballina bypass has been factored in, in identifying areas in the draft structure plan that appear to have potential for future urban purposes. That is, setbacks from the approved alignment have been provided to mitigate future traffic noise.

Council is concerned that any decision to deviate from the approved Ballina bypass route will have the potential to detract substantially from the planning investigations undertaken to date and the urban development outcome that has been envisaged. At this point I propose to bring my comments on behalf of Ballina Shire Council to a close, but I will endeavour to clarify matters further, should the Committee require it. In conclusion, council continues to work diligently and co-operatively with the Roads and Traffic Authority and its respective consultants to complete the planning work associated with these important infrastructure projects. Council has refrained from advocating any preferences for routes for the Woodburn to Ballina and Tintenbar to Ewingsdale projects and trusts that the RTA and, ultimately, the Minister will make decisions that are the most acceptable in social, environmental and economic terms. Insofar as the Ballina Bypass is concerned, council strongly supports its immediate construction along the approved alignment.

**CHAIR:** Mayor Barham, a lot of people would be surprised that agriculture comes in at No. 2 in the Byron shire in terms of its economic import. You have mentioned that you are tabling a sustainable agriculture framework for the council. Could you give us a quick snapshot of some of the important points in it?

**Ms BARHAM:** Yes it does surprise people, but council has been working for some time on these dual strategies of biodiversity conservation and the agricultural strategy. We are working with landholders to increase the viability and sustainability of the land in terms of biodiversity, and trying to encourage and support them to continue with agricultural practices. This is one of those basic things that many people seem to forget about—food. We are becoming very well known, both nationally and internationally, for our food products. The Byron brand has been an important part of that. We are one of the councils that is leading the way. We have organic and biodynamic foods and we host a whole lot of award-winning restaurants and chefs in the area. Agriculture is becoming not only a stand alone, but something that is associated very much with the tourism industry and the cultural identity of the area. Our being able to work with landowners who have significant agricultural land, to be able to work with them to support them and work on biodiversity have been very important strategies. The land that is proposed for destruction through this process is subject either to environmental protection or agricultural protection, both of which we see as being very important to the future of the shire.

**CHAIR:** You mentioned the importance of community cohesion over the life of an integrated transport strategy. What progress do think there has been so far with regard to developing that, from a State Government point of view, for the Far North Coast or the Northern Rivers?

**Ms BARHAM:** I have to say I am very disappointed. As has been mentioned by Ballina, it has been a long time for us to be working on planning projects. We are guided by State Government rules and we are disadvantaged in that we must prepare appropriate studies, do the research, do all the consultation, and it takes a very long time. As has been said, we are under extreme pressure in this region, particularly Byron shire. With the attractiveness of the area, a lot of development has been proposed, a lot of speculation, and without good transport planning we cannot prepare our planning and we are reliant on the State Government.

As I said, it started in 1995 and we were doing very well with a program called the Northern Rivers Regional Strategy, where transport was considered and it was identified very early that it would be inappropriate to put heavy freight vehicles onto the coastal strip, that it is such an important scenic route and commuter route, and it would interrupt and devalue the agriculture and tourism aspects of the shire.

Since the demise of our rail service we have been holding working group meetings to try to deal with that issue, but there is not much success on that. I think the community will be pursuing its own agenda for the rail network—which would be a great shame to lose because my shire particularly, as a result of very sensible planning in the past, has located its villages around the rail network. For many years it has been seen as a commonsense approach to locate around the existing transport links.

The State has now, with the regional strategy we are doing, supposedly taken account of the 10 years of work with the Northern Rivers Strategy, looking at an infrastructure and transport plan for the Far North Coast Regional Strategy, which is one of the priority strategies identified by the Government. Mr Sartor, who was in the region recently, confirmed that it was still a priority and should happen by next March. But an absence of transport planning in that process, without the State coming to the table and committing to the transport links, makes it virtually impossible for local government to think about providing new land release settlement areas if you cannot provide for the transport opportunities.

It affects our way of life. We are not the city. We cannot just jump on a train, bus, ferry, or anything else. We are absolutely reliant, in all aspects of our way of life, on transport. Committing people to car-only transport and competing with trucks has so many downfalls in terms of safety and opportunity for young and old. The Government has really left us wanting here but it still requires that we move forward with other statutory planning, so it is very difficult.

**CHAIR:** Mr Barnier, you mentioned that council has expressed its disappointment to the RTA about Friday's announcement. You said that council is concerned that the comprehensive community consultation and technical investigations that led to the adoption and approval of the Ballina bypass have been dismissed, and that the announcement will potentially delay finalisation and construction of the bypass. Would it be fair to say that that is one of the major concerns of Ballina council in relation to this whole issue?

**Mr BARNIER:** Yes. I think what I said there was that the council had expressed its concern to the Roads and Traffic Authority following its announcement to expand the northern study area. In answer to the main part of your question, yes, council is absolutely disappointed about the failure to deliver the Ballina bypass on its approved alignment within the time frame that had been envisaged when the approvals had been announced.

**Mr IAN COHEN:** Mr Barnier, with regard to the approved Ballina bypass and the various options that have now been released, how do you or your council believe that that will work in terms of meshing in with a number of those options?

**Mr BARNIER:** The most significant aspect of the expanded study area relating to the Tintenbar to Ewingsdale project is that it impacts on an area of land that the council is currently investigating with a view to potentially identifying an area for substantial population growth. As I said, the council has stopped short of advocating any particular route within the study area.

**Mr IAN COHEN:** But can options C and D, which are shown on the map, be utilised and still entertain the Ballina bypass option?



**Mr BARNIER:** Yes, it is conceivable that that is a viable option, but it is not preferred by the council because the planning we have done has factored in the approved alignment, which would generally be consistent with route options A and B.

**Mr IAN COHEN:** Mr Gaskell, in terms of trying to dovetail these options into the Ballina bypass option that has already been passed, what sort of environmental constraints would you consider impressing on those options?

**Mr GASKELL:** I suppose my role is mainly involved in the Woodburn to Ballina upgrade. I have not had too much involvement in the northern section at this stage.

**Mr IAN COHEN:** Councillor Barham, in terms of the B-doubles, you said they broke their own rules. Could you detail to the Committee what you are referring to there? Who makes the rules and what are they?

**Ms BARHAM:** There are guidelines that the RTA was meant to follow in relation to the introduction of B-doubles on our roads, which council has described in the opposition that it put forward. The Government approved the B-doubles and the gazettal was given, even before the date that we were meant to have to lodge our submissions. That was in 2002. It was not only the fact that the RTA breached their own guidelines in relation to B-doubles, but I think the community also thought they were dismissive and had avoided the whole issue of putting B-doubles on, given that the only mention of it was that it would happen post construction of the highway upgrade. So the impact was done without council approval and in total disregard of council's previously identified position, which we had passed on a number of occasions through council, with regard to our displeasure at B-doubles coming onto our roads because of the great risk.

**Mr IAN COHEN:** In your council's submission you say, "Why the RTA would not be aware of alternatives is beyond comprehension." Could you comment on that?

**Ms BARHAM:** Aware of alternatives to keeping the trucks off the coast?

**Mr IAN COHEN:** Yes.

**Ms BARHAM:** The Government has had its own position about freighting, with the New England Highway and other opportunities. In fact, the Northern Rivers Regional Strategy had identified an alternative western route for freighting and linking up with the southern Queensland strategic planning. This had been talked about for so long, and alternative options under good strategic planning principles had been devised and thought of for a long time. So part of what has happened here has been a huge shock to the community, given that they have been engaged in consultation and assessments over many years but they have been absolutely ignored—let alone that the impact on western villages and towns that may well have needed that economic boost with the freight industry being out there, whereas for us on the coast it is an incredible pressure that actually has the potential to negatively impact on our economic base.

**Mr IAN COHEN:** You mentioned tourism and farming as being dual economic drivers in the Byron community and the connection there with the restaurant industry. Are there any other cross-overs that you can see between the farming sector and tourism that will be impacted upon by these highway developments?

**Ms BARHAM:** Yes. Part of our sustainable agricultural strategy in terms of trying to create incentives and work closely with landholders is to also work with them in building up agritourism. In February I attended a local government tourism conference in Forbes. It is a major, newly emerging industry where a lot of people, particularly those within cities—not just in Australia but all around the world—are fascinated to come and spend time in rural areas and experience both nature and the whole experience of farm life. Council is looking very much at encouraging that and working up incentives to work with landholders to allow them to protect important environmental areas, and for us to provide opportunities to work with them in creating those tourism opportunities in rural areas.

**Mr IAN COHEN:** Is there any way that council is attempting to quantify the cost of these road developments in terms of their impact on rural agricultural and scenic values? Is there any way of quantifying that?

**Ms BARHAM:** Unfortunately for councils, as you probably know, we are so constrained financially and have so many other priorities to prepare other documents to assist in our day-to-day functioning that we are extremely limited in being able to do such work. It would require us engaging qualified consultants—otherwise, I am sure that no notice would be taken of us—and to do so comes at great cost. Local government cannot fulfil all the obligations that are required of us, as well as take on the additional work that should be done by the State Government.

**Ms LEE RHIANNON:** Councillor Barham, understandably you mentioned that you have not had a chance to respond to the four options that have been announced. I wondered when that would happen and whether council's response could be forwarded to the Committee.

**Ms BARHAM:** Yes, I am sure council will proceed with a submission on that as soon as possible. But just on my quick look at what has been available in the paper, essentially we still have the same problems that were proposed in our submission to the inquiry. I doubt that our position will change, in terms of the desire to keep the current route, that the impact of any of those other routes beyond the corridor that had previously been identified pose great problems for our shire, and particularly for a lot of the residents who live along those routes, who have already been severely impacted on in terms of future planning, land values, the imposition of the stress and anxiety that has been created, and the need to attend endless meetings and do a lot of homework.

I think you will find through this hearing that the community have probably done more homework than you would expect—the North Coast is famous for that. But there will be substantial work coming through from a very hardworking community, which has put a lot of effort into assessing this. Council will benefit from the work that is being done and a submission will be made as soon as possible.

**Ms LEE RHIANNON:** Councillor Barham and Mr Barnier, in some of the material that has come before us, often we read about the RTA's unwillingness to regulate driver behaviour, but then when we have heard from the RTA that they are emphatic that once the road is divided public safety will be assured. Given that a road division is down the track and we have the problem that your communities are faced with, that is, the trucks are roaring up and down these roads all the time, can you suggest any immediate measures to regulate driver behaviour, with regard to speed limits or any other measures that could ensure community safety in the short term?

**Ms BARHAM:** In Byron shire we have had endless problems in relation to the highway upgrade. In 1997 we had significant problems associated with the Ewingsdale to St Helena section, and extensive negotiations took place to try to get a better outcome. But since that time there has been a major impact on local residents, there has been the formation of the Taskforce to look at the noise issues, and I think that process has identified many of the issues that affect the local residents.

It will probably get a bit boring throughout this inquiry, but the thing that would benefit local residents and visitors to the area is to have the B-doubles removed from our roads. As I said before, that was not what was considered the intention, until the work was done. The other impact is noise, safety, and stress associated with travelling on roads that have those large vehicles.

**Ms LEE RHIANNON:** Mr Barnier, what is your view?

**Mr BARNIER:** Ballina Shire Council, as far as I am aware, does not have any particular initiatives at this time as interim measures. Obviously our engineers liaise carefully with the Roads and Traffic Authority and various other services following accidents and those sorts of things to debrief and see whether measures might be employed. But, as far as I am aware, the council has no plan, as it were, to undertake any particular work.

**The Hon. AMANDA FAZIO:** Councillor Barham, the submission that we have received from Byron Shire Council states that the RTA is now seeking a 250-metre corridor for the upgrade in this area so that the highway could be three lanes each way rather than two lanes each way as

originally planned. It goes on to say that a 250-metre swathe through any countryside is overkill and extremely detrimental, whether the environment, prime agricultural lands or community dislocation are issues. The material just released by the RTA with the four new study routes proposes that, whichever route ends up being accepted, it should be constructed as two lanes each way but with a median that would accommodate the capacity to upgrade to a six-lane highway at some future date. Do you think that is a reasonable way to proceed in terms of the most cost-efficient way of putting through a development of the highway? Do you think that would be acceptable to council?

**Ms BARHAM:** In a word, no. If you are talking about efficiency it is actually less efficient if the intention is to build a six-lane highway. They will interrupt our lives twice if in the initial stage they build a two-lane and then come back later to do a six-lane. The justification for a six-lane has not been given. I think the initial consideration was an upgrade, and a four-lane upgrade without the freight would be sufficient. It does not make any difference what they are going to build because the allowance will be made, which means sterilisation of the land and disruption to landholders. The impact will still be there whether they build a four-lane or a six-lane, but the planning is for the six-lane. So the statement made is the same—unless I have misunderstood your question, I am sorry.

**The Hon. AMANDA FAZIO:** In relation to freight, there has always been freight on the Pacific Highway. The issue is the introduction of B-doubles. Surely we have to make sure that any upgraded highway has the capacity to handle heavy freight vehicles, whether they are B-doubles or whatever. How do we save lives on the highway without upgrading it to a proper standard? I do not think there is any alternative.

**Ms BARHAM:** An upgrade is definitely needed. There is no doubt about that. I do not think you will find anyone who will disagree with the idea of the desperate need for an upgrade to save lives. It has been quite obvious that what has impacted on people's lives and road safety has been freight vehicles, particularly B-doubles—we will be ending up with triples soon. The freight issue is one that, through good strategic planning, has been identified for 10 years that if the intention is to look after the safety of the people who use those roads—local residents and visitors to these areas and the people who pass through—then the mixing of freight and commuter transport is the biggest risk you will ever take if you are talking about public safety. So the idea is that all good strategic planning has said to separate the two. If safety is the issue, separate them out.

**The Hon. JAN BURNSWOODS:** How do you separate them out? How would you separate them?

**Ms BARHAM:** There should be an alternate route for freight. It is a bit foolish to make a statement like this here, but if good planning had happened and proceeded as it was started 10 years ago we would have been making far more efficient use of a rail line. We lost that opportunity. That was an ill thought-out decision and the community was not properly engaged with.

**The Hon. JAN BURNSWOODS:** Presumably we all agree that a certain amount of freight will travel by road. So when you say "separation" are you suggesting that there should be two Pacific Highways: one for freight and one for other vehicles?

**Ms BARHAM:** If you are looking at freight as an issue from a strategic planning point of view, it is necessary to look at the whole State. It is a tragedy that the State does not have a freight strategy to consider those options and determine them. I think one of the submissions you will receive today—you have probably received it before—is for an alternate freight route.

**The Hon. JAN BURNSWOODS:** When you say "alternate", do you mean an alternative as in the New England Highway?

**Ms BARHAM:** As in major freighting. If you are talking about coming from Queensland and heading to Sydney and then perhaps to Melbourne—

**The Hon. JAN BURNSWOODS:** Where would it be?

**Ms BARHAM:** Somewhere out west. The option is to go to the New England or a detour option is even coming through to avoid the main coastal strip. But you cannot just—

**The Hon. JAN BURNSWOODS:** As the population decreases in the west and increases along the coastal strip there will still be freight travelling along the coast. Are you still arguing for separation of freight?

**Ms BARHAM:** It depends on what you mean by "freight". We are talking about the risks to people's lives. Freight in a small way to service the regional areas would still happen but would not be of the scale that is currently experienced. The major freight routes are passing through our shires. They are coming from Queensland and heading to Sydney or Melbourne—

**The Hon. JAN BURNSWOODS:** I do not know whether you have read the transcript of the evidence that we heard in Sydney from the RTA, but the RTA gave us some statistical indications about the amount of traffic—truck traffic included—and its origins and destinations, which provides some information about the extent to which the traffic is Brisbane-Sydney or Brisbane-Melbourne and the extent to which it is regional traffic. There is obviously a lot of regional traffic.

**Ms BARHAM:** There is not much regional large freighting that goes on.

**The Hon. JAN BURNSWOODS:** You are using the word "large"; I was talking about freight. You talked earlier about freight; you did not say that it was large freight. I am trying to find out what you would do with it.

**Ms BARHAM:** Sorry, I just assumed that if you are talking about freight and planning there are different levels of freighting. Freight is the larger vehicles—the big transport freighting vehicles—not—

**The Hon. JAN BURNSWOODS:** So you use a different word.

**Ms BARHAM:** Regional transportation of goods and services is not carried out by B-doubles.

**The Hon. JAN BURNSWOODS:** So when you say "freight" you are really saying "B-doubles".

**Ms BARHAM:** When I talk about freight I am talking about big trucks and some of the—

**The Hon. JAN BURNSWOODS:** But surely most of the accidents do not involve B-doubles. Accidents with trucks mostly involve more old-fashioned trucks.

**Ms BARHAM:** I was tempted to bring my box of information with me.

**The Hon. JAN BURNSWOODS:** We do have the statistics.

**Ms BARHAM:** There is huge evidence that many of the accidents that have happened—I think it is in the newspaper today—

**The Hon. JAN BURNSWOODS:** The statistics are available in terms of the vehicles involved in accidents.

**Ms BARHAM:** On the front page of the *Northern Star* today there is a history of the tragic record for Tintenbar of instances of B-doubles, large trucks and semitrailers being involved in many of the accidents.

**The Hon. JAN BURNSWOODS:** You just said "B-doubles, large trucks and semitrailers". That is three categories.

**Ms BARHAM:** We would not be having this debate if there had been a strategic freight study and strategy done for the State.

**The Hon. JAN BURNSWOODS:** I am really not trying to debate with you; I am just trying to pin down exactly what it is that Byron Shire Council is calling for.

**Ms BARHAM:** We would like large, dangerous trucks off our roads.

**The Hon. AMANDA FAZIO:** I have another question. Councillor Barham, in the *Northern Star* of Tuesday this week—I am not sure whether you have been made aware of it—the local member, Don Page, came up with a new proposal that would obviate the need for upgrading the Pacific Highway through Woodburn, Ballina and those areas by upgrading the Summerland Way from Grafton to Casino and skirting Lismore and Clunes but going through Bangalow. From your council's perspective, would you support that sort of proposal?

**Ms BARHAM:** I cannot offer support for something that I have not had the opportunity to assess properly. But I think a number of options are being presented that are far more sensible in planning terms than what has been proposed by the RTA. I refer back to the work done by the Northern Rivers Regional Strategy. Many people in this area have looked at viable options, and done so with the interests of this community at heart. I think that might be one that I do have a brief note on. It would seem that it is a far more reasonable one. The proposal I have does not have the highway coming through Bangalow. The council will assess whatever is put before us, but the main emphasis is to not bring those large freight vehicles through the coastal area.

**CHAIR:** We will have to wrap it up there so that we can hear the next witnesses. I thank Councillor Barham, Mr Barnier and Mr Gaskell for their time, their submissions and for their assistance today.

**(The witnesses withdrew)**

**ANTHONY ALBERT GILDING**, Consultant, 300 Old Byron Bay Road, Newrybar, and

**IAN ERIC OELRICHS**, Urban Planner and Investor, PO Box 330, Bangalow, affirmed and examined, and

**ROBERT SPRY LODGE**, Consultant Physician, 100 Possum Creek Road, Possum Creek, sworn and examined:

**CHAIR:** In what capacity are you appearing before the Committee today?

**Mr GILDING:** As a committee member of Community Alliance for Roads Sustainability [CARS].

**Dr LODGE:** As a member of CARS.

**Mr OELRICHS:** As a member of CARS.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr GILDING:** Yes I am.

**Dr LODGE:** Yes I am.

**Mr OELRICHS:** Reasonably so, yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Mr Gilding, I see that you have a presentation.

**Mr GILDING:** That is correct.

**CHAIR:** Would you like to kick off by doing that?

**Mr GILDING:** Yes, thank you.

**CHAIR:** That will be part of your slot.

**Mr GILDING:** You have met two members of CARS, Dr Robert Lodge, consultant physician in the Northern Rivers and senior lecturer at the School of Medicine at Griffith University. Sitting next to him is Ian Oelrichs who I will introduce more fully in a second. Also here from CARS are Ian Duncan, who is a community representative and our safety expert, and Bernard Grinberg, who is a Bachelor of Engineering, a Ewingsdale community representative and a noise expert. Rex Harris has sent his apologies. He is out picking macadamias at the moment but he will be back later in the afternoon for the agricultural focus group. Rebecca Zentveld is a coffee producer and Landcare group spokesperson. Last is Pam Brook of Brook Farm, who is a Saint Helena community representative, macadamia farmer and value adder. After my brief introduction, if you have specific questions on any of those particular members' areas of expertise we invite you to ask them.

First, who is CARS? There is a bit of a story but basically when important infrastructure is necessary, we all understand that, but we also understand that some people will be disadvantaged by important infrastructure. But overall is there a social benefit? So the community must then be able to rely upon the Government and its agencies to provide both the technical analysis and the processes that will consider all the issues and provide the best possible overall result. Today you will get a feeling that very few in the community are confident that the RTA is up to that particular task—a very important task. This is not a NIMBY response. Certainly, people do not want the highway in their back yard, but we want to get the issue right. We are not sure that the RTA has the power, the organisation, the process and the analysis to get this right.

When we attempted to make our voices heard we did a number of things to attract the attention of the RTA's bosses, that being the Government. Hundreds of letters and telephone calls later, there was no response. If I can just give you a 15-second anecdotal absolutely true story as contained in my submission number 91, which is an individual submission. Three months after I wrote my letter to the Minister and had had no response about the issue, I started a series of telephone calls to try to get somebody from his office to return my calls. Eventually I received a letter from the Director General of the Cabinet Office, one of a number of letters I did receive, to say that somebody would look into my letter and a response would be provided.

Three months after that I started to get more insistent about my telephone calls. In fact, I rang the Director General of the Cabinet Office a number of times and attempted to leave a message for him. I did not attempt to talk to him; I attempted to leave a message for him. The Director General of the Cabinet Office does not take telephone messages. You are not allowed to leave a message for the Director General of the Cabinet Office. This is a citizen trying to leave a message to get something heard. I was then eventually put through to the constable in charge of the Cabinet Office, who told me that it was a security risk leaving messages. Unfortunately technology does not exist to shoot to kill over the telephone because I feel sure that if that technology had existed I may not be sitting here today.

So the message is that we are not able to talk to the RTA bosses. Our message does not get through. So in the absence of all of that a number of community groups sprang up. Over 10 community groups sprang up, many of which are represented in the hall today. But it became obvious that 10 community groups would not solve the problem unless they were divided, and the RTA attempts to divide them. So CARS was born to try to unite the community groups and to try not to change their views but at least to give them a common voice. And the common voice, the common mission from all these community groups—and you will see them listed on our submission—is that we have a short-term goal. The short-term goal is that all interstate trucks must be temporarily moved back to the New England Highway to immediately stop the killing. That is the short-term goal.

Concurrently with that, the medium-term goal is to upgrade the Pacific Highway on the existing corridor to a maximum of four lanes with sufficient capacity to handle expected future regional and tourist traffic safely—an achievable goal. In the long term, the community is united about the construction of an alternative inland route by passing the intensely developed areas of the far North Coast of New South Wales. That is it in a nutshell. But the best way to explain this to those people who have not had the joy of driving the Pacific Highway—and if you do not do it while you are up here I totally understand—when Alan Evans, the chairman of the NRMA, was here a few weeks ago I invited him to come out on to the Pacific Highway with me about seven or eight o'clock at night, and I invite you to do the same thing. But I highly recommend that you do not because it is a death trap. I should like to give you some graphic footage of that. He said, "No, it's not worth it. My risk profile is too high.

*[Video presentation]*

In conclusion, as the guardians of our community, from the excesses of the well-meaning but overzealous public servants, I ask you to consider if there is a better solution. I now introduce Ian Oelrichs. Ian is the past chair and Director of the Northern Rivers Regional Development Board, member of the technical advisory group with the far North Coast strategy and he has what the Hon. Amanda Fazio was looking for earlier. He has a solution which we believe is well researched and well developed, and has the consensus of the communities .

**Mr OELRICHS:** I think you have a hand-out which we gave you, which has a couple of pages of type and a map on it as well. This region and indeed New South Wales desperately needs a better highway between Grafton and Queensland. It needs to happen quickly. There is widespread, if not universal, agreement on this. Equally important though, it must be in the right location to meet as many statewide, regional and local needs as possible. No more short-term decisions, no more errors, no more expediency. There is only one chance to get this right. It is not like we are going to be able to, if we make a mistake now, come along and duplicate yet another highway within a couple of decades.

There is only one chance to get this right, and I stress that. The Northern Rivers is arguably the most significant economic area in New South Wales outside of Sydney, Wollongong and

Newcastle. The region's existing growth rate, its economic and lifestyle opportunities and our proximity to south-east Queensland make it unique in Australia. However, the growth pressures are extremely huge and they are growing all the time. We need very careful planning if we are to keep the great things about this region—its quality of life, its environment and landscape, its ecologically sustainable economic growth and the resulting quality jobs that can come from that as well. Some of the main economic drivers now and in the future will be value-added products from local agriculture. In Sydney I think you heard from Pamela Brook who would have explained that aspect of our economy thoroughly. We also have ecologically and culturally derived high-yield tourism, not mass tourism, and products and services from creative industries. All these industries rely on our maintaining our key attributes: Attributes that the upgraded highway will destroy if it follows any of the four routes released last week.

