

General Purpose Standing Committee No. 4

# **Pacific Highway Upgrades**

## **Interim Report**

### **Ewingsdale – Tintenbar and Ballina – Woodburn**

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## Terms of Reference

### **Inquiry Into Pacific Highway Upgrades:**

That the General Purpose Standing Committee No 4 inquire into and report on the impact of the proposed upgrades of the Pacific Highway between:

1. Ewingsdale and Tintenbar, with particular regard to the following issues:
  - (a) Reasons for expanding the highway upgrade study area on the St Helena to Tintenbar section;
  - (b) The level of upgrade proposed for this section and the remainder of the Pacific Highway;
  - (c) The impact of the highway upgrade on prime agricultural land;
  - (d) The potential impact of the upgraded highway on prime agricultural land in the expanded study area;
  - (e) The impacts of B-doubles on the Pacific Highway;
  - (f) The impacts of interstate heavy transport on the Pacific Highway and of the mixing of interstate and local transport;
  - (g) The impacts of interstate truck transport on the New England Highway;
  - (h) The significance of the New England Highway as a designated national transport route;
  - (i) Existing or proposed strategic transport plans that seek to deal with the forecast doubling by 2025 of the NSW freight task;
  - (j) The significance of statements by the Minister for Infrastructure Planning and Natural Resources that the Pacific Highway is dedicated as a regional road; and
2. Ballina and Woodburn, with particular regard to the following issues:
  - (a) Impact on prime agricultural land;
  - (b) Impact on flooding in the mid-Richmond area;
  - (c) Impact on communities at Broadwater and Woodburn; and
3. Any other related matters

These terms of reference were self-referred by the Committee on 10 June 2005.

### **Inquiry Into Pacific Highway Upgrades: Coffs Harbour**

1. That General Purpose Standing Committee No. 4 inquire into and report on:
  - (a) the proposed upgrade of the Pacific Highway between Coffs Harbour and Woolgoolga as outlined in the Coffs Harbour Highway Planning Strategy, and
  - (b) the progress of the proposed Bonville upgrade of the Pacific Highway.
2. That the inquiry be in the same terms as, and conducted concurrently with, the inquiry into the Pacific Highway upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, as reported to the House on 14 September 2005.

These terms of reference were self-referred by the Committee on 21 September 2005.

## Committee Membership

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<b>Hon Jenny Gardiner MLC</b>	The Nationals	<i>Chair</i>
<b>Hon Jan Burnswoods MLC</b>	Australian Labor Party	
<b>Hon David Clarke MLC</b>	Liberal Party	
<b>Mr Ian Cohen MLC *</b>	The Greens	
<b>Hon Greg Donnelly MLC</b>	Australian Labor Party	
<b>Hon Amanda Fazio MLC **</b>	Australian Labor Party	
<b>Ms Lee Rhiannon MLC ***</b>	The Greens	

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\* Mr Ian Cohen MLC substituted for Hon David Oldfield MLC for the duration of the Inquiry

\*\* Hon Amanda Fazio MLC substituted for Hon Kayee Griffin MLC for the duration of the Inquiry

\*\*\* Ms Lee Rhiannon MLC substituted for Ms Sylvia Hale MLC for the duration of the Inquiry

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## Chair's Foreword

I am pleased to present the Interim Report of General Purpose Standing Committee No. 4 on the Pacific Highway upgrades which focusses on the upgrades proposed to be constructed between Ewingsdale and Tintenbar, and Ballina and Woodburn, on the Far North Coast.

The Committee is continuing its Inquiry into upgrades proposed for the Pacific Highway in the Coffs Harbour district as well as the critical matter of heavy transport on that Highway and strategic planning for the Pacific Highway Upgrade Program. These matters will be included in the Committee's Final Report.

The Roads and Traffic Authority of New South Wales (RTA) is empowered to determine the location of road upgrades, and to compulsorily acquire land for this purpose.

The options and route preferred by the RTA have generated great local unrest in the Northern Rivers region, hence the Committee's decision to inquire into the RTA's upgrades processes.

The Committee's public hearing and public forum held at Ballina provided an important opportunity for disparate groups and individuals to 'have their say', many for the first time, about plans for their communities which have the potential to affect them greatly.

The purpose of the Inquiry was not to draw 'lines on maps' or to instruct the RTA to select particular route options for the Far North Coast upgrades, but to examine the RTA's processes for developing route options, as well as the possible impacts of the upgrades.

The Committee took evidence from hundreds of local residents concerned about the scale and location of the planned upgrades. The Committee heard that while there was strong support for upgrading the Highway to improve safety and, indeed, save lives, many people in the area do not want the RTA's preferred level of upgrade, namely a six-lane, 110km/h motorway. Local residents are also concerned that the location of the proposed upgrade could jeopardise some of the most beautiful and productive land in the State.

The Committee took evidence from many residents who are particularly critical of the RTA's consultation processes. Many believe that the RTA decided its preferred route before the upgrade projects even began, and that the consultation processes were structured to ensure that community views would not influence the final outcome.