Unfortunately, the decision about the highway is to be made in the absence of the release of the Far North Coast Strategy, which is being prepared by the Department of Planning, and covers that part of the region north of Evans Head to the border and well west of Kyogle. This strategy is striving to offer a way to deal with all these issues but it is not due out, as announced by the Minister, until February 2006. However, the Far North Coast Strategy is based on extensive planning work over the past decade that is incorporated in documents such as the Northern Rivers Regional Strategy and the Regional Industry and Economic Plan. You will hear more about those this afternoon from Katrina Luckie, the Executive Director of the development board. All the plans emphasise that we must take a more holistic view to transport planning in this region. Interestingly there is no mention of these plans in the RTA's report released this week that wants to justify the proposed four routes. Continuing to run the highway along the coast is worse than just expedient, it is frankly dumb.

As we do not have the plan as yet, it is up to the region—those of us who live or work here—to do the job. Frankly, the State Government should have done it ages ago and put forward some thoughtful and rational ideas about regional transport. We must have an immediate debate about the big picture if we are to spend all this money, disintegrate so many communities and destroy so many people's lives and businesses. No matter where the highway goes, that is what the outcome is. We must determine the whole transport system. We need to know the overall expenditure on transport infrastructure and how this will affect the economy of the best region in New South Wales for the next 20 to 30 years. We must get this right. In the absence of a strategic transport strategy, we have devised a plan that tries to accommodate as wide a range of transport needs as possible. It is consistent with Northern Rivers Regional Development Board policy, of which I am a director and former chair, so I have some understanding of the policy. It reflects the thinking embodied in the Northern Rivers Regional Strategy and what may be in the far North Coast Strategy. I was deputy-chair of the Northern Rivers Regional Strategy for many years. It can meet the guidelines of the Noise Task Force. While not yet officially launched, it is already gaining support from the local transport industry and community leaders.

You will see on page four of today's *Northern Star* some comment on what I am talking about. We received quite a number of emails this morning from people offering support just from that one article. You have before you the details. I think they are self-explanatory. Let me summarise a few key points. Eventually most freight must go through the western corridor of Brisbane and Ipswich. That is where the south-east Queensland plan, released in south-east Queensland a few months ago, talks about the future of freight, transport and industry. Casino is this region's designated freight hub with road and rail. Due to oil peek, this State must use rail more to transport freight. Many articles in the paper of late have referred to trucking companies wanting more access to rail to send their freight. The State must provide good road access to the rail system. We must use road and rail to open urban growth areas away from the coast and provide efficient public transport to these areas. The State must keep mega highways away from densely populated areas. That does not mean not serving the people, it just means not having densely populated areas running side by side with the highway. The State must look at the way improved highways put huge pressure on the secondary road systems when there are very limited funds to improve secondary roads. This is happening now on the Pacific Highway where secondary roads are getting more and more vehicles on them. Those roads are not coping well. There is no plan to upgrade them.

On these four routes an example is the Bangalow to Lismore road that the freight industry would love to use for B-doubles. I hope you have the opportunity tomorrow to see that big trucks cannot use that road at all. Just look at the roundabout at Bangalow and see what happens when a



truck tries to get around it. The State must not destroy the region's food bowl and slice through the region's land. The State should not put a highway through one of Australia's most significant coastal landscapes. The Amalfi coast in Italy and Big Sur coast in California have been protected. Why would this scenic area not be protected? The major benefits of the proposal are that it provides better coastal access for Lismore, Casino, Kyogle and certainly prospects of future high growth; removes trucks from the Bangalow Lismore road; removes heavy truck traffic from Alstonville; removes interstate truck traffic from Ballina; uses already upgraded sections of the Pacific Highway; frees up coast road between Brunswick Heads and Woodburn for tourist and local traffic; connects with major Queensland infrastructure projects; protects valuable scenic coastal scenery; and can later connect to the Summerland Way for a true integrated transport solution. Most important of all is that these alternatives will be, we believe, quicker to complete the whole route from Grafton to the Queensland border; safer for all and cheaper to build. Obviously we, the regional community, are not in a position to do the detailed assessment of all the options. This is now what the Minister needs to do so we get it right.

**CHAIR:** Dr Lodge, did you wish to make an opening statement?

**Dr LODGE:** I really do not want to comment on the economics. I got involved in CARS from a safety and health point of view, and the only comment I would make is that I had only just moved up from Melbourne when the Yelgun to Chinderah part of the highway was open, and I am still getting used to the issues that occurred in the area with community concerns and all the rest of it. I have to say that I was stunned, and this is not a Victorian bashing New South Wales because I am now a New South Welshman. I could not believe that a decision could be made because one little bit of highway has been opened for these trucks. It is not just B-doubles, it is heavy transport coming through the area. In a frivolous moment I said, as I have said to many people now, that I wondered if the next decision was to allow motorbikes to start practising in preschool playgrounds. It seems to me about as idiotic as have trucks mixing with cars the way they are at present.

From personal experience, last Friday, for the first time, I drove down to Sydney on the highway. It is an indictment of a civilised society that we mix heavy transport with cars as we are at present. My personal experience is not just about being an activist. I have spent 20 years working in intensive care where, at times, up to one-quarter of our work was due to road carnage. It is not enough for people to look at the occasional statistics of deaths or injuries up and down the Pacific Highway, as the RTA has. Sometimes I think all of us need to spend some time working in an emergency department or an intensive care unit to see the incredible pain that unnecessary road carnage causes to the community. You have the chance to change that now. As Mr Oelrichs said, if we do not do it now we probably will never have the opportunity again.

**CHAIR:** Mr Oelrichs, you showed us the strategic approach to regional transport planning and a couple of options. Has the RTA had an opportunity to see it?

**Mr OELRICHS:** No.

**CHAIR:** Has there been any discussion about those sorts of options?

**Mr OELRICHS:** No, there has not been. At the moment a number of groups from the community and the development board have just started to become aware of this. It is a bit like when your loved one comes down with a serious illness, you suddenly start to take a huge interest in what is happening. What is proposed by some of those groups is that a summit should be held within the region's fairly soon to discuss those things. These are being developed now. They change almost weekly because new ideas develop. But, no, we have not talked about it with the RTA.

**The Hon. DUNCAN GAY:** Unlike the leader of the NRMA, I recently drove from Sydney to Sunshine Beach and back on the Pacific Highway, so I am aware of your concerns. About 15 years ago I was on a committee not unlike this one looking to route the Mount Piper to Marulan powerlines. An elderly farmer who had a tower right in the middle of his farm came to us and I said, "If we move it just over there we are within the route, but it is out of your way." He said, "You are not listening to me. This is an appalling situation, but it is even worse if I put it on my neighbour's place." Will you be faced with the same situation with your option 1 with the people who live on this route that goes west

of Lismore? Do you know what their feeling is about the proposed route? Do you know if you are just shifting the problem onto someone else?

**Mr OELRICHS:** The whole system with a highway is a bit like that. At the moment when one section gets improved it pushes the problem somewhere else. I do not think the accident or death rate, I am not sure of the exact figures, has changed a great deal even though the roads have been improved because what it does is push the problem somewhere else. Someone is going to have a bigger problem. Some communities and some individuals will be affected badly, wherever the road goes. We have tried to look at the bigger picture to see why we want a road, what a road will provide, where the service will be and what the best long-term solution will be. Having a road instead of heading down the coast that goes further west seems to have a lot of things that make it work. The Summerland Way, particularly when the second bridge goes across the Clarence Valley, becomes a very suitable way of getting up into the Lismore-Casino area. The problem is that it is not a very satisfactory road for getting across the Queensland border. The solution of trying to find a stage 1 or option 1 would be a better route for the Pacific Highway, but that stunts the idea that the Summerland Way eventually can be upgraded and provides a link across where the Summerland Way is.

We all know what is happening in Queensland with the growth rate. They are planning to put 250,000 people in the Beaudesert area. They are planning to put a new road across from that area to the Brisbane airports, and they are planning transport hubs in Beaudesert and near Ipswich. It seems to me that is where the freight should be going and that is where the bigger trucks should be going to get up into Queensland. That is why they are going there. I think most of them go to Brisbane. They are not going up to Cairns or somewhere. That is the south-east Queensland seat of growth. It is the western route that seems to be a far more cogent approach to transport planning. We should keep the coast for local and tourism traffic. When I say "local" traffic, there is some degree of freight, but they can be smaller trucks. They do not have to be B-doubles dropping the goods off at Woolies.

**Mr IAN COHEN:** Are any of these routes that have been suggested in the latest RTA report acceptable? What is your organisation's position on the upgrading of the current road?

**Mr GILDING:** Our position is clearly stated in that. As long as you achieve the short-term goal of taking the trucks away, that is a short-term goal. As long as you achieve that and upgrade the current highway, on its current route, that is acceptable to us and most people in the community. But we do not believe that an upgrade of the current highway, route A, is going to solve the problem given the number of trucks that are coming through the area. It is a two-part solution: One, move the trucks to a western route and, two, create a highway along its current route for regional and local transport.

**Mr IAN COHEN:** Does your organisation have a size capacity suggestion for upgrading the current Pacific Highway?

**Mr GILDING:** Yes, a separated dual carriageway, suitable for local trucks, regional and tourist transport. We are not engineers, but we know that there is a specification that does meet that, which is very different from the current proposal.

**Mr IAN COHEN:** Do you have a position on the proposed St Helena tunnel, which many say is probably part and parcel of any upgrade?

**Mr GILDING:** No. We need to have another look at the St Helena tunnel option. The St Helena tunnel option is a disaster for many people in the area. Our view is that if you take the trucks off the highway, you do not need to have that tunnel.

**Mr IAN COHEN:** Often there is a statement made by the RTA, the Government, and the then Minister, Michael Costa, that, for example, for safety's sake we need the upgrade to a dual carriageway and that is the only way we can achieve those safety measures. Does your organisation have any other way of looking at it? You have given the example of getting the trucks off the existing route. Are there any other cost-effective measures that can resolve the accident rate, even on the current road?

**Mr GILDING:** The most important thing for us is to have a divided carriageway on the current route suitable for that local and regional traffic. The reason why we do not have it 10 or 15

years after we should have had it is the extensive, ongoing inquiries by consultants who have consumed a couple of hundred millions of dollars of planning routes and designing solutions which have already been designed and sold 10 years ago. Many of these things are just reopening issues that have been designed and resolved 10 years ago. In essence, we say: Stop consulting, get the current highway upgraded along its current route, but at the same time move the trucks back to the New England Highway temporarily, until you can build that inland freight route, and then put the trucks on the inland freight route.

**Mr IAN COHEN:** Does your organisation have any opinion on why the Government has expanded the study area?

**Mr GILDING:** I do not understand the Government. Does anyone understand the Government?

**Mr IAN COHEN:** In terms of the existing—or, might I say, surviving—western rail access, can you give the Committee an opinion on its capacity to deal with the freight transport situation?

**Mr GILDING:** I might refer that question to Ian.

**Mr OELRICHS:** Are you talking about Lismore-Casino to Murwillumbah?

**Mr IAN COHEN:** No. I am talking about the north-south rail access.

**Mr OELRICHS:** With AusLink, I know that \$194 million is being spent on electrifying the signal system along there; indeed, I think they have started the work. Quite a lot of money is going to be spent on that route. It is not the most desirable route in the world, but it is a route that is there and it has the capacity, particularly with the electrification of the signals, to take a lot more trains. That has been part of the problem. Indeed, I believe that the train driver had to get out and turn the switches.

With the commitment to AusLink—which theoretically the Federal and State governments have a commitment to—the capacity there should be much greater to carry freight, particularly if it is done effectively, the way they do it in the United States: you drive your truck on, take the prime mover off, leave it there, and off it goes merrily. It is not a fast rail, but it is there, and its capacity should be increased.

**Ms LEE RHIANNON:** Dr Lodge, you made the comment that despite the recent upgrades, road fatalities have not dropped, according to the RTA web site. When the RTA representatives gave evidence, they spoke many times about safety. Although the Hon. Jan Burnswoods, in her earlier comment, laughed about it, the RTA representatives said that B-doubles are safer. I would like your comments on this issue.

**Dr LODGE:** I cannot give you a full answer—and that is not because we have not tried. Firstly, new trucks, including B-double trucks, are safer than all trucks. We have a very old and ageing truck population, I am told, compared with other Western countries. So yes, B-doubles are safer trucks than many of the other trucks we have on our roads. So that is an easy throwaway line for anyone to say.

The issue is this: Are there fewer people dying on the road now than there were before the upgrades? The answer is: No, there are more people dying. That is the straight interpretation of the figures on the RTA web site. There is an interpretation on the RTA web site of road fatalities which refers to years before. I cannot give you the exact date, but it certainly does not detail the last three years since the Yelgun-Chinderah section has been open.

I think it is very important to try to separate things. I do not know how well you know the geography of the area. There is no doubt that Yelgun and Chinderah bypass the Burringbar Range, which is one of the absolute worst black spots on Australian highways. Certainly there are now fewer accidents occurring, for example, between Tweed Heads and Byron Bay than there were. What has happened is that because of the opening of the Yelgun-Chinderah section to larger transport, we have simply moved some of the accidents further south. That is on the RTA web site, if you investigate the figures.

**Ms LEE RHIANNON:** Mr Gilding, on a number of occasions you referred to the need to move the trucks. How do you propose that that be done? Do you suggest imposing speed limits? What incentive is there to get them to change?

**Mr GILDING:** Firstly, the downside is that freight arrives in Brisbane an hour later. That is the only bad thing about moving the trucks, as far as we can see. There are two ways of doing it. The first is that you could impose a 70 kilometres per hour speed limit along all non-upgraded sections of the highway. That could be done by the Minister tomorrow. Let us say, from tomorrow all non-upgraded sections of the highway will have a 70 kilometres per hour speed limit for trucks. You will save lives and, in turn, you will move the interstate trucks.

I would like to challenge anybody who says that there are not many interstate trucks on the highway. Again, go out there tonight. The figures show that 70 per cent of that truck traffic is interstate truck traffic. So when you go out there tonight and risk your life, 7 out of 10 of those trucks—trucks being 40 per cent of the traffic on the highway—are travelling between Sydney and Brisbane and do not need to come through this area.

The second way you could do it is by gazetting B-doubles off the non-upgraded sections of the highway. B-doubles have to be gazetted to go onto a certain road. If you say they cannot go on non-upgraded sections of the highway, that means they have to go back to the New England Highway tomorrow. So there are two ways in which this could happen tomorrow, and two ways that they could probably save 20 lives a year.

**Mr OELRICHS:** I would like to add to that. This is anecdotal. Each year I travel 40,000 or 50,000 kilometres on roads, most of them on the Pacific Highway. One of the things I have certainly noted with B-doubles that you do not find with normal semitrailers is that B-doubles drift a great deal going down a good-quality highway; they move around in the lane quite a lot. To many people, it is not necessarily that they are going to move so far that they are going to hit someone, but it is disconcerting. You are sitting behind a truck that might be travelling at less than the speed limit of 110 kilometres an hour, and you want to pass. People do not; they simply sit there. Then other trucks come up behind, and it creates a series of circumstances, which I think create more dangerous circumstances than perhaps with traditional trucks. That is just an observation.

**The Hon. AMANDA FAZIO:** Mr Gilding, I congratulate you. I saw your segment on *Stateline* the other night; it was one of the better-produced segments on local issues. I drive up and down the Pacific Highway a lot, and have done for about 30 years. Apart from moving the heavy vehicles off the highway, some of the problem areas in this region still need to be upgraded. You have said you would like the highway to be upgraded to two lanes each way. In your opening comments you also said that you would like it to be upgraded to four lanes with the capacity to cope with a future increase in traffic. Do you mean that you want the highway to have the capacity to be upgraded at some stage to six lanes?

**Mr GILDING:** No.

**The Hon. AMANDA FAZIO:** You simply want it upgraded to four lanes with future capacity taken into account?

**Mr GILDING:** If I did say that, I am sorry; I think that may have been a misunderstanding. What we have said is that the current Pacific Highway, as long as we move the trucks across and there are no major interstate trucks on that road, two lanes each way would be more than sufficient.

**The Hon. AMANDA FAZIO:** Mr Oelrichs, with regard to your proposed alternative route, was the proposal lodged only yesterday?

**Mr OELRICHS:** Yes.

**The Hon. AMANDA FAZIO:** Have you sent the proposal to the Minister's office?

**Mr OELRICHS:** No. According to the paper today, there is a phone number or email address one can access and we will send a copy. We are just getting our act together in terms of what the next step is, but we thought it was most important to get our message across to you today.

**The Hon. AMANDA FAZIO:** I am quite happy to refer this to the Minister's office.

**Mr GILDING:** I am sorry. I did ring the Minister's office to ask them to return my calls so we could discuss the matter.

**The Hon. AMANDA FAZIO:** With regard to the issue raised by the Hon. Duncan Gay—that is, whether this is simply pushing the problem somewhere else—I accepted your response to that but it is always a difficult issue. Your inland proposal seems to differ a little from the proposal issued on Tuesday by Don Page. Could you explain the difference? Don Page's proposal seems to go from Lismore and come out on the highway at Bangalow, whereas your proposal comes out near Tyagarah.

**Mr OELRICHS:** I think Don Page was speaking for himself. You must remember that a lot of discussion has taken place within the wider community about these kinds of issues, so it is not surprising that you would get two parallel views. Essentially they are talking about doing the same thing. But, from our investigation by looking at aerial photography, a route that would come off at Tyagarah and move around the way we have shown it notionally there would avoid more communities, important vegetation and aspects like that.

I think Don Page's view was that the road should try to use the same corridor as the railway line. We have not been able to evaluate that. But our view would be that if it went roughly along that dotted blue line, it certainly seems quite possible that you could avoid the major communities and you could avoid important vegetation habitats. But let us be fully aware that there will always be people who will be affected. We also think there will be a much smaller number of people affected per kilometre of road than with what has been proposed.

**(The witnesses withdrew)**

**CHRISTOBEL MUNSON**, Co-ordinator, Bangalow Community Alliance, P.O. Box 264, Bangalow, affirmed and examined:

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Ms MUNSON:** Yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. You have provided a submission. Do you wish to make an opening statement?

**Ms MUNSON:** Yes. My name is Christobel Munson. I live in Fowlers Lane in Bangalow and, as I said, I am speaking on behalf of the Bangalow Community Alliance [BCA]. I am one of the founding members of the alliance, and there are a couple of other guys here—Terry and Christopher—from the same organisation. The BCA was started in 2000 for the purpose of providing a facilitative forum for discussion on matters of importance relating to the Bangalow community. We had the experience of bodies such as the council running seminars for us but we found that they were often run by town planners, who are very good at planning but not very good at facilitating events like that.

Our experience at the forums that were held by official bodies was that people with loud voices got the chance to say what they wanted to say but people with softer voices did not. So someone from the Blues Festival, for instance, would speak very loudly about moving the festival to Bangalow but little old ladies and men in the audience aged in their 80s did not get the chance to have their voices heard too. So the idea was to start holding professionally facilitated forums on matters of concern to people who live in the town and in the hinterland of Bangalow. Before we hold the forums they are advertised in the *Bangalow's Heartbeat*, which is a monthly magazine, so people know what is going on.

We have had about 13 or 14 forums so far and three have related to the Tintenbar-Ewingsdale proposed upgrade. Other forums we have had related to the establishment of a farmers market in the Byron shire, tourism, information technology, other road upgrades and matters such as meeting the candidates before a council election—that sort of thing. Forums happen on an ad hoc basis. We are a kind of guerrilla organisation—a bit like you guys, in that we appear when we are needed rather than performing on a monthly basis. Since there are something like 38 different small groups representing different aspects of life in Bangalow—sporting groups, Landcare, the historical society, the pool trust, the chamber of commerce and spiritual and cultural organisations—none of those individually can speak for the people of Bangalow. So our idea is that after the forums the BCA can then speak—as our charter says—with a single voice, representing a range of community interests when communicating and negotiating with local, State and Federal governments and private commercial interests on matters affecting Bangalow.

At our forums we invite speakers representing all points of view—not just one particular lobby group or another. The audience has the chance to hear all the speakers. They can then ask questions and there can be further discussion on any particular issue. Notes are taken and the results are published in *Bangalow's Heartbeat*. Where appropriate, they are passed on to council and State government departments. Obviously the reports and the articles we have represent only the people who have come to the forums.

In our December 2004 forum the matter of extending the study area was raised. We had invited the RTA and ARUP to send representatives along because we knew that it would be a highly emotional meeting. We had about six different community representatives speaking about their particular aspects at the first of the forums, as you will have read in my submission. The consensus of the 50 or so people present at the meeting in December 2004 was, first of all, to request of the RTA to extend the study area to the south and east of its current limits, and to redirect the B-doubles west to the New England Highway. The most important thing to the people of Bangalow at each of our forums on this matter has been noise and safety. Plus there were issues such as the social impact inequity, the economic impact on horticulture, environmental and heritage values, and land use priorities.

The next of the three forums we have had on the highway upgrades was on 18 January. We decided to hold that one to see whether there were any constructive lessons to be learned from other communities in their dealings with the RTA when Pacific Highway upgrades were proposed. At that meeting we had about 65 people. We had representatives from community action groups from Coffs Harbour, Nambucca Heads, Ocean Shores, Yelgun and the Tyagarah-Ewingsdale group, plus some of the first Community Liaison Group representatives, who gave us a report. The outcomes of that forum included a proposal for a Pacific Highway summit to be held on 15 August. Subsequently this idea was snapped up by Ernie Bennett and one was held in Kyogle.

For the 14 June forum—this was the biggest one so far on this issue—more than 250 people packed the Bangalow A&I Hall. People with there representing 10 different community groups. We had two members of Parliament, three Byron shire councillors and residents of all the affected areas. As with all our forums, we tried to have people speaking from all different points of view. However, we managed to get about eight different conclusions reached that people felt they had in common. The top one was: take interstate heavy transport off the Pacific Highway. Safety was the first priority for any consideration of the highway upgrading. There was an urgent need for an integrated transport plan. It was thought that we should confine the upgrading to the existing highway corridor. Reopening and upgrading the North Coast rail line was mooted. We supported the idea of this New South Wales parliamentary inquiry. We supported the idea of having the 15 August Pacific Highway summit and we hoped to maintain unity on all points of agreement—but I doubt whether that will be possible. That is my statement.

**CHAIR:** Would it be fair to say that the Bangalow consensus in terms of the alternatives is to focus on upgrading the highway along the existing route? Is that a fair comment?

**Ms MUNSON:** Of the third meeting we had, it would be.

**Mr IAN COHEN:** An overwhelming majority of people who attended the BCA forum in July want to keep the highway on the highway. Was your group in favour of the expanded study area?

**Ms MUNSON:** Our group is not in favour of anything; we just try to facilitate and hear all the different points of view and come up with a statement of the consensual agreement of the people who were there.

**Mr IAN COHEN:** What community group has been in favour of the expanded study area and the eastern options?

**Ms MUNSON:** I think you will hear that in the course of today from the different representative groups.

**Mr IAN COHEN:** So the Bangalow Community Alliance, which you represent, is not in favour of those eastern options.

**Ms MUNSON:** We are not in favour or not in favour; we just pass on the information. We are a bit like a piece of hollow bamboo: we just pass on the information.

**Mr IAN COHEN:** The general consensus of a number of community groups is to keep the highway on the highway. Is your group of that view also?

**Ms MUNSON:** There are people who have come to our forums who have expressed that idea strongly—to keep the highway on the highway.

**Mr IAN COHEN:** But there is no consensus within the Bangalow Community Alliance as to whether that is the position you will take. Does your organisation have a position?

**Ms MUNSON:** We do not have a position per se; we just pass on what other people have said or the issues that come up that are in common to the people who are there.

**Mr IAN COHEN:** So you do not represent anyone; you are just acting as a funnel.

**Ms MUNSON:** Yes, as a conduit. We are a bit like you guys: a funnel of information from the people of Bangalow.

**Mr IAN COHEN:** In terms of the Bangalow bypass, it was built in the mid-1990s and it is a major piece of infrastructure. Perhaps you could inform the Committee whether there is any concern from Bangalow that there will be a further impact on the Bangalow village area from any of the recently announced options that are being put forward at present by the RTA? Will there be any impact on the Bangalow village community?

**Ms MUNSON:** Do you mean the four options that came out the other day?

**Mr IAN COHEN:** Yes.

**Ms MUNSON:** But you said something about the mid-1990s?

**Mr IAN COHEN:** I was starting with the fact that the bypass is there. Will that change? Will there be any further impact on the Bangalow community? I imagine that the bypass is the closest that any traffic would come to Bangalow. Will an increase in traffic along the bypass have any impact?

**Ms MUNSON:** I am sure it will and I am sure that we will have another forum relating to the latest statement of the four options. It is inevitable. If something affects the people of Bangalow we are asked to hold forums, and we will.

**Mr IAN COHEN:** What would be the effect on the people of Bangalow of any one of these options?

**Ms MUNSON:** I am sure there will be an effect, and after we have the forum I will be delighted to pass on its findings.

**Mr IAN COHEN:** So you do not know of any at the moment.

**Ms MUNSON:** Of course I do, but that is me speaking as an individual and I am here representing the BCA.

**Mr IAN COHEN:** Perhaps for the benefit of the community we could hear your perspective on what impact any of those options will have on your local area of Bangalow.

**Ms MUNSON:** Sure. The four options that were released last week will all have an impact on the people of the rural area and town residents. I am sure that when we have the forum—I can only keep coming back to that—then we will give you our opinions. I am not going to pre-empt what people might say at those meetings.

**CHAIR:** Are you scheduling such a forum?

**Ms MUNSON:** We will.

**CHAIR:** We would be very appreciative if you could give us the recommendations and outcome. We would like to hear that.

**Ms MUNSON:** Sure.

**The Hon. AMANDA FAZIO:** What was the initial reaction to the proposal by Don Page to have some sort of inland bypass that would come out through Bangalow?

**Ms MUNSON:** Maybe that will be the subject of the next forum but because the proposal is so recent I cannot give you a statement at this stage.

**The Hon. AMANDA FAZIO:** That is okay.



**Ms MUNSON:** I will be happy to as soon as we have had the forum.

**CHAIR:** Thank you, Ms Munson. I appreciate your assistance.

**Ms MUNSON:** Thank you.

**(The witness withdrew)**

**BERNARD MATHEW GRINBERG**, Member, Ewingsdale Progress Association, Lot 18, Parkway Drive, Ewingsdale, and

**IAN ERSKINE DUNCAN**, Spokesperson, Knockrow Newrybar Residents Group, PO Box 20, Tintenbar, affirmed and examined.

**CHAIR:** Welcome. Mr Grinberg, in what capacity are you appearing before the Committee today?

**Mr GRINBERG:** I am appearing as a committee member of the Ewingsdale Progress Association. I am also associated with the Community Alliance for Road Sustainability.

**CHAIR:** Mr Duncan, in what capacity are you appearing before the Committee.

**Mr DUNCAN:** I am representing some of the residents—I stress that it is some, not all—of Newrybar Knockrow.

**CHAIR:** Are you each conversant with the terms of reference of this inquiry?

**Mr GRINBERG:** Yes.

**Mr DUNCAN:** Yes.

**CHAIR:** If either of you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. I understand that each if you wish to make an opening statement.

**Mr GRINBERG:** Yes.

**Mr DUNCAN:** Yes.

**CHAIR:** Mr Grinberg, you may proceed.

**Mr GRINBERG:** I make it clear, in light of your previous witness's evidence, that the Ewingsdale Progress Association has not met since the four options were announced so anything that I will tell you is based on past rather than definitive statements, votes or anything like that. The Ewingsdale Progress Association represents a community that is right next to the Pacific Highway near the famous Ewingsdale interchange. The little church and hall that you can see from the highway are our only community facilities. The association meets monthly. There are about 200 houses and at a typical meeting 20 to 30 people turn up—it varies quite a bit over time. We then distribute a newsletter six to 10 times a year that proposes and describes various things. So if there is any dissent it is notified back to the committee.

I would like to focus on two areas. First, I would like to focus on the trucking industry, which I see as a cause rather than an effect of a lot of the things that we are discussing. Before I do that I would like to outline my experience. I have now been dealing with the RTA for more than four years; I was basically, along with Ian, one of the people who inspired the northern Pacific Highway task force and we forced the government of the day—Carl Scully was then the Minister—to hold a very long inquiry into noise that came up with certain recommendations.

I then took it upon myself in my somewhat spare time to learn about the science of measuring noise because I found that most of the things said about noise were actually wrong. People simply do not understand. It is physics. With all due respect to any physicists, mathematicians or engineers in the room, most of the community has none of those skills. So I found myself having to face off against the RTA and the noise consultants to deal with this issue. I will cover that very briefly.

The trucking industry, very simply, causes a lot of the problems we are discussing here, because it is an unregulated industry. It is largely reliant on self-regulation. As Tony Gilding said, if you try to report any misbehaving truck on whatever account whatsoever you will just go around in a circle, as I have, and it is quite well documented. You go from the EPA to the RTA to the police, each saying, "not responsible", "the regulation doesn't quite cover that" and, ultimately, "this is not compulsory" or "we don't have the time". I actually had just very recently been involved with an RTA operative, because I have had a little more success than Tony, having been at it for 4½ years. A senior RTA operative came and captured details of particularly noisy trucks. He did it on St Helena Hill, but after he said, "I could have just stood at the Ballina roundabout. The noisy guys are really noisy and they are noisy because they have got dreadful exhausts which then amplify compression brake noise, which is a fairly unique problem." He said, "I recorded 50 trucks in an hour." He did not get up that early.

He then said, "I will send these trucks off and we will stop them at our inspection stations." This was three months ago. And he said, "I will give you feedback." No feedback has been forthcoming. My view is that many of these trucks are interstate. There is very little power over them. You sort of have a half deregulated State-Federal situation and no-one is really responsible. A lot of the trucks, we have noticed, are registered in the Northern Territory, which has the least rigid regulations. They are not really paying their way and they are really unregulated. If you talk to the police or the trucking companies about speeding, the same story—"Oh, our speed regulator", which is supposed to be stuck at 100, from memory, with plus or minus five kilometres, "always seems to be allowing them over 120." When you actually pin them they say, "they don't work down hill" and the police say, "we don't have anywhere safe to stop them and we don't have enough people to stop them."

We think that a lot of truck drivers—and we have personal evidence, we have taken statements from people—are on amphetamines because they are under enormous economic pressure to try to save that half an hour or an hour. It is a moving drugs industry, basically. These guys are dealers, distributors and users. There is no drug testing in New South Wales. I do not think there has been any proposals. Victoria is looking at it, from memory. I think the log books are a joke. You are looking in an electronic era where it is easy to essentially put a black box into every truck so you would know what happened, who was there, who was not. It is about a few hundred dollars per truck. Instead, they rely on a system of tatty little multiple notebooks which are simply not looked at, and when they are looked at the driver just pulls out the right one. These people are a danger to themselves and all others.

I would like to add some rationality to some of the debate, and I think Robert Lodge covered it quite well. The safety certainly is greater on the highways and the B-doubles wobble but they are fundamentally a safer vehicle because they are all pretty new. The problem we have—it has become a bit of an emotional issue—is that it is an example of how the RTA went over the heads of the local communities. It is not that they per se are so bad unless you worry about them wobbling a bit—and I understand that is a problem when you are on a very narrow road. But I think it is an emotional issue. One of the big problems we have—and I have to say it includes local trucking companies, they use old trucks. They are the noisiest, least safe trucks. Apparently, a lot of the local trucking companies, which only represents 30 per cent or 40 per cent of the traffic, are probably over represented in noise and safety incidents, I suspect.

These people buy dead, beat-up trucks from the cane industry, put an exhaust brake on it, and they do not bother to maintain the muffler. So you currently have a basket case running around and the driver is under pressure. They say, "we have codes of conduct." But they are not looked after. Noise is a huge issue. I think you have read articles. Simply, the noise regulations are all about averaging. So the RTA and its consultants will quite happily prove to you that you do not have a noise problem; you just have a hum. The problem is that in country areas it is not a hum. It is dead quiet in the middle of the night. I live 800 metres from the highway as the crow flies. My noise level outside my garage it is basically if you turn off everything at the opera house. It is 20 odd decibels. There is nothing going on.

Once the possums go to sleep nothing is going on. The trucks then hit 60, 70 and 80 decibels at my house 800 metres away. The noise task force recommended that nothing be built within five kilometres of a major highway. It is amazing to me—you can see I am not a friend of the trucking industry. It amazes me that Ballina council, for example, keep insisting that it will keep development

within 500 metres of the current bypass. Essentially, it is condemning a very large number of those people to very large walls which the RTA does not want to build and the taxpayer does not want to pay. That development, for example, should not be built, no matter which solution is done. At up to five kilometres you can hear the compression brake noise through your windows, through earplugs, all over the place. We can hear it right throughout the 200 houses of Ewingsdale, give or take.

I have some suggestions for changing policies. I think politicians, with respect to all of you, and your direct advisers must get independent advice because currently my view is that you are being rolled by a combination of what the RTA tells you, what its paid consultants tell you—it is very hard to find one who is not paid by the RTA—and what the trucking industry tells you. The noise is a perfect issue. It keeps people awake and it causes other problems. Ewingsdale is one of the more affected communities. We would certainly prefer all of the trucking to be elsewhere, like the Summerland Way or more westerly routes. We note however that the only way you can get through the Coolamon Scenic Drive ridge, even under the route proposed by CARS, you will need an extremely deep cutting or a tunnel. That is simply a death hill and it needs to be handled, and it should be handled at the lowest possible level.

I am afraid that it should just minimise the damage done to everybody. As Ian said, somebody will suffer. One of the comments I would like to clarify, this is on record. I am sorry, I do not buy into the RTA invented the route expansion. I went to two of the three community meetings and they were clearly documented. They each had about 200 people in them. It was clearly documented—those minutes are available—that there was general consensus that the route options were too narrow and they wanted to expand. It might have suited the RTA but it was done. That is quite well documented. What I think you have now, and the CLG at the time in fact voted overwhelmingly for it, including some people who are now against it. Finally, it simply was not extended to the west as well as the east. It still is not a big enough area to propose sensible long term solutions.

**Mr DUNCAN:** Apart from this, I remind you that I was also part of CARS and wrote the safety part of the submission. I am sorry I did not have an opportunity to talk about that. I should say that this is the most divisive issue this community has ever seen. I would like to concentrate on strategic issues here. The Pacific Highway upgrade program appears to follow two main objectives: The upgrade essentially follows the old highway route connecting dots in a haphazard fashion of segment upgrades. It envisages the concentration of all north-south road, freight and passenger traffic on one road, albeit a divided highway, for the next 40 years. We acknowledge at the start that the Pacific Highway is in a large part substandard, unsafe. However, in the view of many in the local community, the current highway strategy is ill-conceived, especially for the North Coast of New South Wales.

Please consider these facts. New South Wales has a very strategic position with road freight: 80 per cent of road freight goes through New South Wales. The Pacific Highway is not the most direct route between Brisbane and Sydney, and 70 per cent of road freight is interstate traffic. That means that its destination is outside the Tweed and Hexham. The area of the Pacific Highway on the North Coast is now well developed, as you know, with intensive horticulture, residential dwellings and tourism facilities. Australia has some of the largest and noisiest trucks in the developed world, and the Bureau of Transport Regional Economics tells us that the freight load will increase 200 per cent in 15 years. That is a threefold increase. I should say that interstate freight is the fastest-growing component of this.

As Bernard has just pointed out, road traffic noise becomes a major community issue. The policy of working on only one road, the Pacific Highway, for the next 30 or 40 years concentrates ever-increasing freight and passenger volumes on one road. As we know, without upgrade separation this is less safe. In the Tintenbar and Ewingsdale area, a particularly fertile and tourist scenic area, this upgrade, wherever you go, will cause huge negative social and economic impacts. If you really want to see a community that has been devastated, just take a ride up to Ocean Shores. You will not believe your eyes. The major highway upgrade in this zone, given the land cost of topography, is very expensive. Indicative costs are \$400 million; it will go up from there.

The Brunswick to Yelgun 8.7 kilometres will now cost \$209 million, and AusLink is only providing \$160 million a year to the New South Wales Government for the Pacific Highway.

Unfortunately, because of the highway deaths and safety issues on the highway, there is now enormous pressure just to build anything quickly just to save lives. This is understandable but it is unfortunate because it ignores the strategic failures that underline the whole project. I believe we are in a mess because before now there has been little or no long-term strategic planning. The New South Wales Government has no integrated transport plan, and I am not aware that the Opposition even has a policy.

The lack of integrated transport planning is best illustrated by the AusLink figures on rail freight. In 2001, 30 per cent of freight went by rail. That will drop to 20 per cent by 2020. In the meantime in the same time period road freight will go up from 60 per cent to 74 per cent. Leaving aside the freight issue, the solution for the roads should have considered alternative options in addition to what the RTA is currently doing. The New England Highway was used by the trucking industry successfully until August 2002, after the opening of the Yelgun to Chinderah. Then the RTA legally allowed B-doubles on to the Pacific Highway. There has not been any study done as to what it would take to upgrade the New England Highway as a potential for a freight corridor.

The new inland toll road: We note that the previous Minister Costa raised the prospect of a toll road and that then appeared to disappear with his departure from office. I personally have done computer modelling of a route with a toll road from Grafton to Yelgun run by a toll operator. I found that the income based on traffic movements alone would probably be unlikely to justify a toll road. However, we are aware that there are major sources of income that come from roadside activities but I was unable to identify these. So my question is: Was this option ever really considered?

There has been no serious examination of potential of the Summerland Way as a more cost-efficient traffic and freight route between Grafton and Brisbane. This route would have significantly lower environmental and social costs, and would reduce the distance between Grafton and Brisbane by up to 50 kilometres. It would go from 324 currently down to about 288. There were some very preliminary discussions between proponents of the Summerland Way and New South Wales Minister Scully in 1999-2000 but it did not go very far because the RTA seemed determined to push ahead with the Pacific Highway. In this discussion it is amazing, the proponents of the Summerland Way highway also talked to the Department of Main Roads in Queensland and other officials, but no-one in New South Wales talked to their Queensland counterparts.

I should point out that the Department of Main Roads and the Department of Urban Management in Queensland—and I have talked to them personally—believe that there is potential for the Summerland Way as a freight corridor for these reasons. It avoids the traffic congestion in the Gold Coast and south-east Brisbane area. They have plans to upgrade the Mount Lindsay Highway to four lanes as far as Jimboomba and perhaps even further within the next 10 years, and particularly it fits in with all their south-east Queensland developments. They were outlined by Ian Oelrich earlier. Beaudesert will become a major residential area of 250,000 people or more, and there will be a major industrial development near Beaudesert. There will be two freight hubs near Beaudesert with links to Brisbane port, and these will also link in well with the Northern Rivers and Casino.

The Queensland Government—and it has done its south-east regional Queensland plan—is currently doing a Mount Lindsay North Beaudesert draft study. I am informed that they would like to do a border integrated transport plan, but they cannot get anyone in New South Wales to visit them. My comment is that in view of the difficulties of the Pacific Highway, especially on the North Coast, and in view of Queensland's interest in this matter I am truly amazed that no-one in New South Wales can talk to people in Queensland.

**Mr IAN COHEN:** Given your representation in the Knockrow area, the southern area of the study area, what is your group's opinion of the proposed C and D routes with regard to the Ballina bypass and how that is going to link up? Perhaps you could give the Committee a run-down on the state of play with Tintenbar Hill and how it would work out with those options compared to options A and B?

**Mr DUNCAN:** What I can say is that there appears to be no one view on any of those options. We have four options from the RTA. Probably there are about nine different views. That is the problem. That is the divisive nature of this problem. Even people living next door to each other will have different views. I am afraid that is just the reality of life.

**Mr IAN COHEN:** How do you see a resolution to that Tintenbar Hill situation, which is an obvious major black spot?

**Mr DUNCAN:** You want me to put on my engineering hat. There are two options. If they come up on the plateau they are just going to have to put up with a 5.9 degree hill, which is slightly below the absolute maximum that they will handle, or they have to avoid it. There is no other way.

**Mr IAN COHEN:** If they avoid the Tintenbar Hill you are suggesting options C and D?

**Mr DUNCAN:** Unless they have a tunnel in Tintenbar as well. If they come up on the plateau they have to come up a 5.9 degree hill, which is below the 6 per cent, which they had stated was what they wanted to avoid. Presumably, they can do it. If they want to come up, they can do it.

**Mr IAN COHEN:** But, either way, we are dealing with a serious incline at some stage.

**Mr DUNCAN:** Yes, you are right. The whole route is fraught with problems. It does not matter which way you go.

**The Hon. AMANDA FAZIO:** Paragraph 1.4 of the submission you sent to us stated that the objections to the expansions have come from many who, likely, would not have objected had it been expanded in the other direction, west. Would you care to elaborate on that?

**Mr DUNCAN:** So far as expanding the area is concerned, I do not know the range of views of all participants on this issue. But what I can say is that, as Mr Grinberg has mentioned, a considerable number of people wanted the area expanded for different reasons. One of the reasons they wanted the area expanded was so that it would go west because it was viewed that the further west you went the fewer social and economic problems impact. That, you can see, ties up with what was shown to you earlier with a route that goes around the back of Lismore and ties into Tyagarah. I must say that in the event the RTA ignored the proposal to go west and read only in one direction.

**The Hon. AMANDA FAZIO:** As someone who lived on Parramatta Road for 25 years, this subject is dear to my heart. In paragraph 2.15 you say that the argument that the current corridor residents should suffer more as they are already suffering is not valid as many of these people have had their land for a long time and the old highway is a relatively quiet one with the volume of traffic and trucks with compression brakes. Do you have any more comments on that issue?

**Mr DUNCAN:** I will say this. In our area where, as I told you, there is a wide disparity of views, this includes people, one person in particular who has earned his house and his property on the Pacific Highway for 58 years. He tells me he used to play cricket on it. He says, "You are now telling me that I had to anticipate what is going to happen." What do I say to him?

**Mr IAN COHEN:** Would it not be fair to say that that one example hardly compares to people who have bought in and been assured by the RTA that they have been outside the study area up to what is effectively one year ago? Surely we have to look at a significant number of people who bought into that area with information from the RTA that they would not be included in the study area, and that those have been on the highway, even up to 50 years, had a fair indication that it was going to be upgraded at some stage?

**Mr DUNCAN:** The RTA never give a guarantee of anything. If you ask the RTA, "Are you going to build a road here?" they have a standard reply, which is, "We have no current plans to build a road." That means nothing. They overturn it tomorrow morning. The point about people buying more recently, I agree with you. If I had bought a house in the last year I would have been mad if I did not know what was going to happen. But it is a bit tougher trying to nail this on someone who has been there for 58 years.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**



**MARK STEWART GRAHAM**, Consultant Landscape Ecologist, Environmental Planner and National Wetland Expert, "Spring Waters", 1162 Wardell Rd, Meerschaum Vale, affirmed and examined:

**CHAIR:** In what capacity are you appearing before the Committee?

**Mr GRAHAM:** I am appearing on behalf of the Blackwall Highway Action Group. I would also add that I am a representative of the New South Wales Nature Conservation Council, the Total Environment Centre, and the North Coast Environment Council. I am formally representing the Blackwall Highway Action Group today.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr GRAHAM:** Yes, I am.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. You have provided a submission. Do you wish to make an opening statement?

**Mr GRAHAM:** Yes. I also have a PowerPoint presentation to give. I represent the Blackwall Highway Action Group, a group of over 250 residents in the Meerschaum Vale, Bagotville and West Wardell area. The group is very concerned about proposals being put forward by the RTA to extend the Pacific Highway up to 4.5 kilometres west of the existing alignment. The group prepared and submitted an extensive submission on issues such as the environment, the hydrology of the area, the social fabric of the area, the toxicological implications of, in particular, diesel emissions that occur from the Pacific Highway, as well as issues such as road and rail transport.

I had made comments whilst submitting that submission that there was a lot of work in progress. That work has now largely been finished. It is, in essence, an independent ecological assessment that has taken over six months to complete. It has been undertaken for a variety of reasons. I would like to tender that submission to the Committee. I also have digital copies of it available. It has also been submitted for national publication.

I would also like to add that in the initial submission it has come to our attention that there was an inadvertent typographical area within the flora and fauna chapter of the submission. The name of the consulting firm was inadvertently spelled incorrectly. That has since been rectified and a copy has been submitted to the parliamentary inquiry.

I would like to start by agreeing with the position put forward by Steve Barnier of Ballina Shire Council. I draw your attention to the material brought before the parliamentary inquiry detailing extensive areas and flaws in the environmental assessments in the Woodburn to Ballina area. I would furthermore agree with statements made by CARS regarding their lack of confidence in the RTA and a lack of response to repeated communications with that agency.

We have made numerous approaches to the RTA, including presenting this detailed ecological assessment to that agency. No responses have been received. The only response I have received from the RTA or its consultants was a defamation threat last week from one of the RTA's consulting firms in relation to the aforementioned inadvertent typographical errors.

I have also been led to believe that Geolyse Consultants have made a submission, somewhat belatedly, to the parliamentary inquiry in response to my flora and fauna chapter within the Blackwall Highway Action Group submission. That appears to be the first written response received from that company. I would respectfully request that the Committee furnish me with a copy of that submission, given that it is at present the only written response to what are major flaws in the assessment undertaken by that company.

**CHAIR:** That submission, like others, will be on the Committee's web site.



**Mr GRAHAM:** Fantastic. I will access it publicly then. As I have mentioned, over six months worth of work has gone into assessing the significance of the Woodburn to Ballina area. It is an area of national significance. The study area extends from Broadwater to Wardell and Coolgardie. It is on the Richmond River floodplain and the adjacent Blackwall Range. The present highway is the dark black line on the eastern side of the river between Broadwater and Wardell. The large red line, 4.5 kilometres to the west, is option 2C proposed by the RTA, which is approximately 1.6 kilometres longer than the existing carriageway of the Pacific Highway.

The study area is broader than that assessed by the RTA and its consultants. It has assessed areas of the Tuckean Swamp, the Blackwall Range, the Wardell wetlands, and Laws Point and the Tuckean Broadwater. All are recognised as areas of national environmental significance. Route 2C traverses the majority of Laws Point, the Tuckean Broadwater and the Wardell wetlands, and cuts continuity and conductivity between the Blackwall Range and the Wardell wetlands. As I mentioned earlier, these are areas of national environmental significance.

I have undertaken a mapping exercise within the study area. It is an area of approximately 11 kilometres north-south access and seven kilometres east-west access. I have mapped native vegetation down to a patch size of 3 X 3 metres. That is detailed within various reports that I will be providing to the parliamentary inquiry.

The vegetation that has been identified in independent, peer-reviewed assessments undertaken by me has shown that it is quite bright. But, in essence, with regard to route 2C, this is the RTA's material detailing vegetation within the study area. I have reviewed the entirety of the RTA's data set, and the landscape coverage of it, and have found 82 per cent of the RTA's information to be incorrect.

Extensive areas of old growth forest occur within the study area, the largest areas upon the Lower Richmond floodplain, areas of natural significance. The highway traverses fragments, and proposed route 2C will lead to major destruction and loss of extensive areas of old growth forest. The area contains the largest wildlife corridors in the entire Lower Richmond. You will note that east of the river there are no wildlife corridors, with the exception of one along the coastal dunal system.

Option 2C cuts all major north-south and east-west wildlife corridors within the study area. These corridors have been developed on the basis of internationally best-accepted ecological data. It has been published internationally, and it represents the distillation of over 15 years worth of State and federally funded research work.

This has not come up particularly clearly, but I will move towards the screen to point out the fact that there are five historic homesteads within the study area, one of which was built in 1878 and is the oldest historic house in the region. This has not come out in any of the RTA's assessments. The five houses are located at Lumley's Lane, Bagotville Mountain, Old Bagotville Road, and two houses at Laws Point.

If one looks at the alignment of proposed route 2C, it will lead to the inevitable destruction of these priceless areas of cultural history. One of these houses was built at the turn of the century from a single blackbutt log. It is still owned by the same family, and the family has a series of photographs showing their great-grandfather building that house by hand from a single log. All of these historic houses, with the exception of one, are owned by the families who built them—families with links within this area going back to, some of them, before the 1880s.

This is a picture of one of the rare and threatened species occurring in the study area, that is, the greater glider, of which this is the only population within the entire region on the coastline. The report I have submitted details all rare and threatened species occurring within the study area, of which there are 62 species of threatened species, many of them listed federally on the Environment Protection and Biodiversity Conservation Act. In addition, there is the presence of eight endangered ecological communities, as listed under the New South Wales Threatened Species Conservation Act. This is the only area containing all endangered ecological communities in the entire region.

This is a picture of one of our community walks and picnics. Many of the people in this photograph stand to lose their livelihoods, their properties, and their amenity. The several people at

the front of the picture are from the pioneering families within the area, and of course they are immensely concerned. There are arguments, fights, lack of sleep, and all sorts of major social disruption occurring within this area, particularly given that option 2C is some 4.5 kilometres from the existing highway and actually passes outside the RTA's nominated study area for the Woodburn to Ballina upgrade.

That concludes my presentation. I would welcome any questions on any of these issues. I would also like to follow up with some of the work that it is at present in progress, in particular the photographic documentation of cultural heritage such as has not occurred within the RTA's assessments, and additional material that is in preparation at present.

**Mr IAN COHEN:** Did you mention in your dissertation what proportion of the study area has been documented in detail by the RTA?

**Mr GRAHAM:** In the case of option 2C, which is the area that assessments have focused upon, less than 20 per cent of that area has been assessed in the field. No flora and fauna assessments, no hydrological assessments, and no soil sampling have been undertaken in approximately 80 per cent of option 2C. Given that there would be a major expenditure of taxpayers' money if that upgrade were to be chosen, the basis on which decisions are being made is really in great question. There is fundamentally flawed material being used for decision making by the RTA. It has been repeatedly brought to the RTA's attention. I have submitted it in writing on numerous occasions, but I have yet not even received a phone call from that agency.

**Mr IAN COHEN:** You say that option 2C is longer than the existing highway. What is your understanding of why that has been chosen, given that it involves a significant cost?

**Mr GRAHAM:** It is a significant cost. By using the Australian Greenhouse Office standard figures for greenhouse gas emissions, that would lead to a minimum of 1,600 tonnes of additional greenhouse gas emissions per annum—that is, at the most conservative levels. The figures we used were based on approximately 20 per cent heavy vehicle movement. I have been led to believe it is actually higher than that. Obviously, in a period of decreasing oil availability and increasing impacts of the greenhouse effect becoming apparent, that is quite an unacceptable situation.

**Mr IAN COHEN:** What is the rationale behind it?

**Mr GRAHAM:** The RTA has offered no explanation to that.

**The Hon. DUNCAN GAY:** On the same point as Mr Ian Cohen, I recently drove from Ballina to Evans Head and spent a lot of time stopped at road works. There are major road works on the existing alignment. Can you explain to us whether the RTA has indicated to you its rationale for continuing road works on the existing alignment if it has a new plan to go somewhere else?

**Mr GRAHAM:** I can offer an explanation. I am a member of the community liaison group, of whom members will be presenting later. I asked that very question, which was minuted within the CLG proceedings. I was told that this was an emergency upgrade program that was separate in its entirety to the proposed upgrade of the Woodburn to Ballina area. I would draw the attention of each and every member of this Committee to the fact that the highway has now been upgraded across most of that area to what is, in essence, four lanes carriageway divided and that the RTA owns sufficient land to undertake that across 90 per cent or more of that particular area. Yet it proposes social and environmental disruption 4.5 kilometres to the west of the upgraded area on which recently in excess of \$15 million has been spent on those very road works that you were talking about—18 months ago there was a \$6-million upgrade from the Wardell picnic area and truck stop through to Coolgardie Road and I believe an additional \$10 million or more was spent on the area from Coolgardie Road through to Whytes Lane.

I know that the Committee is undertaking field inspections tomorrow but I invite each and every one of you to accompany me and select members of our community in inspecting this area because the RTA certainly has not. We know that they have not inspected 80 per cent of the study area because we have been in contact with every single property owner along route 2C. Obviously there is

a need for people to witness what is occurring here in terms of proposed routes. It is nonsensical, as I believe we said in our initial submission.

**Mr IAN COHEN:** Who was the person who threatened defamation action and what was their role?

**Mr GRAHAM:** The solicitors of Geolyse Consultants Pty Ltd—the flora and fauna consultants—who act for Hyder Consulting, which is the chief consultant in this instance, sent me a letter threatening me with the commencement of defamation action for an inadvertent typographical error in my initial submission, which was also posted on the Blackwall Highway Action Group's web page. That inadvertent error has since been rectified. As I said, it was an inadvertent typographical error.

**The Hon. AMANDA FAZIO:** I have a couple of questions to ask you. First, it has been put to the Committee that you either live in or live very close to the proposed route 2C. I do not know whether that is true. Is that the case?

**Mr GRAHAM:** I live nearby, yes. I guess, like many people who have been presenting today, I live outside the study area. It has since been included, with extensions on route 2C, in options put forward for public comment. Obviously extending outside the initially nominated study area is cause for great concern. There was not any documentation of that particular process and one really must question the RTA's process, procedures and handling of these particular issues.

**The Hon. AMANDA FAZIO:** Thank you. I just wanted to clarify that so I know what is going on. In your presentation you stated that proposed route 2C cuts the connectivity between the Blackwall Ranges and Wardell wetlands. You went on to talk about wildlife corridors and interruptions to them. I have a couple of questions in relation to that. First, can you outline to us the sort of wildlife involved? Secondly, what do you think of the types of measures that the RTA has put in place on other portions of the Pacific Highway that have already been upgraded—including things like tunnels underneath for koalas, special fencing to stop kangaroos, koalas and whatever getting onto the road and possum glides?

**Mr GRAHAM:** I can answer that question on two levels. Firstly, the area contains the only available habitat for an extensive range of nationally endangered species such as Coxen's fig parrot, the ground parrot and the long-nosed potoroo—just to name a few. As to the second component to that question in relation to the efficacy of mitigation measures in other areas, as I am a consultant ecologist and national wetlands expert, I have secured publications from a number of areas of upgrade, in particular the Yelgun to Chinderah area, where there were incredibly expensive and extensive fauna mitigation measures. In the vast majority of instances these expensive measures have been found to be highly ineffective. Fauna species have not used the measures put forward and the sensitivity of a range of the fauna species within the Woodburn to Ballina study area is so great that the construction of a four- to six-lane freeway through their habitat will lead to their extinction.

**The Hon. AMANDA FAZIO:** Is it not a bit extreme to say that it will lead to their extinction?

**Mr GRAHAM:** I have extensive literature to support these assertions. The report that I put forward is the culmination of six months work. I have a team of 20 national experts who have peer reviewed and vetted my work. Everything that is put forward is of the highest order of scientific integrity and credibility; it is well referenced and peer reviewed. So, yes, these assertions are put forward confidently and with the highest level of accuracy.

**The Hon. AMANDA FAZIO:** I know that you are putting them forward confidently but if you assure me that they are scientifically accurate I accept that.

**Mr GRAHAM:** With respect, I would be quite happy to provide additional documentation of these assertions if you request it to express this and to demonstrate, with my expertise and those of others working with me, that that really is the case.

**CHAIR:** We would be happy to receive that information. Could you give us the reference or send us a copy of the document or the research that you referred to in terms of the fauna protection measures that have been taken?

**Mr GRAHAM:** I certainly can. You have a copy of the report. There are three accompanying reports. I did not want to burden you with mammoth scientific detail at this stage but I am happy to submit that over the coming weeks.

**CHAIR:** Thank you. Thank you for appearing before the Committee today.

**Mr GRAHAM:** Thank you very much.

**(The witness withdrew)**

**DAVID CAMERON McDONALD**, Member, Woodburn to Broadwater Community Group, Newstead, Woodburn, sworn and examined:

**CHAIR:** Welcome, Mr McDonald. Are you conversant with the terms of reference of this inquiry?

**Mr McDONALD:** Yes.

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Mr McDonald, do you have a brief opening statement?

**Mr McDONALD:** Yes, I have. I also have a map and some notes to be forwarded to you. The map might be useful.

**CHAIR:** Thank you.

**Mr McDONALD:** Before addressing the terms of reference, I will briefly explain my background and why I am here. I was born on the family farm at Woodburn in 1946 and have lived there almost all my life. My grandfather purchased the property in 1917. Since 1971 I have earned my living by growing sugar cane and grazing cattle on the property. My family and I have worked hard to regenerate degraded land and riverbank areas with native plants and trees and to establish koala corridors. The property is sandwiched between the Richmond River and the Broadwater National Park and is bisected by the Pacific Highway. Over the years there have been at least three upgrades to the highway. So we have some experience in what dealing with the RTA is like—and it is mainly negative. The eastern property boundary bordering the national park is low sand ridge country, close to a flood-free fire track that was used extensively during floods until the 1970s.

The reason I am here today is that I helped organise the submission by the local families, farms and businesses in the rural area along the highway between Woodburn and Broadwater. The whole rural community believes that with better planning a cheaper, less flood-prone option is available. It lies just to the east of the RTA's proposed routes 1A, 1B and 1C, as you will see on the marked map. The RTA route options slice through rich agricultural, flood-prone land, cutting farms in half. Just to the east lies the sandy ridge of little agricultural or environmental value that follows the eastern boundary of our properties. If the RTA chooses this option it could resume land along the boundaries and leave the remainder of our properties intact. It is obvious to our community that we need a long-term update of the transport system on the North Coast of New South Wales. We believe, however, that, instead of looking at the big picture and using this opportunity to create a truly integrated route, the RTA is just joining black spots as a reaction to voter pressure.

I would now like to comment on the unsatisfactory and underhand process used by the RTA to generate the route options. I believe that the RTA from the outset had already chosen the preferred option, which it carefully included for consideration in the preliminary discussions. It was finally published on maps in route options booklets along with two other more controversial options in order to make the community feel that it had been consulted and given input in the process. In support of this belief, the Woodburn to Ballina CLG was still meeting with Hyder and the RTA in Wardell on 18 May, supposedly generating route options, while at the very same time the professionally printed route options booklets were already in the mail for residents. A second example to support the idea is that routes 1B and 1C were generated by the RTA computer programs taking no account of terrain, agricultural land, flooding patterns or property boundaries. Weeks after the routes had been generated RTA representative Shane Higgins finally visited cane farms along these routes and admitted that the properties had not even been inspected.

It was at this meeting on 9 June that the residents and farmers were able to point out that the route slightly further east was less flood prone and had less sulphate soils and did not cut properties in half.

For another example, right from the preliminary meeting in November 2004 residents criticised the narrowness of the footprint for the Woodburn area. These concerns were conveyed to the RTA, which said that the footprint would be expanded. However, the latest RTA maps still maintain the original footprint. The main obstacle to expanding the footprint appears to be the sliver of the national park which is currently bisected by the highway. The proportion of the national park which has been sand mined since the 1960s is only unique for its degradedness yet it is being protected while the proposed options pass through rare coastal rainforest. Members of the CLG, including myself, have been bombarded with route option criteria. One of these was the impact on communities.

Route options 1A, 1B, 1C, 2C, 2D, 2E and 2F are all in close proximity to Woodburn and Broadwater, and would expose residents to high levels of noise and pollution. Other criteria were least possible impact on prime agricultural land and acid sulphate soils. But once again the options were 1A, 1B, 1C all pass through sugar cane fields and extensive areas of acid sulphate soils. This could be avoided by our suggested route along the property boundaries to the east. Surely the most critical factor should be the impact of flooding potentially for residents and agriculture. The RTA has used computer modelling in an effort to demonstrate that there would not be any dramatic impact if an embankment up to four metres high was built across the flood plain, as in options 1A, 1B and 1C. However, it has since been revealed that the 2,500 square kilometres of the catchment area were not included in the calculations because "they were not west of the flood plain". Rainfall in the vast basin south-west of the study area can determine the severity of flooding in the lower Richmond. It is also the major factor in the cross flow effect of water from the Richmond River to the Evans River. Building the road a little further east would avoid most of the flood-prone land.

Finally, I believe that the RTA puts a misleading spin on information. An example of this is that the RTA claim that an advantage of routes 1B and 1C is that they lie east of Langs Hill, a recognised district landmark that is also of value to the community. In fact, both routes cut diagonally across the southern third of Langs Hill, and this excavated material would be valuable as road fill, according to the RTA engineer, Ross Smith. In conclusion, I wish to stress that the desirability of a route further east is not that of a minority of our community. Every family along the Woodburn to Broadwater highway sections support the concept. A small move east would make a difference between wrecking our community and offering us an alternative that we could accept. We hope you can help us influence the RTA to respect our needs and wishes. Also, we would like you to ask yourselves the question: What is the logic of routes 1A, 1B and 1C? Surely a further east route would be better, but even more logically a route out of the flood plain altogether would be even better.

**CHAIR:** Has your preferred route ever been discussed with the RTA? Have you had a reaction?

**Mr McDONALD:** Yes it has. We have submitted it to them.

**CHAIR:** What did they say?

**Mr McDONALD:** Nothing, but since then they have had botanists on the ground looking in the area.

**CHAIR:** Quite recently?

**Mr McDONALD:** Two months.

**CHAIR:** You are the second consecutive witness who said that the RTA generated the routes without even visiting many of the sites.

**Mr McDONALD:** It didn't do any; it flew over in a helicopter.

**CHAIR:** They flew over in a helicopter.

**Mr McDONALD:** Yes, after the routes had been generated.

**CHAIR:** Afterwards.

**Mr McDONALD:** Yes.

**The Hon. DUNCAN GAY:** Did they have your route before they put out their preferred routes?

**Mr McDONALD:** No.

**The Hon. DUNCAN GAY:** I think your friends are saying yes.

**Mr McDONALD:** They had it but not officially written down. We had told them but we had not submitted the submission.

**The Hon. DUNCAN GAY:** You probably heard my question to the previous witness about the upgraded part. When I went to Evans Head I turned off at Broadwater. I did not quite get down that far but having travelled it subsequently my understanding is—and my comments on the upgrading do not apply to that particular area—the large upgrading that has taken place further north. Is that the case?

**Mr McDONALD:** Yes, that is correct.

**Mr IAN COHEN:** What is your group's position in terms of upgrading on the existing highway route?

**Mr McDONALD:** We think it is a really bad choice mainly because it is flood prone. It is rich agricultural land. The further west you go in that area, the better the soil becomes and that is where they want to put the upgrade.

**Mr IAN COHEN:** In terms of the eastern option, are there any issues that you could let the Committee know that occur on the further east option, be they social, agricultural or environmental?

**Mr McDONALD:** No. It is right along the border of the national park or preferably into the national park. We are advised that the way they want to go, it will affect about 13 houses.

**CHAIR:** When you say "affect" them, how much will it affect them?

**Mr McDONALD:** It will wipe some out and just the noise. We live within about half a kilometre of the highway and the noise is just about unbearable. So if they build a bigger highway with more traffic you can understand what the difference will be, and it will probably be closer to them too. Our main worry is the way they are planning on just cutting through the cane farms. They just say they are taking 100 metres but in reality they are taking a look more because you need headlands and turning facilities. They break up your drainage and your transport systems, so it will be a much bigger effect.

**The Hon. AMANDA FAZIO:** I can understand all the people who live on the highway being concerned about the existing highway being upgraded. So you are looking for an alternative that might be acceptable to put to the RTA, and you have come up with one that is to the east. Did you look at any alternatives that were to the west of the existing area that the RTA was looking at?

**Mr McDONALD:** We looked at ones on the western side of the river, yes.

**The Hon. AMANDA FAZIO:** What were the perceived problems with that?

**Mr McDONALD:** Sort of similar, cutting up rural land, flooding problems.

**The Hon. AMANDA FAZIO:** Was that very far to the west of the river?

**Mr McDONALD:** No, only a kilometre from the river.

**The Hon. AMANDA FAZIO:** We have 200 or something submissions for this inquiry and often there are different points of view in those different submissions. Some of them have said that the flood-free route that you have put forward—

**Mr McDONALD:** No I have not.

**The Hon. AMANDA FAZIO:** In your submission you say either the flood-free route or if that is unacceptable your suggested route—

**Mr McDONALD:** Yes, righto.

**The Hon. AMANDA FAZIO:** I wanted to get your—

**Mr McDONALD:** But I am here representing the alternative route group.

**The Hon. AMANDA FAZIO:** I wanted to ask you about this flood-free route. It has been put in some of the other submissions that the flood-free route is not really flood free. What is your take on that argument?

**Mr McDONALD:** I realise cutting across the flood plain they will cross the Evans River and the Richmond River. If they go on the flood-free route it will be a lot cheaper because the crossings or where there is land it comes to the river on ridges so it would really only be a matter of bridging it; it will not be a matter of putting viaducts through the land. They are talking about building the highway up four metres on viaducts or embankments. If they did it where the ridges came to the river they could just bridge it.

**The Hon. AMANDA FAZIO:** It has been raised by one of your colleagues the issue of continual upgrading going on in areas where there are alternate routes being studied. As a local resident would you rather have the highway in the best condition that it is at the moment while they are looking at all these other areas? Do you think it is reasonable that the Government should be spending money to upgrade existing areas that are likely to be replaced so that you have the safest road possible at present?

**Mr McDONALD:** Probably, it depends on how long it takes them to get the new highway. It could be 20 years.

**The Hon. AMANDA FAZIO:** Hopefully not that long.

**The Hon. GREG DONNELLY:** I have not had the benefit of seeing the preferred route that you have submitted to the RTA so I have not had the benefit of seeing it. Could you please tell me, looking at the RTA options which are on paper at the moment, which one of those, if any, closely approximates the route you have submitted to the RTA? Is one of those relatively close?

**Mr McDONALD:** Option 1C is the closest but it is west all the way of what we submitted.

**CHAIR:** You say they your submission is on behalf of all the residents including farmers, rural businesses and families along the existing Pacific Highway between Woodburn and Broadwater—

**Mr McDONALD:** That is correct.

**CHAIR:** —and is unanimously supported by the signatories attached, and there is an extensive list of signatories. Are they actually all of the residents along the stretch or just the ones who were able to sign the petition?

**Mr McDONALD:** No. There might have been two away, I think, virtually everybody else.

**The Hon. AMANDA FAZIO:** Is there any local opposition to the proposed route that you have put forward to the RTA?



**Mr McDONALD:** There is only one. Everybody will benefit bar one property, and they concede that the route put forward by the RTA will have a similar effect so they do not care.

**The Hon. AMANDA FAZIO:** Will this option cut across Laws Point?

**Mr McDONALD:** We are only concerned about our own area, that means 1A, 1B and 1C. Where they go after they get out of Broadwater, that is anybody's guess. If they put a route well to the west it could take it out of everybody's way. It would not go across Laws Point or through our properties.

**The Hon. AMANDA FAZIO:** So how far to the west do you reckon?

**Mr McDONALD:** More like Summerland Way.

**CHAIR:** Was that ever put to the RTA during these discussions?

**Mr McDONALD:** Yes, vaguely. It was mooted but it was not really stated.

**(The witnesses withdrew)**

**RICHARD MAITLAND PATON**, Whytes Lane West Action Group, PO Box 267, Alstonville,

**MICHAEL JOHN ARCHER**, Whytes Lane West Action Group, 55 Whytes Lane West, Pimlico, sworn and examined, and

**NEVILLE BRENT LEETE**, Whytes Lane Action Group, 109 Sartories Road, affirmed and examined:

**CHAIR:** If you should consider at any stage that certain evidence you wish to give or documents you may wish to table should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. In what capacity are you appearing before the Committee today?

**Mr PATON:** As a member of the Whytes Lane community action group.

**Mr LEETE:** As a member of the Whytes Lane community action group.

**Mr ARCHER:** As a member of the Whytes Lane community action group.

**CHAIR:** Are you conversant with the terms of reference for this inquiry?

**Mr PATON:** Yes.

**Mr LEETE:** Reasonably.

**Mr ARCHER:** Yes.

**CHAIR:** The group has made a submission. Is any one of you going to lead off with an opening statement?

**Mr LEETE:** It is a little bit intimidating to talk to the big group of people facing us. I hope you are aware of that.

**CHAIR:** It is fantastic that you are here. You do not need to worry. Just let it flow.

**Mr LEETE:** I am going to talk generally about the way the RTA operates, which would affect all sections of options 1, 2 and 3. I am talking because I am affected severely by one of the options that moves the highway very close to my property. Rather than have nice rural views, etc, I will get a lovely view of the highway. We are a bit high set, so we look down on the highway, plus the increased noise would be substantial. We are also affected because it badly affects our neighbours, who probably would just move so that we would be the only ones left. That is why I am speaking. I want to talk about the process as a whole. I feel it is flawed in a lot of respects. It is flawed with the CLG process. I do not understand how people can think they are representative when you ask for volunteers and it is a process of asking who turns up and if you turn up you are in. I am not quite sure how it works, but I am disturbed that it is really open to some sort of special interest groups turning up on the day and they are the ones in.

For instance, we were in section 3 and no-one from section 3 was on the CLG at all. Why did we not volunteer? For the life of us we did not think it possible that they would want to move the highway closer to us so that no-one volunteered because it was never going to happen. I am just concerned with the CLG process, plus I am concerned with the way the CLG members are sworn to secrecy. I find it incredible. It makes people wonder what they are hiding. Do not let the cat out of the bag. I do not see how it encourages community volunteers to become part of an inner and secret circle that they cannot report or discuss anything with people. It is incredible that you can ask them to represent the community, but not liaise with the community and keep it secret. Once these things come out the RTA gives us three or four weeks to respond, which is some sort of effort to involve us in the decision-making process, but they have said, "You have three or four weeks to come up with as many arguments as to why it should be your neighbours route options and not yours." It is like saying,

"I am going to stab someone in four weeks. Tell me why it should be someone else and not you." It is quite divisive and it is not a very nice thing to do. You are dividing the community.

I do not think that is consultation. I do not think it is empowering people. I think it is asking people in the community to speak against other people in the community. It is incredibly stressful. I do not know if you can imagine what it is like to get an envelope to say that the highway is coming near you. You look at the big map and say, "How interesting." Then it dawns on you, "That is coming closer to me." Then you go down there and you say, "Hang on, it's going over that tree there. It's cutting through there." You see the physical site and where it is going and all of a sudden it is, "Oh my God! Look where it is. Why would they do that?" There is this sense of bewilderment, and all the rest. It is terrible. Then you contact the RTA and they say, "Make a submission. Write it down." And you say, "It will wreck my amenity." And they say, "Really? Write it down. Make a submission." It is pretty obvious to anyone with half a brain that it is going to affect you and they say, "Write it down and make a submission." It is just a very nasty sort of process. You really have this sense of a juggernaut coming down on you and smiling people at the interface level just say, "Write it down." The process of writing things down disempowers a lot of people because a lot of people really do not like to write things down. They are not very good with computers and all that sort of business.

The whole process actually disempowers a lot of people. Writing it down is actually a difficult thing to do for a lot of people. Another thing is that I do not think the process is fair. The new freeway is going to be a national asset. It is paid for by everyone. It is used by everyone. It comes out of the taxpayers' money, but it does not impact equally on all Australians. It really impacts on the people near the corridor. I know the RTA compensates people who are affected directly, but the definition of affected directly basically is if it runs over you. If it is next to you then you are not affected directly and it is, "See you later. Bad luck." To me that is incredible. It is as if your loss of amenity, property value, social cause, et cetera is invisible. That it does not exist. I just cannot believe that this happens in this sort of country. It is just not fair and right. It is just incredible. I do not know what the answer is. Obviously it opens up compensating a whole lot of people, but there has to be some recognition, "I put this freeway next to your house. It is not really a good thing I've done." It is just bad luck for the person.

I know it sounds a bit like NIMBYism, but it is more like not in my front yard because it is right there. I just do not think it is the right thing to do in a good country. You cannot ignore people like this and affect them. Even the process is wrongly named—upgrading the Pacific Highway. You are building a new freeway. Why do you not say, "We are building a new freeway"? You are not upgrading. When it is not sticking to the existing highway corridor, when it is nowhere near it and it could be a six-lane, 110-kilometre-per-hour road you really are not upgrading the highway you are building a new freeway. Why not just say it and be upfront about the whole thing? That is my general beef about the whole thing. It affects all groups. We have a lot of beefs about how it applies specifically to us.

**Mr PATON:** I wanted to talk about option 3, which affects all of Whytes Lane. The problem we have is the lack of information provided by the RTA and the unavailability of information. They said that information was available at the RTA shop in Ballina, but nothing is available.

**CHAIR:** When you so that nothing was available, do you mean that literally?

**Mr PATON:** Nothing was available. When we went into the RTA shop in Ballina they said, "No, we have nothing on that", but they had a lot about the Tintenbar bypass. That was pretty disappointing. There have been no environment studies done north of Coolgardie Road, which is very obvious by that lovely brochure the RTA put out. The bottom study map ends at Coolgardie Road, which is figure 6.4 in the RTA brochure. The list of environmentally endangered species ends at Coolgardie Road, so it is like north of that does not exist at all. Are we wasting our time fighting, knowing that it is going to stay on the existing highway? We just could not work that out. There is a huge effect on every household of option 3A. It impacts on every house. My house will go and Mr Archner's house will go. It is a very emotional thing. We believe that route 3B is the only option to possibly consider. There is no reason to go into 3A except, as the RTA said, they want the hill out of the mountain and that is it. To me that is not a very valid reason.

**Mr LEETE:** Just look at the thing, you have a lovely straight road. There is the Pacific Highway. Someone asked whether it was okay to keep upgrading. The RTA was working there for one year with a massive amount of machinery. I have a photo of it. They have a divided road there now. You probably came up it. They spent a fortune on the thing and it seems incredible to me that you won't use existing highway. They came up with the idea, "Let's not use the straight flat bit that we already own, let's cut right through the cane fields, let's get it right into the foothills of this incredibly high environmentally affected area." It is part of the national estate reserve, or whatever it is called. It is full of high environmental values and they take it off the highway. It is so absurd that it is incredible. I could not understand why they would even think of doing it. It is longer and it is crooked. Why would you do it? It just does not make sense

**The Hon. DUNCAN GAY:** Could you establish the locality of Whytes Lane west? Is it west of Pimlico?

**Mr LEETE:** Yes, it is on the western side of the Pacific Highway. The map we have does not have it.

**CHAIR:** Mr Archer, do you wish to make an opening statement?

**Mr ARCHER:** Regarding the lack of information, I have a letter that was faxed down on 31 August, dated 11 August. Hyder wanted to come out to do some environmental studies, but when Geolink phoned us to see if they could come out and have permission to enter the property we had not even received the letter. They had to fax it to us.

**CHAIR:** The phone call came out of the blue?

**Mr ARCHER:** The phone call came out of the blue. We had not received a letter. Geolink had to fax it to us. Since then we have not heard anything more about it. No-one has phoned us back to see if they could come onto the property, and they still have not phoned us.

**CHAIR:** Do you know if they phoned other people about inspections?

**Mr ARCHER:** We were the only people in Whytes Lane west in section 3 that got the letter.

**CHAIR:** You were the only household?

**Mr ARCHER:** We were the only householders in our group that actually got this letter.

**CHAIR:** Would you mind giving the Committee a copy of the letter?

**Mr ARCHER:** Yes, that is fine. Another thing regarding the lack of information and not really looking at who is around, I have minutes here from the first CLG meeting, which says that members of the CLG were asked to indicate on the map the location of their properties and to enable the project team to determine geological representation on the CLG. Members were asked also whether they felt there were any groups not adequately represented. The following groups were suggested for representation by the CLG member. This is from Tuesday 14 December last year. There are some groups listed, but not even the RTA picked up that there was no-one from section 3 represented. It was not until 19 July that we actually attended the first meeting after Don Page made representations for us to get on the CLG. Toby Hayes and Shane Higgins said, "No, no-one else is on there and that's it", even though there was no-one from our section represented. That is all in our submission as well. We have been out there probably only 15 months. We have a few more sheds and bigger sheds to grow the building business—storage and workshops. If it were to go through there it would destroy us financially, personally and business wise because we would not be able to afford to move elsewhere to buy premises and sheds like we have.

**CHAIR:** Can you tell the Committee how the CLG process is working now that you do have some representation? Has that improved anything at all?

**Mr ARCHER:** Not really. There just seem to be a lot of arguments. There is a lot of confusion about section 2, and there are a lot of routes down there to discuss. As it has been from the

start, the RTA just wants to do what it wants to do, and that is it. The last two meetings we have been to, I have asked Shane Higgins to do a survey of the road in section 3. I know they have been out there twice, because I have seen surveyors on the road.

**CHAIR:** Mr Higgins is the officer from the RTA?

**Mr ARCHER:** Yes, the project manager. I have asked him twice for surveys of the road of section 3 of the existing route, and how much is in the corridor that the RTA owns, but I still have not been provided with that information. Reg and I measured from a boundary peg that the RTA had when they were putting the extra lane on the highway down there. There was an extra at least 30 metres, from the boundary to the edge of the highway.

**Mr PATON:** We did not measure the other side of the highway. We do not know how much land they own on the eastern side of the highway. We just measured on our side of the highway, and there was more than enough room.

**Mr ARCHER:** We have no opposition to option 3B. We are happy for it to stand where it is. But if it goes to option 3A, it will wipe out probably nine or 10 houses in a three-kilometre stretch. There is also the wildlife and everything up there. We have koalas 50 metres from the back of the house, in the forest behind us. They are there not just now and then; a couple of times a week at least you can walk out and actually see them there.

**Mr IAN COHEN:** With regard to option 3, someone said that the only reason you could see the choice of that option would be to provide fill.

**Mr PATON:** That is right, that is what the RTA said.

**Mr IAN COHEN:** When did the RTA say that, and who said it?

**Mr PATON:** It was not said in jest.

**Mr IAN COHEN:** It was probably not a laughing matter.

**Mr PATON:** No, it was not. The exact time, I cannot remember. It was said at a meeting.

**Mr IAN COHEN:** It was said at a meeting with RTA representatives and your CLG, or at your committee?

**Mr PATON:** It was said—I cannot remember if it was Ian. It was said, "Are you taking this for the fill?" They went, "Ugh?" The argument was, "Do you want a scenic route left in Byron Bay?"

**Mr LEETE:** They do have a major booklet that shows how much fill is required for each route. If you look up the table, you can see that they get heaps of fill from going out that way.

**Mr IAN COHEN:** When you are talking about fill, are you talking in terms of the physical topography? Do we have problems in terms of wetlands, cane lands, soft soils, and so on?

**Mr PATON:** As we understand it, the fill was going to be taken away from the area. The RTA said that is probably the best bit of highway we have in the whole section, under option B, so they do not need a hell of a lot of fill for that, and most of the fill that comes out of that range will be used in other areas.

**Mr IAN COHEN:** We have had some discussion in terms of the state of the existing highway in that section, that is section three. I appreciate the photograph. What do we have there currently on the highway? It is two lanes one-way, one lane the other way—?

**Mr LEETE:** With a wide divider—

**Mr IAN COHEN:** There is a wide divider. Is that, is that not, a dual carriageway?

**Mr PATON:** From Whytes Lane North, it is a two lanes south and one lane north, and from Whytes Lane South it goes down to Coolgardie Road, two lanes south and one lane north. So it is really like an overtaking lane.

**Mr IAN COHEN:** I understand that a dual carriageway is not necessarily two lanes by two lanes or three lanes by three lanes; it is a divided carriageway. In effect, you have what it is close to a divided or dual carriageway in this section on the existing highway?

**Mr PATON:** Yes.

**Mr IAN COHEN:** In terms of safety, is it coping with the traffic and are there any black spots, as you would perceive them to be, on this section of highway as it exists at the moment?

**Mr PATON:** That section of highway would probably be the best bit of highway in the area they are looking at. It is stable, it is wide, and it is fairly straight.

**Mr IAN COHEN:** Why is not the RTA looking at some minor upgrade to the existing highway through your section?

**Mr PATON:** I do not know.

**Mr ARCHER:** That is what we are saying. There is that existing 30-odd metres.

**Mr IAN COHEN:** As road reserve at the current time?

**Mr ARCHER:** That the RTA owns, as well as where the highway is at the moment.

**The Hon. DUNCAN GAY:** I understand from my visit area that there is plenty of room in that area, if the topography is right, to extend it to put the extra lane in quite easily, given the work that has been done.

**Mr ARCHER:** Yes.

**Mr LEETE:** From the RTA's picture here, they have the freeway and the access road right next to it. The proposal is to have a 500-metre gap between the freeway and the access road. Why do they not just follow what is shown in their brochure? Here is the brochure. That is what they give out saying, "This is what we do." Yet, they propose to put a 500-metre gap between the two roads. It just does not make sense.

**The Hon. AMANDA FAZIO:** From the information the RTA has put out about the study areas 3A and 3B, it would appear that 3A has a zero chance of being flooded in a 100year flood and 3B has a 33 per cent chance. What are your comments on that?

**Mr LEETE:** This goes towards what we think is very poor information on the back here. It is covered in detail in our submission. Please make sure you read it. I will quote what I have said in the submission:

Option 3a) has a smaller % in the 100 year flood plan than Option 3b) (0% vs. 33%). I would ask why can't the road be built up if this was a problem. I would also point out this is still significantly less than that of options 1A, 1B, 1C, 2D and 2F (78%, 76%, 76%, 58% and 74% respectively) ...

They are the proposed RTA options, on the basis that the flood level more than doubled that. That is what they want to build, but they are criticising us for having 33 per cent on the existing highway. The other options are on a par with 2A, 2B and 2C, which are 29 per cent, 27 per cent and 26 per cent respectively. That is why I believe this is misleading. If you were reading that, you would say, "Good God! Let's stop the flooding." But I would also point out that if it is going to flood south of the highway; no one is going to go up and down the highway.

**Mr IAN COHEN:** I attended a meeting at Meeschaum Vale at which local cane growers said they were up to their chests in their fields during the floods. What is the situation in terms of the construction on any of those routes of the newly constructed highways exacerbating and withholding

the floodwaters, making it more of a disaster area for your agricultural lands on either side of the highway? Have you had a look at that at all?

**Mr PATON:** Yes, we did. The last small flood we had was in June. The highway was not inundated at all; the water cleared very quickly within two days. The area around Whytes Lane and Sartories Road is fairly low-lying. If it gets covered by only about 300 millimetres of water, it is not such a great problem because it clears very quickly.

**Mr LEETE:** But the new highway would put a bridge there, and as it comes down the escarpment it would catch it; it would form its own dam. Their proposal would flood us more, unless they put in all sorts of underpasses—

**Mr IAN COHEN:** Obviously that is something they will resolve. Between the proposed new highway and the escarpment you are talking about, what is the nature of the land there? What is the land use?

**Mr ARCHER:** Cane farming.

**Mr IAN COHEN:** Which is pretty low-lying. We have similar problems in the Newrybar Valley, where we find that the floodwaters can be held back. Is this a similar situation potentially?

**Mr LEETE:** As they come off the escarpment, yes.

**Mr PATON:** Page 18 of our submission refers to the floodwaters coming from the run-off from the escarpment, and that is fairly typical in a torrential downpour. The area is flat on the highway, then it obviously runs onto the escarpment, so it tends to run away from us fairly quickly. But it does not seem to cause problems with the existing highway with flooding; there does not seem to be any hold-up of water.

**The Hon. AMANDA FAZIO:** In relation to the information provided by the RTA, with regard to option 3A, which impacts on Whytes Lane residents, it says that there are 35 private properties within a 250-metre corridor but that there are 40 properties on the existing highway that would be affected. Can you give us an idea about the comparative impacts? We have not heard much from the 40 residents in relation to option 3B.

**Mr PATON:** That information is really misleading, because that is a number of private properties. That is not houses. They are cane farms that have been divided up and put together as a congregation of cane farms over the past decade. For them to say there are 35 private properties on option 3A is what would be the number of lots there, but one person might own 10 of those lots. It is the same with option 3B: One person owns most of that land along there because it is nearly all cane farms and there are no houses on that side of the highway.

**Mr LEETE:** When it says it affects them, how does it affect them? Going along the existing highway by just shaving a bit on both sides, it might not be double the effect. We get the same number, but they are cut in half. So there is no measure of the degree of effect at all. It is such a misleading statistic, referring to the number of houses. I suggest it gives no information about the degree of impact or the effect on the properties. I would suggest categories of very affected and moderately affected, on a before and after basis. I would suggest categories of newly affected. It is such a broad and misleading piece of information. What is really bad is that the RTA put this out to the public and asked for comments on this misleading information. It is just terrible.

**Ms LEE RHIANNON:** Mr Archer, earlier you spoke about the personal impact. I would like you to elaborate on that. Listening to you, obviously you feel there is great uncertainty surrounding your lives at the moment. How does that affect you and your community?

**Mr ARCHER:** I think everyone here would feel the same: We all feel like our lives are on hold, and that is it. We cannot do anything to make improvements to our properties, whether it be for local business or cane growers. These guys who are sitting here with me—Do you put that verandah on, do you put the pool in, do I close in some of my workshops, do I set up offices? Do you do those

sorts of things, or do you just hang off and wait to see? Because if you do it, are you going to be compensated for it? Personally and business-wise, we are all on hold at the moment.

**Ms LEE RHIANNON:** Do you feel that people are thinking of selling or feel that they might be—?

**Mr ARCHER:** You could not sell, because no-one is going to buy it. As soon as they buy it, there could be a highway there. They will say, "It could be worth \$500,000, but we will give you \$50,000."

**(The witnesses withdrew)**

**WILLIAM JOHN WALKER**, Sugar Operations Manager, New South Wales Sugar Milling Co-operative Limited, 117 Pacific Highway, Broadwater,

**BARTHOLOMEW MAXWELL PLENKOVICH**, Member, Community Liaison Group, 64 Little Place, Alstonville, and

**JOHN CHARLES MATTHES**, Member, Community Liaison Group, 9 Apsley Street, Ballina, sworn and examined:

**EMMA LESLIE FRANCIS WALKE**, Payroll officer, Bunjum Aboriginal Co-operative, 749 Bagotville Road, Bagotville, and

**BARRY CHARLES JAMESON**, Administrator, Jali Local Aboriginal Land Council, PO Box 24, Wardell, affirmed and examined:

**CHAIR:** I welcome our next five witnesses. In what capacity does each of you appear before the Committee?

**Mr WALKER:** I am appearing as Sugar Operations Manager of the New South Wales Sugar Milling Co-operative Limited and as a member of the Community Liaison Group [CLG].

**Mr PLENKOVICH:** I am appearing as a member of the CLG but I also wear a couple of other hats. When I nominated on the CLG I nominated as the President of the Richmond River Cane Growers Association. I have been in that position for 15 years and on the board for 34 years. I retired from that position in April and they asked me to continue to represent them regarding the road upgrade between Ballina and Woodburn. So I am doing that. I would also like to mention that I have been involved in the State Emergency Service, which is dealing with flooding on the floodplain. I have been in the Broadwater unit for 50 years this year, dealing with flooding since I was a teenager. I am the unit controller for the State Emergency Service in Broadwater. I would like the Committee to understand that I am not speaking on behalf of the State Emergency Service but relating to any experiences that I have had as a controller within that floodplain over those years. That is in the Richmond Valley Council area.

**Mr MATTHES:** I am a member of the CLG but I am representing a flood free group that comprises 25 members of the CLG who fully support the flood-free route and strongly oppose the routes put forward by the RTA.

**Ms WALKE:** I am appearing as a member of the CLG. I am also a member of Jali Aboriginal Land Council and I am a member of Bunjum Aboriginal Co-operative.

**Mr JAMESON:** I am appearing as the administrator appointed by the Minister for Aboriginal Affairs for the Jali Aboriginal Land Council.

**CHAIR:** Are you each conversant with the terms of reference of the inquiry?

**Mr WALKER:** Yes.



**Mr PLENKOVICH:** Yes.

**Mr MATTHES:** Yes.

**Ms WALKER:** Yes.

**Mr JAMESON:** Yes.

**CHAIR:** Should any of you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Mr Walker, would you like to lead off by making a brief opening statement?

**Mr WALKER:** Yes. I represent the New South Wales Sugar Milling Co-operative Limited, as I said earlier. It operates three raw sugar mills and a white sugar refinery at Harwood on the Clarence River, Broadwater on the Richmond River and Condong on the Tweed River. The co-operative represents more than 600 cane farms and directly employs more than 400 people. The total economic contribution of our industry to the Northern Rivers exceeds \$200 million per annum and the industry's total direct and indirect employment is estimated at approximately 2,200 people. The industry has already lost prime agricultural land to the Chinderah-Yelgun bypass and the planned Ballina bypass. We are currently subject to five other upgrade studies between Wells Crossing and Ewingsdale and we are obviously very concerned about the potential loss of significant further areas of prime cane land to the highway upgrades.

Our main concern in this whole study process is that the RTA does not appear to be willing to fully investigate all options, in particular in the Ballina-Woodburn area, in relation to our position on the flood-free route. More importantly, I do not think it has seriously investigated a genuine inland option from Ewingsdale to Grafton via Lismore and Casino. My CLG colleagues Bert and Jack will talk more specifically about the flood-free route in the Ballina-Woodburn area. I would like to expand on what I see as the cheaper and far less disruptive inland option utilising the Summerland Way. The route that we would put up—I have handouts for members to follow; it could be a little confusing—is from Ewingsdale. We would see a tunnel through the St Helena escarpment to the southwest and largely follow the rail corridor from Bangalow to the north and western outskirts of Lismore, then cut across the Richmond River to the east of Casino, joining the Summerland Way at south Casino. The route would continue on the Summerland Way and our proposal would be to take the Summerland Way out of Grafton and have it crossing the Clarence River between Ulmarra and Grafton. The benefit of that, of course, is to obviate the need for a further river crossing at Grafton. The highway would then continue to the east of south Grafton and then pick up the existing Pacific Highway somewhere south of south Grafton.

Some of the benefits of this inland option are obviously that significantly fewer landholders would be impacted. We believe the cost of construction would be significantly lower by using the Summerland Way and the rail corridor. Another big cost factor would be being able to build the new highway without disrupting the traffic flow on the Pacific Highway during the construction phase. There would clearly be less impact from the significant flooding that all of us know will occur in our region. A point that I picked up with the release of the options for the Harwood to Wells Crossing area is that it is now assuming that there must be two major crossings of the Clarence—and we all know that that is a very big river to cross. There would have to be one at Harwood and the existing commitment by the Government to put a new bridge crossing at Grafton. My option is to take the Summerland Way out of Grafton and take it over the river so that you would only have one river crossing over the Clarence instead of two, as currently committed.

I believe there would be significant benefits to Grafton by taking the Summerland Way out of the central business district. Obviously we believe that Lismore and Casino would also benefit by being close to the major highway. It goes without saying that there would be a significantly lower impact on agriculture across the whole study area, which covers about 175 kilometres along the highway between Ewingsdale and Grafton. My final two points are that the current Pacific Highway with the planned medium-term improvements could easily service the expected growth of coastal communities. Basically, that would happen because the bulk of the through traffic from Sydney to Brisbane and further would be transferred to the inland route.

The last thing I would add is that B-double traffic could ultimately be taken off the highway between Lismore, Alstonville and Ballina because Lismore could be accessed by B-doubles by the inland route and Ballina could be accessed by the existing highway.

**Mr PLENKOVICH:** First, I would like to make it clear that I have a property in the route of 2B and I am also a joint signatory to the submission that was put to the standing committee on behalf of the 24 members of the CLG. So 2B is the property I have, and I believe you are going in that area tomorrow. My concern is with building roads across the flood plain in a very sensitive area that is subject to flooding, and severe flooding. Just briefly, and I know I do not have much time—I have a power point presentation; I was told I could not present that because of time. I have a copy for each member of the standing committee and a brief overview of the flood-free route.

**CHAIR:** We appreciate that.

**Mr PLENKOVICH:** The catchment area of the Richmond River is 6,892 square kilometres. That is a huge area. It comprises three different sections. One is the Lismore section, which has the Wilson River going through it, which meets the main river at Coraki, and the Richmond River. The Wilson River catchment is about 1,500 square kilometres. The main Richmond River then heads off west to Casino and Kyogle. That has a catchment area of 2,700 square kilometres. The final one is the Bungawolbon catchment area, which is a pretty huge area in itself. It is 2,600 square kilometres. So we have all this water that must get out somewhere and we have two outlets, the main river to Ballina and the outlet at Woodburn which is Tukenbil canal into the Evans River.

This is a very delicate issue where you are building a road, 1A, 1B, 1C, on that area near Woodburn. That area from Woodburn north by about four and half kilometres is considered as the release valve for the river in a major flood. It is parallel to the existing highway. The Pacific Highway runs along the river for that area, and when you have a major flood it just overflows and the river keeps travelling north and the water just changes direction and goes in the south, south-east direction into the Evans River. It has a major contribution to relieving the flood on the flood plain when you consider all that water must go somewhere.

The second point is about 10 kilometres further downstream at Broadwater. The river takes a hairpin bend. It is between two hills. The river is normally about 200 to 250 metres wide; in a major flood it becomes over 600 metres wide, and that allows the water to get out. That is where they are proposing to put 2A or 2B—a huge structure across that part of the river. Just down from that point we have an island in the river and a right-angle bend. In all of the hydrological studies that I have had anything to read about, that is considered a bottleneck in the Richmond River. So if you start building a highway in either of those two points, 1A, 1B, 1C, 2A, 2B, you are closing the two vital points on the river. I cannot see why anyone could possibly do that in normal situations. I am a farmer. I cannot divert water on to other people. I cannot build a levee structure to stop water coming into my property. There are laws that protect me.

There is a law that prevents us from doing those things. Yet we can build roads across the sensitive areas and cause flooding problems. On that flood plain there are about 3,600 people living in the flood plain between Coraki, Woodburn, Broadwater and the farming community there. The 1,800 people at Evans Head are not included in that. They are in a situation where they are totally isolated in a major flood. I better leave something for my friend Jack or he will have nothing to talk about. Evans Head is a major problem in a major flood because those people get isolated. They cannot get out of the place. The route we propose, the flood-free route, will give them access at all times in major floods.

Then you move down the river further to 2F. I do not think a lot of people realise the implications of 2F. They are worrying about the water on 3A and 3B, and it will be quite a serious problem if 2F goes ahead because that area from Broadwater to Ballina, the whole highway from there to Ballina on the eastern side, not the whole highway but the road on the eastern side of the river from Broadwater to Ballina, when there is a major flood all the water flows across that area into a sort of depressing gully between the ocean and the river. That is another method of releasing the water. It actually comes out in the main river opposite this RSL club so you have the main river coming down and this water coming down between the ocean and the river. You start building a structure through 2F and you will create an enormous problem for the people on the western side and the people in the

2F area. It is about 12 kilometres or so on the eastern side of the river. Basically, I will be open to questions. I could talk about flooding for another 10 minutes if you like, but I realise that other people must have their say.

**Mr MATTHES:** I would like to make the Committee aware of the fact that the RTA and its consultants have presented a very biased and lopsided view to defining these routes. They have concentrated all their efforts on putting the roads, every one of these routes that you will see that they have exhibited, in flood and cane land, prime agricultural land, and they have done this to avoid national parks and indigenous areas. It is quite obvious. I was talking to somebody the other day and they said that a chap on the Evans Head Woodburn Road asked them, "What do you think about my place? Will it impact on my place?" He was told, "There is no worry there. It's not going through the national parks."

Since last January we have been trying to convince them that we would like to see a flood-free route. When they say it is a flood-free route, it is 98 per cent flood free. Because of the national parks, they will not even properly investigate the flood-free route. To give you an example of how biased it has been, they have picked route 1C that starts a kilometre or two the other side south of Woodburn. It goes through a severe flooding area, through probably five cane farms until it gets almost to the national park and then it joins up with the existing highway. It goes for about three kilometres through the existing highway until it comes almost to Broadwater and it goes down off the rise at the national park and turns about 90 degrees west along flood plains on Riley's Hill Road. There it impacts about something like five to seven houses, maybe even more, and when I mean impact it will probably demolish many of them.

Because we put this flood-free route to them and they keep coming up with constraints, we looked at our value management workshop book to see what sort of constraints we are confronted with. We come up with potential women's business, potential men's business, potential frog habitat. They cannot put a road on there because that frog may live there, yet they are prepared to bulldoze five, six or seven houses along Riley's Hill Road. These houses I am talking about, there are five members of one family included there; there are two sisters, a cousin, and aunty and a mother who are all involved in those houses. They are prepared to put that road through those people's houses so that they do not have to impact on a spot where a frog may—it did not say the frog lives there but it may.

I am appealing to every one of the Committee, and I mean every single one of you, to, for goodness sake, put a little bit of sanity back into the process and look at people as number one. People have been my number one concern right through the process. There are millions of hectares of native land. There are national parks. We are only asking for a very small strip through both. The strip that we take in the Broadwater National Parks, for instance, is a very barren strip up the middle. Because I have been involved in the local bushfire brigade for 26 years, and most of that time was fighting fires in the Broadwater National Park, when a fire starts out in Evans Head and there is a strong southerly breeze blowing invariably it finishes up over in Rileys Hill. A good sized freeway up the middle, and it is all barren-looking country we are talking about, this big bare strip up the middle, would act as a wonderful fire break. They claim that one of the big problems with the Bundjalung National Park south of the river is the frequency and severity of the fires in the national park. The route we are talking about takes only a very small portion, probably one kilometre, off the corner of the Bundjalung National Park. But these are seen as deterrents.

We put that particular route forward, but when the RTA came to have a look at it they rerouted it and put it just beside a retirement village and over two new houses. We deliberately put it to the east so that it would not impact on them. But to do that we had to infringe a little bit on the corner of the Bundjalung National Park. If I may I will read this little bit, which will take only a second. This is about our flood-free route. Here we have created a route with many good and important features, but in doing so we are conscious of the fact that we have found it necessary to impact to a degree on the national parks and maybe some indigenous areas. However, there has to be some compromise and it is so important that we do not lose sight of the terrible impact on people's lives when their homes are flooded. The financial losses, such as income and property, can be measured in dollar terms, but there is no way the effect of trauma, stress, heartache, et cetera, can ever be measured. Anybody who has ever suffered the experience of having their homes violated by flood know that nothing should ever be built on the flood plain, which would exacerbate this situation. The

RTA can do nothing at all on the Richmond River to assist flood mitigation, but they can do untold harm on the flood plain. I could go on, but I will not.

**Ms WALKE:** I was the only CLG member required to gain approval to come on to the CLG. Apparently, the whole of the existing CLG had to vote, or agree, for me to join before I was able to go on. I came on in February this year. Interestingly enough, at least another eight members have joined since then without prior approval from anybody. Jali Land Council was not consulted as a major landowner until June of this year. In actual fact there was no mail distribution of any kind to alert Cabbage Tree Island people that a road was in the proposal stages. Until I spoke at the CLG with regards to gaining the assistance of Jali and contacting people on the island, there had been no contact. As a result of this Jali has been put to the task of organising meetings with the RTA to alert community members of the road but still within the same guidelines that other communities had. In fact there was very little time for them to understand and respond to the proposed roads. In fact, I think that probably was about three weeks from start to finish. Until the middle of this year the RTA was unaware of the number of people who live on Cabbage Tree Island. In fact, that was July when we told them it was around 250. I think they were thinking maybe 100 maximum, but they really did not have any idea. How can a true evaluation not have any idea of the large number of people living in the middle of the proposed route?

The highway upgrade has split the community already, both from cane farmers, to landowners, to homeowners and business. Many groups have been set up to fight the upgrade from going through their area. The one thing that has remained the same throughout all the factions or groups is that we do not want to the road. We would rather it not go through this area at all. There have been suggestions from many people, at CLG meetings and action group meetings from community members, which have been passed on to the RTA, that perhaps a western road would be a better option—very much like what Mr Walker was saying. It has been shown on more than one occasion both from indigenous groups, and ecological and geological experts, that this is an incredibly rich and special part of Australia, unique in its diversity of culture, business, ecology and general way of life. Yet these things do not seem to have made much of difference, indeed even gone unnoticed. Option 2D will affect the local indigenous community that resides on Cabbage Tree Island. They have noise already from the existing highway, across the river on the east side. If the road were to go ahead on 2D there would be noise on both sides, as they are still planning to use the existing highway as an access road.

The land that would need to be resumed is owned in part by Jali and is made up of cane farms, and heath. The heath is incredibly important because there is so little of it occurring naturally in this area. Over the years the heath has gotten smaller and smaller. We want to keep some for future generations. Option 2C will cross the river onto Jali land, which has been rented by Mr Laws—at Laws Point—and again will affect not only Aboriginal land but will traverse several corridors of ecologically significant land. Community members want to feel as if they have been heard and as there has been a gag or confidentiality order with the CLG members we are unable to respond to their voiced concerns. We have been unable to pass on general information, and only until recently have not even been allowed to show maps of the area supplied to us by the RTA. There is a feeling among many of the CLG members that they have been used for information and that there has not been a partnership approach between the RTA, the CLG and community. There has not been a true partnership because the information has been coming from the community to the RTA and very little from the RTA to the community.

Aboriginal focus group participants, which was set up after the VMS we had this year, one person from one co-op was invited and one person from Jali, but people were personally asked and no formal process was undertaken to allow other members of the community, who may have had some information to share, the opportunity to attend. Later when this was brought up by me at the CLG meeting in September, I was asked to give a list of names. This again leads me to feel that I was doing the liaison officer's work rather than her contacting Jali, Bundjalung elders, Bunjum or any other Koori entity in the area. At the Value Management Workshop on the second day I sat at a table with Bob Higgins, another CLG member, and RTA, Hyder and Geolink representatives, as well as council representatives. We, as a group, were given the task to discuss social affects of the upgrade. At the end of this session, I spoke to Bob with regards to the Land Rights Act section 42, and told him that I thought if Jali were to vote on the upgrade, it would be a unanimous no to selling Jali land to the RTA for the upgrade. Given a previous discussion during the day on risk assessment I asked him what the

outcome would be and he said that it would not make a difference and, if the vote were no that probably would remove route 2D from the proposed list.

At the next CLG meeting, some time after a unanimous no vote from the Jali people, the route was still on the table, and they had then set up the Aboriginal Liaison Committee to discuss routes 2D, 2C and 2E. Nothing of this nature was passed on to the CLG, or even noted at any of the meetings. It seems that there has been such a rush to get the route options displayed, and then such a short time to respond to those displays that people in our community feel disgruntled and unheard. The map supplied to the public was substandard and hard to read, as very few road names were supplied. Areas outside the footprint were also unnamed and gave little for people to gain their bearings by. We have been made aware over the past months of the lack of finished work with regards to the ecology studies undertaken by RTA and consultants, also the amount of studies and areas covered in those studies. This leads me to ask if any studies have been done to assess the possible effects of a highway upgrade on communities of any kind. There have been studies on ecology and economic effects but none it seems on the effect that roads have on people and even the cultural effects. If there has been this information it has not been shared with the members of the CLG or the community.

Obviously the road has been progressing from the south, although I have found no information that is freely available to suggest that studies have been done after and before the upgrade. What the community is asking for is a fair and equal opportunity to have correct up-to-date information; the chance to look at clear and precise road maps and to be able to respond in a timely manner; the knowledge that the RTA and governing bodies will look at the upgrade based on its merits; be open to other suggestions; and, finally, treat those suggestions with the weight that the community should carry; in essence an honest and transparent process.

**Mr JAMESON:** Before I give my statement I have a statement on behalf of the Jali Aboriginal Land Council, which I would like to table. There is also a letter from the Chief Executive Officer of the Aboriginal Land Council, William Johnson. I am the administrator for the Jali Local Aboriginal Land Council. I was appointed in November 2004 by the Minister for Aboriginal Affairs. My complaint with the RTA process is that, notwithstanding the fact that I have been in office for some five months, no-one came along to ask me about the Jali community's views as to where the highway is proposed to be placed. It seems to me that RTA's Aboriginal Liaison Officer appeared to be selective as to who would be nominated for representing indigenous communities. As Administrator of Jali, my first RTA-CLG meeting was March 2005, and I had been in office for 5 months. Similarly, I was excluded from the value-management workshops for reasons of non-Aboriginality, despite the fact that as Administrator I represented the entire Jali community. I suspect the RTA has not identified all the possible indigenous groups who may have an interest.

Section 42 of the Aboriginal Land Rights Act 1983 requires an Act of Parliament to compulsorily acquire indigenous land that has been a previous grant of Crown land. Jali members voted in a general meeting not to sell the land nor to allow compulsory resumption, yet RTA staff have yet to indicate whether or not they will accept the import of section 42. Jali land council is one of the largest landowners between Woodburn and Ballina, yet because it is not farmed or otherwise developed, the various land holdings appear to be viewed by the RTA as of lesser value, despite its cultural significance. Farming groups, whose land is viewed by indigenous persons as degraded because of intensive agricultural activity, appear to have won over the RTA as there is no apparent recognition of the proposed route 2D, which goes right up the guts of the Jali landholdings, which will be approximately 600 to 700 metres west of a large indigenous residential community on Cabbage Tree Island and Back Channel Road.

Proposed route 2C, which also infringes upon Jali boundaries and goes through the land in some areas, will impact on smaller indigenous communities just west of Wardell township. Both routes will impact on the quiet amenity of residential areas, and environment, archaeological and cultural areas of the Jali landholdings. The Jali indigenous community voted against proposed routes 2C and 2D for the reasons expressed. We do not have any preferred route. In fact, we support the suggestions that the road be placed somewhere west of Lismore. I was at the Aboriginal focus meeting group last Tuesday, 25 November, and I put it to Shane Higgins, "Why are we hellbent on putting the road through some of the best agricultural land and some of the best remnant land left on the far North Coast? Why can't it go up the Summerland Way? Why can't it be part of the second crossing proposed

for the Clarence?" His response was simply, "The community wants better roads in this area." It was more or less take it or leave it. That is the sort of approach, which is unacceptable.

**CHAIR:** Mr Walker, your suggested route looks much similar to what Mr Page has been talking about the past few days, is that right?

**Mr WALKER:** The variation on what Don Page put up is the Grafton area having a single river crossing between Ulmarra and Grafton, taking the Summerland Way out of Grafton and then going to the east of Grafton. I know you probably have not studied the options that came out only on the weekend for Harwood Crossing, but there is a real chance that Grafton could be completely bypassed and I would argue that there is an additional benefit for Grafton to stay close to the highway as well as getting Summerland Way out. That is the main variation on Don Page's theme.

**CHAIR:** Have you been able to present this to any forum to date so far?

**Mr WALKER:** No, I have not. In fact, it was Don Page who gave me the idea a couple of weeks ago. I have been thinking about it, and it is only when I saw what was coming out that it all made sense. We intended to make submissions to the roads Minister and the Premier, and of course the local members. I have not even discussed it.

**CHAIR:** Ms Walke, were you given any explanation as to why you were the only person, as far as you were aware, who had to be added to the CLG in a different way to others?

**Ms WALKE:** Originally, no. Quite a lot of noise was made by a couple of people in the CLG about it. Their reasoning is that it was a mistake. These are the people who were setting up the CLG originally. I cannot imagine that it could have been a mistake like that. Everybody else was allowed to come on without a prior request.

**CHAIR:** The CLG process is obviously important to the way the RTA goes about this sort of consultation process. Do you think there is a better way for the RTA to go about the consultation process?

**Ms WALKE:** I do not think they should do away with the CLG. I think perhaps what they should be doing is being a little more open to what people are saying. I think the general feeling is: This is the upgrade, these are the roads, and we do not want to discuss anything other than that, even if there is a better option, because this is where we are going, this is the area. There are a million and one reasons for not going for this area but going to the west. We were told originally—someone mentioned what they were going to do with the existing highway and doing up the highway. We were told that they wanted the two because they need to have access roads for the local community, so that is what the existing highway would be.

**The Hon. DUNCAN GAY:** Mr Plenkovich, I understand that the flood-free road is now probably your second choice. Your first choice would be the western road, is that right?

**Mr PLENKOVICH:** We would all prefer the western route, there is no doubt about that, but that option was not available at the time; we had to stick within the footprint.

**The Hon. DUNCAN GAY:** This is your first option within the footprint?

**Mr PLENKOVICH:** Yes.

**The Hon. DUNCAN GAY:** I am a little unclear about this. You go through Bundjalong National Park, just south of Woodburn, continue east, go through Broadwater National Park, run roughly parallel to the existing Pacific Highway, and then across Evans Head Road. Then where do you go? Do you join back onto the existing highway, near Cabbage Tree Island? The map that Mr McDonald gave us seems to indicate that.

**Mr PLENKOVICH:** The flood-free route proposed does go across Broadwater National Park. We will start from the south. The Bundjalong National Park, crossing the Evans River, through the national park at Broadwater, going east at Cooks Hill, which swings around the back of

Broadwater, going through a property called "The Ponderosa", then it swings across the river to option 2D, which goes on the high land, the back channel, and then navigates its way down around Wardell and meets the highway through 3B.

**The Hon. DUNCAN GAY:** Not the existing highway, but the proposed highway?

**Mr PLENKOVICH:** I am sorry. The existing highway 3B, on the northern end.

**The Hon. DUNCAN GAY:** On the northern side of Wardell?

**Mr PLENKOVICH:** Yes.

**The Hon. DUNCAN GAY:** Mr Walker, you have indicated your option on the western route. Have you spoken to any people from Grafton to gauge their feeling on this? Could you also indicate where that would leave the existing bridge, the old railway-cum-road bridge, which has been a promise-non-promise situation and bone of contention for the people of Grafton for a long time?

**Mr WALKER:** I admit that I am being a little presumptuous in mentioning options for Grafton, but I put that up as what I see as a reasonable view. I have not discussed it with anyone from Grafton. I have lived in Harwood for seven years, so I am familiar with the area. What I am saying is that by taking the need for the Summerland Way to go out of Grafton, I would argue that there is no need for another river crossing into Grafton, which would be pretty disruptive anyway.

**Mr IAN COHEN:** Mr Plenkovich, you talked about the downstream bottleneck and a significant number of people in terms of potential flooding on the Richmond. As a representative of the CLG, have you presented that information to the RTA? What has been its reaction? Obviously you have a lot of experience with floodwater issues.

**Mr PLENKOVICH:** I presented that at a value management meeting we had here in Ballina, in the form of an overhead, and those items of detail are all documented in that. They are similar to the copy you have there, although I have modified it a little. They have been informed of all that. I pointed out the social implications.

If I could elaborate a little on the flooding pattern. On this coastal strip we get an enormous amount of rain compared with the catchment area. During the recent flood in July, for example, a lot of areas along this coastal strip within the first five, six or 10 kilometres from the ocean got rainfall of up to 500 millimetres, yet the catchment area gets from 150 to about 350 millimetres of rain. So the areas in here get flooded by local rain rather quickly, and before the river gets up it gets out. They were talking about the issues with 3A and 3B. That area gets an enormous amount of water. It does not have adequate drainage to get the water into the rivers. It floods very rapidly there. They are the sorts of issues we have dealt with.

When our floodgates close, when the river comes up from Lismore and the upper regions, the water is trapped behind those floodgates and it causes untold agricultural damage. Once we get to a level of flooding that is in the major categories, that is when the people get isolated. The duration of the flood is rather important for the crops, but it is also important for the people. The people in that floodplain work somewhere. They are not all farmers; they live in the community. They work in either Casino, Kyogle, Lismore, Ballina, or in the local area. But they cannot get to work, so they do not get paid. To put another obstruction in the path of a struggling river at the moment is very wrong.

**Mr IAN COHEN:** What has been the RTA's response to that?

**Mr PLENKOVICH:** We do not get much response from the RTA; they just absorb all that information.

**Mr IAN COHEN:** Do they note it?

**Mr PLENKOVICH:** They must see it. In my overhead this has been pointed out many times, and I keep harping on flooding because of the experience I have had. I have no other information than that. Madam Chair, could I make a comment on this document that you have been

referred to. I cannot remember the dates; I do not have my diary here. We had a CLG meeting on a Wednesday night for one week, and we talked about all the options we had in front of us. It looked like a spaghetti map, with all the options. I think there were about 16 options at that stage.

We were talking about when a document would be released, when the Minister would release it. We spent 2½ hours talking about the issue. There was no information coming forward by then, just basic information that we had been talking about for weeks. Yet, on the following Monday these documents arrived in the post. At the next CLG meeting I made the point, "You must have had these printed and addressed", and there was an admission: they were addressed and printed, ready to go. Yet, we were a CLG group that is supposed to be involved. It has now grown to 32; it was 24 originally.

While you do things like that when you are representing and supposed to be giving a lot of time and putting input into it, they should have taken us into their confidence and said, "You have these routes proposed ready to go out. When the Minister says go, it is going to be posted."

**Mr IAN COHEN:** I am sure the Committee takes your point on that. You said they should take you into their confidence. But you have a code, which you have agreed to, not to divulge. So surely there is not an issue there. Am I correct?

**Mr PLENKOVICH:** Exactly. They could have told us.

**Mr IAN COHEN:** And you would have not been able to disperse that information, under the agreement that you have collectively reached?

**Mr PLENKOVICH:** Exactly. In the first instance, I can understand. We have something like 32 options put out by Quantum. You would not want to go to a CLG meeting and roam around to your neighbours saying, "Look, there is a road here; there is one going there." You would cause confusion amongst people. But once you get down to the fine line and this is going to be released, I think it is open go.

**Ms WALKE:** May I add to that. With regard to discussion about the CLG when the announcement was made, the whole CLG were asked to make comments on the roads. There were massive arguments and discussions as to what roads should stay and what roads should not stay. I know that probably 50 per cent of the people at the CLG were under the impression that a couple of these roads would not be on the map when it came out. When the map came out with these roads on it, the next CLG meeting was spent arguing with the RTA people about the fact that two of these roads that are now on the map were not supposed to be there.

**The Hon. DUNCAN GAY:** Can you name the two roads?

**Ms WALKE:** 2A and 2B.

**The Hon. DUNCAN GAY:** It was an undertaking?

**Ms WALKE:** That is what we were pretty sure of. The people from the area asked, "Does that make us basically safe?" They were told that they were taking those roads off, and obviously they were elated about it. But then to find out after that that those roads were there, of course it caused major problems.

If you have a copy of this map, if you look at route 2D, you will see you have the places where people are living, like Broadwater and Wardell; there are signposts over a small area of indigenous housing. It does not quote that it is there. There is the Burabi Aboriginal co-operative, which is on Old Bagotville Road. That is also not there; that would also be gone with the road. But none of those have been signposted. In fact, there are no houses on Cabbage Tree Island, which they have also obliterated with a sign.

**Mr IAN COHEN:** How many people's living places would be affected by what you are saying has been blotted out?



**Ms WALKE:** At the moment I think there are four or five houses in Lumley's Lane, which have just recently been built. There is also Burabi, which has four houses, and Cabbage Tree Island has, I think, 17 or 18 houses. The population has grown from between 250 to 300 or 350, depending on the time of the year. So a lot of people are affected, and it is the bulk of the indigenous community in this area.

**Mr IAN COHEN:** You say that the CLG originally comprised 32 members but it now comprises 24 members, is that correct?

**Ms WALKE:** No, the other way around.

**Mr IAN COHEN:** Did the selection process involve simply the appointment of the RTA or its representative, or has there been discussion on that matter?

**Mr MATTHES:** May I make a comment on that. I think that when Emma was invited in, there were 25 original members. Then it was brought to notice that there was nobody from the indigenous people. In any event, they decided that that was as big as it wanted to be. At the meeting that Emma was talking about they said, "Do you mind if we have a representative from the indigenous people?" And they agreed to do it. They did take a vote on that, but I think it was only because they had agreed that the numbers were not going to grow any more than 25.

Since then I have tried to get two representatives from Evans Head, because Evans Head is involved too. If this flood-free route went through Evans Head would be free for the first time in history when there are floods. We get dozens of phone calls in Broadwater at the SES when there is a flood, wanting to know, "Can we get to Lismore to work and, if we do, can we get home?" If it is a big flood that can turn into hundreds of calls. Evans Head would be free for the first time. I approached them (the RTA) about having some representatives from Evans Head and they (the RTA) knocked it back at the last meeting. But I think it is important for Evans Head to have some representatives in view of the fact that it would release them in times of flood and the emergency services could get in and out. It would be wonderful for them (Evans Head people).

**CHAIR:** When you refer to "them" and "they" do you mean the RTA?

**Mr MATTHES:** Yes, the RTA and the consultants.

**Ms WALKE:** I would like to respond to that briefly because it is important. When I joined the CLG it was because I live in Bagotville and the Bagotville area was underrepresented. It was not because I was indigenous. The point is that there was no indigenous representation until June-July this year. It just happens that that is who I am.

**Ms LEE RHIANNON:** I want to get a bit more of an idea from you about the CLG. I realise that you cannot talk about some aspects and I am not asking you to do so. I want to know how it functions. How often does it meet? Does it keep minutes? If you ask for information do you get it from the RTA? Who draws up the agenda? Can you add items to the agenda? This far down the track, do you think it has been a useful process or has it made it more complicated and not helped you to be more informed and has not been useful for your community?

**CHAIR:** That is a very important question and I am looking forward to some answers. But I remind you that we have quite a lot of witnesses to hear from before the end of this session.

**Mr MATTHES:** Geolink co-ordinates the thing and Hyder are the consultants. They have Browns also as consultants. This is a copy of the minutes that we get after each meeting. They are not regular and they are getting less so now that we are reaching a winding-up stage.

**Ms LEE RHIANNON:** Do you mean that you do not get minutes from every meeting?

**Mr MATTHES:** Yes, we do get minutes from every meeting.

**Ms LEE RHIANNON:** Can you show those minutes to people?

**CHAIR:** No.

**Mr MATTHES:** Apart from that there are focus meetings such as the cane growers focus group, the flood focus group, the environmental focus group and the indigenous group. So there are focus groups apart from the general meeting.

**Mr JAMESON:** May I suggest a cynical view? I see the whole process as a smokescreen so that the RTA gets its way. It is going to do what it is going to do and this is simply a bit of papering over to pacify the community. I think it is a sham. On the road north of Ballina Jali owns swags of land yet I have not been part of any CLG group up there either. I do not know who is representing indigenous interests but we own the land up there.

**CHAIR:** Thank you. Thank you for your submission and for your assistance during the hearing. We appreciate it very much.

**(The witnesses withdrew)**

**JACK HARPER**, Member, Community Liaison Group Tintenbar to Ewingsdale, Lot 3 Piccadilly Road, Coopers Shoot,

**GAIL PATRICIA GREIG-MORRISON**, Member, Community Liaison Group Tintenbar to Ewingsdale, PO Box 323, Lennox Head,

**CRAIG STEPHEN SIMPSON**, Member, Community Liaison Group Tintenbar to Ewingsdale, 22 Carney Place, Knockrow,

**PAUL GORDON McLISKY**, Member, Community Liaison Group Tintenbar to Ewingsdale, 76 Coolamon Scenic Drive, Coorabell,

**CHRISTOPHER JOHN SHEVELLAR**, Member, Community Liaison Group Tintenbar to Ewingsdale, PO Box 13, Bangalow, and

**DAVID RONALD KANALEY**, Member, Community Liaison Group Tintenbar to Ewingsdale, PO Box 342, Mullumbimby, affirmed and examined:

**CHAIR:** Welcome. Thank you for appearing before the Committee today. Are you each conversant with the terms of reference of this inquiry?

**Mr HARPER:** Yes.

**Ms GREIG-MORRISON:** Yes.

**Mr SIMPSON:** Yes.

**Mr McLISKY:** Yes.

**Mr SHEVELLAR:** Yes.

**Mr KANALEY:** Yes.

**CHAIR:** Should any of you consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. We will go through the same procedure, bearing in mind that there are quite a lot of you. Mr Harper, would you like to lead off?

**Mr HARPER:** Yes. Good afternoon, ladies and gentlemen. I have a very short statement but I would like to give a handout to Committee members and speak briefly to it. At 5.30 this morning I had my kneepads on and I was in the lovely environment in the vicinity of Coopers Shoot and Piccadilly Hill Road picking my niche crop of asparagus. I am the only asparagus grower in this particular area. I was about probably 50 metres from my niche crop of bamboo—*dendrocalamus latifloras*—that I planted several years ago and which I hope to reap a crop of in the not too distant future. It is a clean, green type of commercial production. If I had moved about 50 metres further down the paddock I probably would have been able to have a game of cricket—we heard a previous speaker talk about playing cricket on the Pacific Highway some years ago. It might be a few years because that is where option D goes: through the back paddock of my place, right near my clean, green asparagus and right near my bamboo.

I mention that because I am here representing the people of Coopers Shoot. They have asked me to say several things on their behalf and I would now like to draw your attention to the handout that I sent around. In my former life before I became a farmer I was a public servant and I was involved in quite an amount of consultancy as a public servant. Having been a high school principal for 18 years, I am very mindful of recognising the good things that people do. I am quite certain that the people on the left-hand side of the table, the Labor members—I would like to see them smile today; they probably have not had very much good news, but there are two things about the CLG—

**The Hon. AMANDA FAZIO:** I have been in quite a good mood today. I thought I was smiling.

**The Hon. GREG DONNELLY:** You should see her when she's sad!

**Mr HARPER:** I did not notice. But this will make you smile, I hope. I have always tried, as a high school principal, to recognise the good things in people and to try to work on those. I think there is something good about the T2E CLG—namely, it is a very representative group. I am talking about the reformed CLG that relates to both the original and the extended study areas. It is a group that was selected initially by an independent facilitator and approved by the RTA. It goes right across three zones: north, middle and south and east to west. I mention that because some of the decisions that have been taken by the CLG have been portrayed in the local community as being unrepresentative. I would like the Committee to understand that, from my point of view, the CLG is a very representative group. I see that as a very positive thing.

The second positive thing about the CLG is the fact that we have an independent facilitator, which means that the meetings are conducted in a very orderly fashion and we usually get through the agenda. I think, had we not had that independent facilitator, we may well have had problems—as, indeed, I understand the original CLG had problems because it had a facilitator provided by the consultant. There are people here who have heard that consultant publicly chided by the manager of that section of the T2E to the point where obviously they felt it was necessary to have an independent facilitator.

That is the good news. They are the two good things that I think relate to my involvement in the CLG in representing the people of Coopers Shoot. Regrettably, these positive features—and I have sat here and listened intently to previous CLGs—have frequently been outweighed by, I describe them as a plethora of flawed processes that have been employed by both the RTA and the consulting group ARUP.

**Ms GREIG-MORRISON:** I live in the southern end of the extended study area of Ross Lane and east of the existing Pacific Highway. When the study area was extended and announced the RTA invited people to put in a submission to be considered to be on the CLG. I put my submission in along the lines that because my property was located within an urban investigation zone and my land had been zoned urban investigation since 1995, and that I was at least five kilometres from the existing Pacific Highway, I felt that I could bring to my community a fair degree of balance. I am an active non-profit community worker and the CLG process to me, I was hoping to see an honest and open approach and to be able to speak freely amongst my peers and to be respectful of the processes and the feelings of others.

Unfortunately that did not always happen. I guess the CLG is a forum where unfortunately the big issues that were addressed today were not allowed to be addressed. The issues of raising alternative routes, going west, different aspects were not allowed to be raised in the forum of the CLG specifically because I think the RTA had had problems elsewhere and after hearing about the other CLG groups I guess that became quite evident, hence our independent facilitator who was very good, very open to allow us to speak but at the same time she had a job to do and that was to get through the agenda.

I think the consultants from ARUP, while they are experts in their own field, were constantly looking over their shoulder to the RTA representative to see if they were saying the right thing in the right light, and quite often things that were said in different aspects of the report were at some point denied later. We do have minutes of the meeting, and when I get my chance later I have things that are minuted. Our minutes go on the RTA web site. They are censored. They are sanitised. There are no consenting views ever put into the minutes of the meeting. It is basically—how can I put it—a report of what was said. When people raise issues it says "a member said".

There are times when we insist to the independent facilitator that we have an action item created by the RTA—in other words, making them respond to our request. The action items are outstanding for a long time and quite often by the time we get back to the action item basically the RTA will say, "no". There is no reason. There is no discussion. So it is a flawed process in the sense that we are only ever going to respond to a limited corridor of information supplied by the RTA and

its representatives. Even though there is lots of information being provided by other people, the RTA seems to not want to take it on and the common response is, "we will deal with that another time", and unfortunately another time never comes.

**Mr SIMPSON:** I want to talk about some of the injustice and unfairness that will inevitably result from this process, and I want to highlight the position of about a dozen families that live in the area near Knockrow, which is also where I live. I am sure there are scores of others whom one could talk about, but I think they in particular demonstrate this injustice. They live in a subdivision called Martins Lane East. That subdivision was developed in the late 1990s, and it was developed only after the route for the Ballina bypass was announced by the RTA. It could never have been developed otherwise. All the families only bought in reliance on those RTA plans, believing that the road would go well to the west of them as a result. They probably all paid a bit more for their land because of the views from that subdivision and its quiet location.

The houses sit on a spur that runs from the escarpment down on to the coastal plain. Now the RTA has said in the report last Friday that it is proposing to change or considering changing the Ballina bypass so that two of the four shortlisted options they are considering will pass directly through the spur upon which these people built their houses in reliance on the previous RTA statement. According to the RTA report released last week, these routes will have "a significant impact on amenity for the rural residential cluster at Martins Lane East". This is RTA speak to describe the fact that the highway will pass tens of metres from their properties. The spur on which they built will be quarried to provide fill for the road to the north and the south to raise it on an embankment.

The houses will be left perched on a steep embankment directly above a six-lane freeway. Their properties may halve in value or potentially worse. Those with mortgages could be left with negative equity in their property, having to work for years to pay for a property value that is being distributed by the RTA in a windfall to probably owners living along the existing highway. Surely you would think these people would be entitled to some compensation for the sacrifice being forced on them, but most of them will not get a penny. They are not large landowners, and as the RTA will not have to acquire any of their land it will not have to pay them any compensation at all. It says the RTA may double-glaze their windows as the predicted noise levels will not meet EPA guidelines. If this committee can do nothing else to help these people and others like them, it is my submission that it should consider at the very least recommending payment of compensation to people like them to at least partly address this terrible injustice.

**Mr McLISKY:** I was a member of the original CLG which voted at virtually every meeting to have the investigation area widened. The reason for this was the obvious safety and health of community aspects that a greenfield route along the cane fields would have as opposed to a route going up through the fairly intensively settled and developed plateau area. Right from the beginning at the information sessions there was a very definite focus on safety as being the number one issue of the highway upgrade. Basically, everyone in the community said that safety was the number one issue, and from there you jumped off and looked at other issues, whatever they may be.

Eventually the RTA acquiesced to our requests for an expansion of the study area and that eventually came through. The reformed CLG, in my opinion, is demonstrably weighted in favour of the people who represent the coastal plains and the people living on the plateau. There are basically only one or two people from Bangalow and a few from Newrybar and the odd scattered person on the plateau but definitely as a group it votes en masse. This is illustrated by the results of the evaluation procedure where safety was ranked at something like 19 out of 40. As a result of that, when it became known in the community, at least one Landcare group has voted a motion of no confidence in the CLG because they are saying to themselves, "If our appointed representatives are going to send out the message to the RTA that safety is not important, then we don't feel it is representative."

I know that Mr Jack Harper feels that it is representative. I do not feel it is in the slightest bit representative, and I feel that the way that the groupings were made to appoint people to the CLG was patently unfair and was not looking at the numbers of people who were in the area. Our negotiations with the RTA and the independent chairperson to redress this imbalance have proved futile to date. At the last CLG meeting the RTA even suggested adding another member to the CLG at this late stage

who was directly affected by routes T1 and T2, which are the only options for that particular area. So we sort of know which way he would go and which side he would vote on.

There are also issues of things like land values for agricultural areas, areas that we believe are of much higher value and much further to be developed on the plateau being rated exactly equal to the cane farming areas and areas on the coastal plain. Basically, I do not believe the CLG is representative of the people in the study area, and I believe that the CLG in fact reflects the viewpoint of the majority of the members who are interested mainly in preserving their financial interest in their properties.

**Mr SHEVELLAR:** I have an opening statement. This morning I spent an hour on my front veranda counting cars, between the hours of 10.15 a.m. and 11.15 a.m. My front veranda is 18 metres from the Pacific Highway at St Helena. I am a member of the CLG representing the highway dwellers and people adjacent in the section from St Helena virtually to Bangalow, and they are suffering greatly at the moment from noise, safety and small particles of diesel pollution. If I get a chance I would like to further expand on my counting exercise this morning.

My opening statement is simply that following the announcement of the four route options by the Minister last Friday my submission written last June is virtually ancient history, although parts of it may be relevant. I particularly refer to my reference to the Just Terms Compensation Act, as alluded to by Mr Simpson. After viewing the terms of reference, it would seem that the Committee is looking at the bigger picture statewide, not just joining up the dots, Tintenbar to Ewingsdale. With respect, I can only ask the question: why were these issues not raised 10 years ago? Were we all asleep at the wheel? As far as I can see, the big picture is about massive coastal growth, especially the growth predicted from Coffs Harbour to Tweed Heads. It is not really only about B-doubles or interstate freight inland. It is about growth.

They keep coming, the overseas tourists, the interstate tourists, the backpackers, the grey nomads, the retirees, the sea-changers and, above all, the people fleeing Sydney and Melbourne. They come by road, by car, Kombi, caravan, campervan or bus. They come for a week, a month or for the rest of their lives, and they use the Pacific Highway to get around. In fact, the biggest users of the Pacific Highway are the locals themselves, and the local services that they demand. In 20 years time their numbers will be such that there will be 25,000 vehicles per day using this stretch of highway. That is one vehicle every four seconds. In turn, these people want to get around without using a motorway. At the same time they expect city services.

They expect next day delivery in the supermarket, in their businesses and elsewhere. This demand can only be met by road freight. So why do we not all go outside and have a look. With the utmost respect, may I suggest that the Committee members here today who have not already done so take a car trip on the Pacific Highway northwards from Ballina to Tweed Heads in daylight hours.

On the journey you experience the full gamut of goat track, Tintenbar to Ewingsdale, class A upgrade at Tyagarah soon to be upgraded, the current reconstruction nightmare at Ocean Shores and, finally, class M upgrade from Yelgun to Chinderah on the Tweed, which also retains the old highway as a service road. Sadly, change is upon us. We are starting to look more and more like the Sunshine Coast north of Brisbane. But let us make the best of a bad situation and, above all, let us make road safety a number one priority. Let us plan and upgrade for the next 100 years and not the next 20 years.

**Mr KANALEY:** My submission relates to the inquiry's terms of reference 1A. I question the RTA's reasons and processes for expanding the Tintenbar to Ewingsdale study area, particularly as it relates to the area south of Ross Lane in Ballina shire. The RTA seems to have taken no account of the 1997-98 Ballina bypass EIS prepared by Connell Wagner for the RTA. If it had taken that report into account it would know that there are no economically, ecologically or socially justifiable routes for a Tintenbar to Ewingsdale upgrade of the Pacific Highway through the land south of Ross Lane. That report was a very definitive document, which contains four volumes. It resulted from a similar process to what we are going through now with value-management workshops and community liaison-type group meetings. It seems to me quite unreasonable and I cannot justify at all how the RTA expands the study area south of Ross Lane without making any reference whatsoever, so it seems, to the Connell Wagner EIS report. If the RTA wished to include the area south of Ross Lane, they should have addressed the reasons why the Connell Wagner report rejected options for any bypass at Ballina

that lies further east of the proposed bypass for Ballina. The RTA has not done that. Therefore this has led me to question the actual process of the RTA to expand the study itself.

A good community consultation process should involve all key stakeholders. Some particularly obvious ones, such as Ballina Shire Council and Byron Shire Council, were excluded. They were not consulted at all about expansion of the study area. I do not believe that the Jali land council was consulted. I am positive that DIPNR was not consulted. Yet in 1997 DIPNR wrote to the RTA expressing its concerns that any reason should take into account the impact on strategic planning, such as undertaken by Ballina council. A good community consultation process would have put before those people who were consulted critical information so that they could make an informed decision rather than a heartfelt decision. An informed decision is something quite different. The existence of the Connell Wagner report could have helped people to make an informed decision about an expanded study area. The fact that this was not presented to people who were asked to advise on an expanded study area might be cause for concern. Instead, we are told they got some sort of broad-brush desktop type assessment of the feasibility of routes in an expanded study area. This is not adequate when you have detailed information at hand. That would be adequate if we had the information to hand.

Finally, why the RTA undertook to expand its study area raises very important questions around equity, probity or honesty of the approach as to the confidence community can have and can expect to have in any government decision making. I will elaborate briefly on those three points. On questions of equity, people in the Ballina bypass area were subject to 12 years of investigation. They had a solution. The Government announced another bypass route. Council moved at that point to rezone this land from rural to urban investigation, and has continued with its planning studies to put into effect their planning intentions for that area. To go back now to reinvolve those people in a new investigation with no justifiable reason to countermand arguments for rejecting other options in the Connell Wagner report. It is not acceptable. Probity is a question of honesty of the RTA's approach, but I will not go further into that. I believe the community as a whole should have and expect some confidence in the Government's decision with something as important as the Ballina bypass, and deserve to see the Ballina bypass implemented on the route selected.

**CHAIR:** I acknowledge the presence in the hearing of my parliamentary colleague the honourable member for Ballina, Don Page. I note that the honourable member for Clarence, Steve Cansdell, was at the hearing earlier. Ms Morrison, you mentioned that the CLG had limited parameters. Were there any discussions where the CLG or its members tried to move to look at the bigger picture if people put forward some wider scoping and they were thrown out?

**Ms GREIG-MORRISON:** Originally with the initial CLG, from what we can understand they were focusing on the big issues of the time. As a result of that the study area was considered to be an expansion. When the reformed CLG met we were tightly reined because we had an experience before where we were getting off the track. When the CLG members raised issues, and I can give you an exact one, I raised an issue regarding why devaluation was not included as a separate criterion. For many people devaluation was a major concern. How is it going to affect me? What is it going to do? Is it a plus? Is it a minus? Am I totally unaffected, or am I not affected at all? The RTA, as we heard before, considers people only directly affected if the bulldozer is going to go over your house. Everyone in the extended study area is affected in some way, whether it is your view, noise or property value. The RTA was not so keen in getting involved in a devaluation criterion that I have, through the minutes of a meeting, where, on at least four different occasions, various members of the 30 members of the CLG raised an issue about devaluation. We did not get an answer at all.

The minutes of our meetings are published eventually on the web site. But do not hold your breath. Denise is our independent facilitator. He has asked us to ask the RTA to consider devaluation. Mark Eastwood, a senior manager for the project team, said that after all this debate, at the end of the day, it was not an issue for now, that devaluation was a very hard thing to define. They could not consider whether it would be a high, medium or low constraint. We suggested that perhaps a valuer could be engaged to have a look at the impact of the possible route options and to come up with a ballpark figure, bearing in mind as this stage we had not even seen the 12 route options. There were no options at this stage; it was just generally talking. He just said that we could not the cause it is not a simple issue and because it is a new road, as opposed to a highway, an upgrade can affect properties in different ways. Property values in other areas could rise. He agreed that we could be evaluated in

some other way. Again, it was raised. I have meetings where we said, "What is your answer?" Ultimately, to appease the subject and basically to stop us getting off the track we decided that the noise criterion would be a proxy for devaluation. But in actual fact all it is is a notation on a bit of paper. There is no substance behind it. There is no formula. There is no nothing.

Basically they do not care about devaluation. If you look at the way they measure noise it is about a fair burden. If you have total noise impact now the model talks about sharing that noise. If you are in an area where there is no noise now it is expected that we would accept a degree of noise if there is benefit to people who live on a highway now who have the total noise burden, then the noise burden is looked at as being scattered among the whole area. I do not see how a noise burden that is going to be shared among everybody can be used as a devaluation. At the end of the day we did not get devaluation, and it was not a criterion. Basically we were told to get back in our boxes because it was not happening pretty much.

**The Hon. DUNCAN GAY:** My question probably goes to Mr Harper and Mr McLiskey, but if it affects someone else please feel free to answer. You appear to be an eclectic group. You do not seem to agree on everything. There is a difference in views between the original group and the expanded group. At any stage will there be a unanimous, or even a majority, decision on one of these threats or some other route from your group?

**Mr HARPER:** I am happy to try to answer that. I should mention that I am also involved with a group called SEPPS that evolved after the extension of the study area, probably in part as a response to the fact that the study area was extended. But that group now has evolved into more than 300 people right across both the original and the extended study area. The aim of that group is to keep the highway on the highway for the reasons that we have heard: The closure of the Ballina bypass, the fact that the St Helena's studies have been completed almost, the fact that areas along the northern part of the T2E that were zoned 9A special purpose roads, some of those I understand certainly had been gazetted. There were areas in the T2E where land had been required so everyone expected that that is where the highway upgrade would take place. People bought land away from the highway, as my wife and I did in 1992—we are four kilometres from the highway and we had absolutely no expectation that the highway would go across the back of our place.

In answer to your question, yes, I believe that probably most of the SEPPS people on that committee and my guess is that probably two-thirds of the CLG would now be representatives of the organisation of SEPPS, which, I stress, grew after the study area was extended and now represents people right across both study areas. It is unfortunate. What the RTA has done has created a war. It has created a war by extending the study area. Whether intentionally or otherwise they have created a war. I listened to some of the other people and I can empathise with the situation that they have put roads where people's lives have been entombed to their properties and their day-to-day activities. They cannot sell their properties. I have heard people approached me who are in dire circumstances, who feel exactly that. They feel entombed by this process. I believe it is a flawed process. The way in which they have gone about it is flawed.

(Witnesses withdrew)

**The Hon. DUNCAN GAY:** I also ask the question of Mr McLisky.

**Mr McLISKY:** I think at this stage it is unlikely that all the members of the CLG would be able to agree on a common route. I would like to say that a lot of reference is being made to a highway upgrade. I think that is a misnomer. What we are looking at is a totally new road. This is nothing to do with the local traffic. This is a road which is not designed to take local traffic. This is a road which is designed to take through-traffic; this is a road which is designed to take traffic at a much greater speed than the original highway upgrade was designed to do. To keep on bringing up this concept of original sin, of people who live along the existing corridor, where they have to wear whatever size road comes along, is really pretty ridiculous.

We are not talking about a highway upgrade of a local road, of what was, in fact, a bullock track which was created back in 1860 or something like that. What we are talking about is a seriously major inter-city connection. Why people consider that that has to follow an 1860-designed bullock track route, I really do not know. The people who are opposing the highway going along the plateau,



with all its hills and valleys and curves and that sort of thing, this is one of the major points: that this route was never designed to be an inter-city highway. We have to look at other routes; we have to look at greenfield options, if that is what we are going to do.

**Mr IAN COHEN:** Mr McLisky, would you and those who support your position support a full-length class A upgrade along the Pacific Highway corridor, as it exists at the moment, if the heavy interstate freight were moved elsewhere?

**Mr McLISKY:** There are a couple of areas along the Pacific Highway, particularly the hill down St Helena—which is a black spot and will continue to be a black spot, and nothing we do will ever be able to bring that up to scratch. In a couple of spots there, you have to look at alternatives. I do not quite understand what you mean by a class A upgrade. But basically, if there were no B-doubles, if it was not a through freight route, which would reduce the noise burden and the pollution burden, if the Pacific Highway were retained in the context that it now is, which is as a local and a transit through-road, I think the existing road would be acceptable to a lot of people.

**Mr IAN COHEN:** When I speak about a class A upgrade, I am referring to a four-lane dual carriageway with a 100 kilometres per hour speed limit, with restricted access for private entrances.

**Mr McLISKY:** I think probably more people would be prepared to accept that than would be prepared to accept the current situation with basically no, or only one, access point between, say, Ballina and Ewingsdale. Basically it is not a road; it is some sort of motorway, freeway, tollway, or whatever it is going to end up being.

**Mr IAN COHEN:** Mr Harper, with regard to the D route, it is the longest and the cheapest but it does not seem to stack up in that way. Do you have any thought about the costings being done from Ross Lane north rather than from Sandy Flat, where the C and D routes start?

**Mr HARPER:** I am not sure. Possibly they have costed them in terms of using landfill, as opposed to bridging. But there are people in this audience today who will tell you quite clearly that route D will require bridging—and the RTA have told us that bridging costs at least three times more.

**Mr IAN COHEN:** Mr Kenaley, from your perspective and your obvious knowledge of the process that led up to the Ballina bypass being accepted and going through all stages, is there a practical solution to connecting the proposed Ballina bypass to the C and D options that are running to the east of the other two options? Is there a way that that can connect up, or is the Ballina bypass reliant on options A and B?

**Mr KANALEY:** The Ballina bypass as currently proposed would have to be connected to options A and B. In my view, it could not be connected to options C or D. You would have to alter the Ballina bypass and move it to the east, as is proposed in options C and D, to make options C and D work.

**Mr SIMPSON:** Could I add to that. We obtained from the RTA the confidential report that ARUP prepared for them, under an FOI request, prior to extending the study area. I read that report, and it is clear from that report that the RTA did investigate the potential to join the approved end of the Ballina bypass to routes like C and D, and found it to be technically impossible because of landslip in that area and so on. So they have ruled that out as a possibility.

**Mr IAN COHEN:** Mr Harper, you have stated at various times that there has been a real disappointment with the consultation process. Could you provide reasons for those comments, looking at the FOI confidentiality and any other matters?

**Mr HARPER:** Yes, I will try to do that very quickly. The RTA has told us that they want open and transparent processes. But, in fact, when the study area was extended, it was far from that. A lot of people were concerned as to the reasons why the study area was extended. Over several meetings, it was almost like trying to get blood out of a stone. As a result of that, the SEPPS group had to put in an FOI to try to determine what the reasons were. Two reasons were given, over a fairly lengthy period of time. One was that a number of submissions were made, and the second was that there was a desktop study undertaken. We were never told that the desktop study was actually

undertaken by the existing consultants, the ARUP organisation. I find it interesting that the ARUP organisation was commissioned by the RTA to do the desktop study and then, when the recommendation came to extend the study area, that same organisation was given the contract to do the consultancy work on the extended study area.

I had been trying to get, through FOI, information relating to what the contracts were worth. I believe there is a very, very serious conflict of interest in a private organisation like ARUP being given a consultancy contract for the original study area, then being asked to do the desktop studies, and as a result of their own desktop studies then being granted the contract to do the studies for the extended study area, without tendering for that process. I would hope that this Committee would investigate that further.

There is another aspect of that. We have now accessed the FOI. It took about five months and some questions asked of this Committee before the FOI was released. About a month before this Committee first sat in Sydney, I had been in constant contact with the FOI officer from the RTA. About a month before that, he said to me, "The FOI is ready for release but I have sent it upstairs for approval." Every other week after that, I rang, I kept getting the answer, "It has been sent upstairs for approval." Eventually this officer said to me, "Look, I think it would help if you filled out the appeal to the determination." I said, "I am not appealing the determination. We have agreed on what you are going to provide to us. What I am appealing about is the delaying tactics. Why is it not being released?" He said, "I do not know the answer to that, but it would help if you filled out the appeal to the determination." So I did that, but still nothing happened.

I then had to complain to the Ombudsman, and, strangely enough—it might have been coincidence—three days after this Committee met in Sydney, I telephoned the RTA officer and he said to me, "Good news, Mr Harper, the FOI has been released." I said, "Isn't that a coincidence", because I had read the *Hansard* recordings from the meeting that day and it was very obvious to me that someone had a word in his ear to release the document. But what concerned me even more was the fact that in that document, which was basically the desktop study—we asked for more information, particularly the costings of the consultancy work, which has not yet been provided—what concerned me more was that in the desktop study there was inaccurate information.

On page (i) there is a reference to the fact that the Northern Rivers Development Board had recommended that the study area be extended. The Northern Rivers Development Board—you will hear its officer speak later this afternoon—has denied that fact. I have a copy of the minutes of that meeting, which I can provide to the Committee, to demonstrate that the ARUP desktop studies utilised information which was factually wrong. In my view, that must be conflict of interest. It was of great concern to me that an organisation like the RTA, who is spending taxpayers' money, can act in that way and not be asked to account. We have heard of one other instance already in Sydney, where the contract relating to the under-city tunnel is under investigation as well.

**Mr IAN COHEN:** How many weeks elapsed from that point until you received the information?

**Mr HARPER:** We received the information a week later. After the telephone call when he said "Good news", a week later the document arrived. I believe we agreed to be able to access all the information on file in relation to the reasons for extending the study area. We were given this desktop study. It is clear that this desktop study utilised submissions that were put in with regard to the Bangalow to St Helena section, submitted some four years ago and acknowledged in December last year—conveniently—just after the announcement of the original study area. In my view, there is something quite corrupt going on in relation to the utilisation of those submissions.

Mind you, it took three meetings. There was a public information session at Bangalow where the question was asked, "What were the reasons?" We got very evasive answers. Then, finally, at the first CLG meeting of the new members this year, the manager of the Tintenbar to Ewingsdale project, when we pursued the question of how many submissions were made, said, "About 600." I said, "What about the fraudulent submissions?" A couple of my stakeholders had approached me and said that they had received a thank you letter—I have a copy of one of them here—for submissions that they had put in, but they had not put in any submissions at all. I was then able to glean that 340 of those 600 submissions turned out to be form letters that were originally filled out in 2001 in relation to the

upgrade of the Bangalow to St Helena section but were then utilised as evidence to support the extension of the study area.

**The Hon. AMANDA FAZIO:** Mr Shevellar, you said that you spent from 10.15 to 11.15 this morning counting vehicles coming past your place on the highway. What did you count?

**Mr SHEVELLAR:** I really must get a life! Thank you for your question. The traffic count I took this morning from my front veranda between the hours of 10.15 and 11.15—which, on a weekday, is the quietest time of the day because everybody has gone to work, the kids are at school and so on—was: cars, utilities and four-wheel drives et cetera, 900; B-doubles, 17; semitrailers, 65; small service vans, such as electricians, farmers, building suppliers et cetera, 56; caravans and mobile homes, 17; motorbikes, three; passenger buses, three; and small trucks et cetera, 53. That makes a total of 1,114. Lots of people have done traffic counts on the Pacific Highway. We wonder about the RTA counts at times. The interesting thing for me in this was trying to work out just how many of those were local trucks. I was almost trying to read the sides of the vehicles. It was very interesting to see just how many local vehicles were using our section of the highway. I could go into detail but I know you are pushed for time.

**The Hon. AMANDA FAZIO:** Perhaps we could get those details from you later.

**Mr SHEVELLAR:** Yes, I have a copy.

**The Hon. AMANDA FAZIO:** I have one question for Ms Greig-Morrison. You said that you felt that the consultation process improved after an independent facilitator was provided for the second incarnation of the CLG. We have heard a lot of people say that they have not been happy with the consultation processes because there was a very narrow focus of things that you were allowed to look at. Do you have any other positive suggestions about how the consultation process could be improved so that it would work better in future?

**Ms GREIG-MORRISON:** I think initially when you applied the only criteria was you put in an application because you were either in the extended study area or you were close by. You put in your form and it asked you a few questions. You really did not know what they were looking for. I think they probably went geographically. I think if they could give you a preamble like you have today—this is what we are looking at, these are the rules, these are the regulations and this is the format—people would come to the meeting knowing that we are going to look at this. I think there are a few things that the CLG has probably been reminded about several times by the RTA. We are constantly reminded that we are an advisory group only, hence we do not get to vote and there are no dissenting views. Whether we agree or disagree about the route options, basically, they do not care.

The interesting thing was that the T2E route options are not due out for another month yet they have already been printed. They are not due to come out; we do not know why. So it means that the night they showed us the 12 route options, which were confidential, these books were pretty much almost printed. So our input, for whatever reason, is not input. The fact is that they have a process, a time frame and what we say does not count pretty much.

**Mr KANALEY:** If I may add to that answer, I think the CLG process would be improved if those with dissenting opinions could be assured that their views would be made known not just to the RTA but also to the Minister. I think that is one failing with the current CLG. People with dissenting opinions can feel alienated because they are not being heard. I think this would also be very useful if the CLG could report directly its comments to the Minister. As it stands, the CLG comments get as far as the RTA and that is as far as they go. They need to go further.

**CHAIR:** Mr Harper has handed up a poem called *The RTA Extensive Study Area* by Yvonne Harper. Thank you. That will now become part of our evidence. Thank you for your submissions and also for your contribution this afternoon. We really appreciate it.

**(The witnesses withdrew)**

**SAMUEL JOHN CRUMP**, Private Citizen, 356 Old Byron Bay Road, Newrybar, sworn and examined:

**MATTHEW GILMOUR JAMIESON**, Private Citizen, Sunforest Organic Farm, PO Box 1805, Byron Bay, and

**KATRINA LUCKIE**, Executive Director, Northern Rivers Regional Development Board, PO Box 146, Lismore, affirmed and examined:

**DOUGLAS REX HARRIS**, Member, Agricultural Focus Group, PO Box 333, Bangalow, and

**ALAN SURREY BOGG**, Member, Community Liaison Group, "Kerogen", Friday Hut Road, Brooklet, sworn and examined:

**CHAIR:** I welcome the next group of witnesses. Are you each conversant with the terms of reference?

**Mr CRUMP:** Yes.

**Mr JAMIESON:** yes.

**Ms LUCKIE:** Yes.

**Mr HARRIS:** Yes.

**Mr BOGG:** Yes.

**CHAIR:** If any of you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact to the Committee and we will consider your request. Mr Crump, would you like to make the first opening statement?

**Mr CRUMP:** Thank you for this opportunity to present a few views to the Committee. I was a member of the original CLG and was made a member of the reformed CLG. I am also a member of the agricultural focus group and I have been a member of a number of organisations interested in retaining the integrity of the landscape in the area in which we live. I want to direct my comments specifically to agriculture and the study area. For both the original and expanded study areas the RTA has stated that agricultural issues are a major consideration in route selection. If this is not just a political statement but a reality, it follows that the best route for the highway is the one that uses the least amount of land. The least productive agricultural land is that already covered with bitumen. Therefore, the best route with respect to agriculture would be a route with the shortest distance between two points and one that utilises, where practical, the existing highway corridor.

This opinion has been debated and it was supported at a meeting of all community groups that was arranged by the Bangalow Community Alliance, whose representatives we heard from this morning. There seems to be fairly universal acceptance of the principle. This commonsense proposition has been complicated—it was complicated from day one at the first CLG meeting—because special interest groups have lobbied for other outcomes. If these are adopted it will be greatly to the detriment of the agricultural community. I would like to give you some examples of the compromise. It suits individuals in the community living adjacent to the highway who bought cheaper land to move the highway elsewhere. But this idea solves nothing as it magnifies and relocates the problems associated with the highway elsewhere. Farms along the highway that have been there traditionally for x number of years have been planned acknowledging the existence of the highway, whereas farms on the flats will be broken if a highway is put in their vicinity.

There is a second issue that I feel has complicated the debate. I feel the membership, the motives and the recommendations of the northern Pacific Highway northeast task force should be examined, with particular respect to promoting the idea of a tunnel concept at the northern end. There

is also a third example of compromise in the process. It probably suits the RTA to build another road in a greenfield area because it is easier as a short-term proposition. Any qualified engineer will tell you that it is much more expensive in the long term but the long-term costs have not been included in their analysis.

So what have been the outcomes of this debate? One outcome has been that one group of residents with agricultural pursuits on the plateau are in conflict with others engaged in agriculture on the flats. The question is: How does the RTA resolve this conflict? Perhaps some arbitrary system of land valuation is a means of resolving the conflict. But there is a problem with that and it relates to how you determine valuation. The RTA gives us some guidance on this. They talk about agriculturally significant land, including State-significant land, and they talk simultaneously—it is in their last report—about visually iconic escarpments. I would like to briefly examine the two aspects that they refer to in land valuation.

Can land value be based upon productive potential? We have heard arguments in the agricultural focus group that this is a proposition—and we will probably hear them again. But if valuation is based upon current fashionable pursuits, such as macadamia or coffee growing, the result of this argument will be a dispute between the plateau growers, who value their land at between \$40,000 to \$75,000 a hectare, while asserting that land on the coastal flats, which has proven to be equally productive, should be valued at \$15,000 a hectare. This is a transitory valuation; it could change before the highway is ever started.

My point and my belief is that land value should be based on something different: land value should be based on the total significance of the land. This concept recognises that land has a value in and of itself. This is an age-old concept, understood by an earlier society that lived on this land. Our society could do well to adopt a similar attitude towards the land. The landscape is a discrete and total entity; it is not made up of small compartments between internodes on the road. The landscape should be protected, not exploited.

To some extent the RTA alludes to this concept when it refers to the visually iconic escarpment. If the way it affects land value and production of crops, this will be a relatively short-term effect, whereas a road which vandalises the natural iconic escarpment will be a irreversible act, never to be repaired. In this respect the escarpment face in the lower flats should be thought of as an integrated unit. I conclude by returning to my opening comments that by and large the upgraded highway, from the agricultural perspective as well as the broader perspective, should remain, where possible, on the existing highway corridor.

**Mr JAMIESON:** I am an organic farmer of free range turkeys. I access the highway near the top of the St Helena hill. My background is agriculture. I moved here from central Queensland where I was cropping grain. I moved here because it rained a lot and the soil is rich. Since moving here I have had longstanding concerns about the heavy transport on the highway and the increase in heavy transport. I have written a number of detailed letters to the Minister about that and have never been replied to. I often find my family and myself in dangerous situations on the highway. I have had a number of close calls with particularly B-doubles and heavy transport while crossing the road to deliver my children to the school bus. There is very little margin for error for people living along the highway in the current situation. The highway requires urgent action to safeguard the people on the highway.

The regulation of the Pacific Highway by the RTA has been absent or inadequate. The history of accidents on the St Helena corner shows that the policy and the administrative processes of the RTA have not been able to safeguard the public. The situation with the gazettal of the B-doubles, I believe that B-doubles are not suited to drive on the Pacific Highway on non-upgraded sections. The assessment process for B-doubles was inherently flawed back when they were approved. Byron Shire Council, which might have represented the community view, was effectively eliminated from the process by the RTA sidestepping the council. I detailed that in my submission.

The concept of us having to wait for maybe 10 years for any sort of action on the highway, and while we have to live with this mix of heavy interstate transport and local traffic, is a nightmare. I would like you to look briefly at this document which in this route options report, the bottom here shows the red ones are the parts of the existing highway that do not meet any minimum standards of

highway design. I think this shows that the RTA should be looking at whether this heavy transport should be on this highway at all. I believe that they should be redirected back to the New England Highway.

Another issue is that the RTA and the Government have not been able to regulate driver behaviour. I believe that some sort of black box system should be implemented in heavy vehicles, and I give some detail of that. Given the traffic volumes we are facing and the inadequate design, I believe the RTA should reduce the speeds on the existing highway to make it safer for the public, and I suggest that 80 kilometres an hour is the sort of speed that should be looked at along the non-upgraded sections. I have also been critical over time of the RTA's lack of strategic planning. Basically the plan back in the 1990s to upgrade the highway in 10 years has just become a series of ad hoc decisions which generally I feel have served the interests of the interstate freight industry but do not serve the interests of the community for safety and noise.

I believe the release in this document of the routes principally serves the interests of interstate freight by making the highway low and close. I think that the divergence from the existing highway will significantly affect farm businesses. It is some of the best horticultural land in Australia, and to build the highway off the existing route would have dramatic impacts on the economy in the region. The RTA should have community orientated planning on the highway, and addressing what the highway should be used for should be part of that planning exercise. At the moment within the CLG we have not had an opportunity to talk about—and I have brought that up in the CLG. The future transport systems must also be looked at within this planning process. I think that fuel efficient systems should be assessed as part of it, and the future in transport, I believe, is not with heavy interstate freight; it is with rail or shipping.

As I said, I am very in favour of having an existing highway along the existing route. I think it will minimise the effects on agricultural land. I have moved to this area and it is a very vibrant, dynamic and profitable place to work in agriculture. I think it will have negative impacts on that. Staying on the existing highway route will have the best environmental outcome for terrestrial and aquatic ecology, and I do not believe that the RTA is properly considering the issue of fog in Tinderbox valley and Newrybar swamp, and I believe there is not only increased because of those areas and planning through those areas there is more increased chance of accidents and I am also concerned about the issue of inversion layers in both of those valleys and the issue of pollution.

I proposed at the CLGs, which was industry supported, to look at a coastal link corridor concept for the road. The Federal Government, in its white paper, has proposed a strategic planning process which can involve the community. I do not think the RTA has followed anything like that. The New South Wales roads Minister needs to have a process of looking at strategy planning, as I was saying, looking at the corridors between Brisbane and Sydney and looking at where freight should go, how it is best spent, than mixing it with the local traffic. As I said, I think investment in rail is a good way of getting this freight off the road. In agriculture I have found the rail to be much cheaper to send things, and that was my experience in Queensland. Here I have extensive freight to deal with, sending things to Sydney. My summary is that it is dangerous to local users.

**Ms LUCKIE:** I will start by stating that as representing the regional development board and a member of the agricultural focus group, being a regional body I probably have not found that I have been able to participate effectively well in the agricultural focus group because many of the issues have been very localised. So my comments will be a bit more broader perspective than the local issues. I note particularly the importance of agricultural activity to the regional economy and the fact that agriculture has not only been a traditional mainstay of our economy but in many parts of the region, particularly this area, things like food production and agribusiness activities are big contributors, maybe not so much in terms of employment but definitely in terms of export income.

There is a model that has been developed to allow capacity now to actually model the economic impacts of individual businesses and industries throughout the region that can be accessed through the Tweed Economic Corporation. It is disappointing to see the route options development report contains no detailed economic or cost-benefit analysis in terms of the impacts on various industry sectors, particularly when there is a tool now available to assist in that regard. I note that the planning of short sections of upgrading works for the Pacific Highway presents a challenge in that it is not possible to look at bigger picture issues in terms of future growth and development, and there has

been a gross oversight in terms of some of each of these highway upgrades in that there is no integration at present with the work that is happening in terms of south-east Queensland and the infrastructure and development planning that is occurring up there.

There is currently some work being undertaken by previously DIPNR and now Department of Planning in terms of developing a far North Coast regional strategy, which is looking at issues associated with population growth, settlement and definitely infrastructure development, and there appears to be no recognition of those processes in the work that has been done to date. From the development board's perspective, we have been doing some work on our regional industry and economic plan, which provides key directions and recommendations for infrastructure development in the region. Another issue of importance is the recognition of existing State Government policy in terms of the protection of farmland. There have been land areas identified as being of State and regional significance for agricultural development. Whilst the planning rules protect that land from residential development and not infrastructure development, I think we need to recognise an intent about the importance of not sterilising and losing the potential use of that land as an asset to feed our society in the future.

The only other point I want to draw on was consideration of the impacts of any highway upgrades on secondary roads and the importance of maintaining good arterial routes which have limited development along them to facilitate basically movement between areas. In response to one of the previous panel comments with respect to some data or a reference to some recommendations from the development board, I will be tabling some information, one of which is a letter that clarifies what recommendations the development board has made throughout the process, and it definitely did not make any specific recommendation regarding extension of the study area, particularly not to one direction or the other.

**Mr HARRIS:** I would like to make a brief statement and table a visual report of a typical red soil property on the plateau. I am a member of the big scrub rainforest landcare group and a member of the Australian Macadamia Society. Earlier speakers would have told you that this area of the North Coast has some of the most highly productive and valuable soils in Australia. Annual rainfall is abundant. Excellent high-yielding crops are grown in the area, and it seems absolutely crazy to bulldoze a major highway through such highly productive and economically viable land. This area is home to many productive enterprises such as Brook Farm, Zentvelds Coffee, Kerrigan macadamias, Stanford macadamias, Pacific plantations, the Hood stone fruit operation, Nirvana Coffee and Dory Enterprises, just to name a few.

In my case I am the principal of the family company which owns Piccadilly Park, a 200-acre macadamia plantation two kilometres south of Bangalow on the east side of the Pacific Highway. The property has an orchard of approximately 18,000 macadamias. Production potential is approximately 360 tonnes of nut in shell per annum. Farm gate value of the production on current price is approximately \$1.3 million. We have planted some 40,000 rainforest trees consisting of 211 species on the property. These plantings are in gulleys along the riparian zone of Skinners Creek. This is a substantial planting for approximately 1½ kilometres along Skinners Creek. We have received assistance of approximately 5,000 trees from the National Heritage Trust, especially for the riparian zone restoration works.

The orchard is not certified organic but is operated on an organic basis. For pest management we rely solely on a system of microbats, barn owls and many native birds. We have applied hundreds of tonnes of rock bust worm casting compost and thousands of litres of microbes to the soil. The farm is operated on a sustainable farming enterprise. Piccadilly Park and four adjoining neighbours have the only State significant land in the whole of the study area.

Last Friday the RTA released the outlines of the four route options for the new highway. One of these options, route C, runs right through our properties and causes major severance. A large portion of the farm is lost due to a 30-metre cut and a 300-metre long bridge, 20 metres high, across Skinners Creek, which is the most pristine area of our property. This route also servers State significant land. DIPNR Northern Rivers Farmland Protection Project states 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. In your report, please recommend that the RTA must not dissect State

significant land. I also ask members of the Standing Committee to have a serious look at the excellent route option promoted by the CARS group earlier today and request that you recommend a feasibility study be carried out in relation to that. I hope that you have an opportunity to get to Piccadilly Park during your field visit tomorrow. I thank you all for taking the time to visit this beautiful area of the North Coast.

**Mr BOGG:** I am a member of the CLG and a member of the Emigrant Creek Land Care Group. What I assume we are discussing here is an M class highway, despite the desire of many people to have an A class highway. If we are discussing an M class highway, it is in addition to the current highway. Therefore whichever way it goes it is a savage attack on agricultural land on the 17 to 20 kilometres between Ballina and Ewingsdale. Just one point before we start, earlier people spoke about the northern end of the Ballina bypass having been changed to incorporate the possibility of a larger range of routes in the Tintenbar-Ewingsdale area. If it had stayed as it was in the first past, the highway would have had to go through the Emigrant Creek catchment, which supplies drinking water to Ballina and Lennox Head. There is no alternative. Secondly, it goes through the most valuable agricultural land in this part of the world. It is also the most valuable macadamia land in the world, substantially higher priced than Hawaii, and it may very well be close to the most valuable agricultural land of any description in Australia. The agricultural focus group was formed early on, and I am afraid to say it did not come out with anything very significant. The RTA asked me to address the agricultural focus group a month ago, and I think members would have a copy of a synopsis of the report.

**CHAIR:** Yes, we have. It has been on the table.

**Mr BOGG:** There are a couple of definitions. There is a pretty coloured cartoon in the middle of it. It just so happens that the big scrub area, which is approximately 900 square kilometres, the very eastern edge of it is in the subarea, the area of the escarpment on the plateau in the subarea. For geological reasons and for rainfall reasons and because it is close to the coast and therefore has balmer temperatures it is the most valuable agricultural land in the big scrub area itself. It is valued at roughly \$50,000 to \$60,000 per hectare. I appreciate John Crump saying that some of these hectares may change over time—of course they will change over time, but the point is that areas on the escarpment that are plantable to tree crops in which machinery can work, in other words it is not too steep, is valued at two to five times the agricultural land in the rest of the study area.

If one looks at it on a value basis, a cash basis, I was saying that if the RTA is taking into account agricultural values, which it says it is, it would be very unreasonable for a route to be B or part of C, or even part of D, the northern section. There is a real bind here, but if agricultural land is going to be saved the highest valued agricultural land, presumably, should be saved. The second issue I would like to mention briefly is the Emigrant Creek Catchment Area, which is one of two dams that supplies water to the area, particularly to Lennox Head and Ballina. A six-lane highway in addition to the current highway going through the catchment would be rather savage, I would have thought. It is an extremely small area. It is a particular position. I do not think the RTA has addressed it yet, but it may very well in selecting the routes that are now A, B, C or D.

**Mr IAN COHEN:** Mr Bogg, your claim of it being an M class highway—

**Mr HARRIS:** The RTA's position is an M class highway.

**Mr IAN COHEN:** What do you base that on? I admit I have had conversations with the Minister who says that if there were going to be a motorway of some sort then it has to be separate to the highway under the State legislation. It has to be the highway plus a motorway. Could you inform the Committee whether you have any assurance from anywhere that it will be a motorway rather than an upgrade of the highway?

**Mr BOGG:** At all the CLG meetings I have been to it has been suggested that it is going to be of the quality of the Yelgun to Chinderah bypass. It has never been anything else.

**Mr IAN COHEN:** This it is from the RTA itself?



**Mr BOGG:** RTA, engineers, provision for a six-lane highway with a side road, presumably the current Pacific Highway being a local road.

**Mr IAN COHEN:** So it presumes that there will be a highway project?

**Mr BOGG:** Absolutely. There has never been any discussion of any other type, apart from small positions being put up by individual CLG members. It has always been an M class highway.

**Mr JAMIESON:** There has been a little bit of discussion about putting the highway down the highway, down the existing route within the CLG by the staff of the RTA. They have said they were looking at it, but it does not appear to occur on the routes they have provided.

**Mr BOGG:** 250 metres wide of which the M class highway will be within it.

**Mr CRUMP:** From my perspective at the CLG and the corridor options workshop, the question of whether the existing highway corridor could be utilised has never been questioned. It has always been an option.

**Mr IAN COHEN:** You are saying that if the existing highway corridor is utilised, is that for some sort of M class or motorway class?

**Mr BOGG:** Yes.

**Mr IAN COHEN:** And then we have associated support roads, where and how?

**Mr CRUMP:** What I have further discussed is if the existing highway corridor were utilised for part of its length that would raise problems of access for local communities. I know I have put the argument myself that the prime consideration should be the location of the principal highway and the secondary consideration after that has been resolved is a question of access. In my mind it has always been very clear that the existing highway corridor could form a component of an upgrade highway.

**Mr IAN COHEN:** You mentioned the short-term and economic advantage of going to a greenfield site to create a highway, which is very obvious. Has the RTA described the advantage associated with extending the study area, any economic advantage or any advantage at all?

**Mr CRUMP:** At the first meeting of the CLG and, subsequently, at the second meeting of the CLG the majority of the group, I guess 70 per cent, were not interested in discussing the issues related to the upgrade of the highway. They were interested only in the argument that the study area should be extended. There was not an opportunity at those meetings, which were totally dysfunctional until the independent chairperson was called in, to discuss any issue of any relevance because motions were being moved from the floor and it was almost total chaos. Subsequent to those meetings when the CLG was reformed, a sense of order came into the proceedings. The opportunity was there to ask a question of the answer I received, which I received at public meetings and it is on the record of the CLG by the person responsible in the RTA, "Can you tell us what are the extent and advantages associated with extending the study area? Describe them all." The answer I received on more than two or three occasions is that the advantage in extending the study area from the RTA's point of view was that it satisfied community confidence.

When I asked the question, "Could you describe any technical or engineering advantages?" the answer I have heard interpreted and what I have interpreted is that there are not any distinct advantages. If I could just make one further point, I received expert engineering advice from engineers engaged in several projects and I sought advice about the costs of highways in relative costs if you construct a highway in an area and one item of concern that I find, and which came out, is that the question of long-term cost has not been addressed. It is pushed to one side. The best advice I can receive is that although the initial costs of constructing a road may not vary depending upon the location, long-term costs, which are exceptionally high, are associated with roads that are built on flood-prone areas. The evidence for that is, and the RTA had engineer agreed at the corridor option workshop, that the Yelgun-Tugun road built across the flood plain is already giving them some concern. I believe that in this report there should be some analysis of the long-term maintenance costs.

**Mr IAN COHEN:** To go back to the macadamia production in the Newrybar Swamp, you were saying that the escarpment had the most productive and valuable land, but there was over six tonnes per hectare, or \$24,000 per hectare gross return last season when the growers thought macadamia had another poor season because of the dry. Could you comment on that?

**Mr BOGG:** You are talking 2004?

**Mr IAN COHEN:** Yes.

**Mr BOGG:** 2004 was a very good year. There was a dry in 2004, which has affected the crop in 2005.

**Mr IAN COHEN:** Has it been quantified?

**Mr BOGG:** It must be very close, it is not on an industry basis, but individual farmers in New South Wales all over know that their crop is down.

**The Hon. DUNCAN GAY:** You mentioned that you have sent a number of letters to the Minister. Could you indicate how many letters? You also indicated that you had not received a reply.

**Mr JAMIESON:** I wrote to the previous Minister for Roads.

**The Hon. DUNCAN GAY:** Minister Scully, was it?

**Mr JAMIESON:** Costa. I rang him a number of times. They sent me a letter saying it had been received, but I never received a reply from that and then I rang and asked could I see Minister and I talked to his staff on various occasions. It was all about concerns about safety issues on the highway, but he never responded.

**The Hon. DUNCAN GAY:** How many letters?

**Mr JAMIESON:** Two letters and a numbers of phone calls.

**The Hon. DUNCAN GAY:** You also mentioned that you feel we need an 80-kilometre speed limit on the non-upgraded section. The previous contributor indicated that he felt a 70-kilometre speed limit for heavy vehicles on the non-upgraded section would be appropriate. Do you believe that would help the safety, or would it be a situation where people who use this road as a through road and not just heavy transport would be frustrated in those areas because they are spending a longer time before they get to the same parking lanes and it may have the opposite effect to what you would have?

**Mr JAMIESON:** Sure, it is an issue of concern. With the heavy transports using the speeds they use, they use it at much higher speeds than the 100 kilometres and they are suited to that sort of speed. I just do not believe the road has the design capacity to take those sorts of trucks and the number of trucks at that sort of speed. I find them jostling for positions up hills all the time, and you cannot go past them anyway. If you have four trucks on a hill, they are all jostling for positions and no-one goes past them anyway; everyone backs off.

**The Hon. AMANDA FAZIO:** Mr Jamieson, in your presentation to us and in the document you handed up, you talk about your concern about the RTA being unwilling to regulate driver safety for heavy vehicles. The State Government put through chain of responsibility legislation earlier this year. Under that legislation, if a truck company says to the driver, "It should be an 18-hour journey but our schedule says you do it in nine hours," if something happens, the driver is responsible, the freight company is responsible, and the people who have told the driver to drive to that schedule are responsible. Do you think that will help overcome some of the problems, or do you think it is simply the type and nature of trucks, particularly at St Helena, that is causing the problems?

**Mr JAMIESON:** I think it is to do with the willingness of the drivers to drive very fast—or their propensity to drive very fast. With regard to whether their chain of responsibility is there, you do not see any evidence of them feeling that they have to control the speed. I believe that is why there has to be some sort of system within the truck to monitor its speed and log its position.

**The Hon. AMANDA FAZIO:** You would rather see something like a safety cam—

**Mr JAMIESON:** I suggest a black box that monitors the speed of the truck all the time. I drive a truck, too. When you know there is something there, you slow down. You drive on a road a few times, you know where everything is, and you also know where the police are. It is self-monitoring.

**Ms LEE RHIANNON:** I am interested in the workings of the agricultural focus group. Today we have heard concern expressed about the CLG process. Are your views listened to, and do you think they have an impact on the RTA? Are you able to discuss publicly what goes on at these focus groups, or is it like the rest of the CLG process—in other words, that is not possible?

**Mr CRUMP:** My experience is that when it was formed the RTA had a view of how it should be formed, and they were going to be selective in the process and nominate from the original CLG. From memory, that was two people. The argument was put forward, and subsequently they agreed after a little bit of arm twisting, that anyone who had a primary interest in agriculture should be entitled to attend the agricultural focus group. So it finished up with the meetings comprising about 9 or 10 people, and subsequently with the reformed CLG new people came to it. It has been a much more satisfying workshop than the original CLG.

**Mr IAN COHEN:** Page (iv) of the report entitled "Tintenbar to Ewingsdale—Upgrading the Pacific Highway" says specifically:

Two highway upgrade strategies are being considered:

- Class A—two lanes in each direction, 100km/h posted speed, limited access condition roadway with at grade intersections;
- Class M—two or three lanes in each direction, 110 km/h posted speed ...

That is in the report. What has changed, and why?

**Mr BOGG:** In my time on the CLG—I was on the first one in December—I have never had the impression that it is going to be anything other than a class M.

**Mr IAN COHEN:** Despite the fact that it is in the report?

**Mr BOGG:** Yes. One of the reasons is that there are 83 entrances from farms or houses, plus I think another seven or eight roads between Tintenbar and Ewingsdale, so it is impossible to have a through road with 83 entrances on it. It has always been considered, in my presence, that it is 10 lanes, that it is going to be a four-lane highway with two extensions in the middle, just like further north, plus the side road, and in some cases possibly plus two side roads. It just carves a huge swathe through the countryside. As far as I am aware that is their intention, and I have disagreed with everything they have said over the last year. It has never been an upgrade to a four-lane highway.

**Mr CRUMP:** I do not disagree entirely with what Surrey is saying, but it is a question of interpretation. I think those who prefer to see the highway relocated elsewhere would take the maximum position of what is going to happen, rather than the realistic position.

**(The witnesses withdrew)**

**(Short adjournment)**

**(Public forum held at 6.00 p.m.)**