Similarly, the Committee believes that the RTA lacked candour in its dealings with the Committee, and that this lack of candour is indicative of the RTA's approach to community consultation.

The Committee made three recommendations relating to the RTA's consultation processes. These recommendations aim to ensure that the RTA's consultation processes are transparent, representative, timely and influential.

The Committee also made recommendations on issues that the RTA should consider in selecting a preferred route, such as preserving agricultural land, protecting the environment, and minimising property devaluation.

The Committee would like to thank the hundreds of local residents who participated in the Inquiry. The Committee was moved by the evidence of these participants, who told the Committee that they feel powerless to influence the RTA in its decisions about the future of their homes and communities.

Finally, I would like to thank my Committee colleagues, who all acknowledged the pressing need to address the issues raised by this Inquiry, and the Legislative Council General Purpose Standing Committees' Secretariat staff, including the Director, Beverly Duffy, Madeleine Foley and Glenda Baker who were particularly involved in the preparation of the Interim Report, Sarah Hurcombe and Simon Johnston.

The Committee has already held public hearings relating to the Coffs Harbour upgrades and its wider terms of reference and looks forward to continuing its examination of these important issues and reporting upon them in its Final Report.

A handwritten signature in blue ink that reads "Jenny Gardiner". The signature is written in a cursive style.

The Hon Jenny Gardiner MLC

**Committee Chair**

## Summary of Recommendations

### Recommendation 1

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Based on the experience of the Ewingsdale – Tintenbar and Ballina – Woodburn Highway upgrades, that the RTA substantially improve its community consultation process and its stated objectives of open and transparent consultation in relation to Highway upgrades by:

- advising all residents in a timely manner of planned information sessions
- regularly updating the RTA website
- providing a comprehensive and detailed information package to all affected residents on the day that route options are announced
- forewarning residents of the timing for the announcement of short-listed and preferred routes
- liaising with property owners in advance to explain their rights and the purpose of any proposed site visits to or tests on their property; to request permission to conduct such site visits or tests, and provide property owners with any reports on their properties.

### Recommendation 2

111

That the RTA substantially reform the way in which CLGs are established and operate by:

- publicising the selection criteria and appointment process for CLG members
- publicising the CLG Charter, outlining the role of CLGs and members' rights and responsibilities
- producing detailed minutes of CLG meetings and ensuring they are placed on the RTA's website within one week of the meeting date
- responding in full to all minuted CLG action items
- considering the ending of the requirement for CLG members keep information relating to proposed routes and the timeframes attached to the announcement of short-listed route options and preferred routes confidential
- if the RTA refuses to end the requirement for such information to be kept confidential, it should ensure that prospective CLG members and the broader community are fully briefed on the type of information to be kept confidential, and the reasons why.

### Recommendation 3

112

That the RTA develop a Policy and Procedures Manual for all future Highway upgrades. At the beginning of the upgrade process, affected residents should be advised that the Manual will be made available to them on request. The Manual should include information on:

- steps in the upgrade process, with clear indications of timing for the specific upgrade
- landowners' rights, including procedures for visiting consultants
- the RTA's policy on property acquisition and financial compensation
- explanation of the role of CLGs and the process for selecting and appointing members.

**Recommendation 4****112**

That the RTA review its process for expanding the Ewingsdale – Tintenbar study area, and publicise both the rationale for expanding the study area, and the documentation relied upon in making the decision.

**Recommendation 5****113**

That the NSW Government establish a Working Party to explore ways to expedite the payment of financial compensation to people whose properties are to be acquired by the RTA. The Working Party should include representatives of the RTA, Department of Planning, NSW Treasury and other relevant stakeholders.

**Recommendation 6****113**

That the NSW Government consider establishing a Property Value Guarantee Scheme to assist people whose properties are very close to a preferred route identified by the RTA, but who are not eligible for financial compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

**Recommendation 7****113**

That as the Department of Planning puts the highest value on State Significant farmland under its Far North Coast Farmland Protection Project, the RTA be required to recognise the significance of such farmland and avoid including it in route options, and that Regionally Significant farmland be a substantial constraint in developing route options.

**Recommendation 8****114**

That the RTA ensure that the various levels of survey undertaken at differing stages of the planning process, including environmental impact studies, are clearly explained and identified to the community in the initial stages of an Highway upgrade process.

**Recommendation 9****116**

That the NSW Government urgently commission a cost/benefit study of upgrading an alternative route incorporating the Summerland Way between Tyagarah/Ewingsdale and Grafton. This study should be conducted independently of the RTA, and provide a basis for comparison with the RTA's current options for upgrading the Pacific Highway.

## Chapter 1 Introduction

This Chapter provides an overview of the Inquiry process and the structure of this report. It also provides background on the Pacific Highway Upgrade Program being undertaken by the Roads and Traffic Authority of New South Wales (RTA).

### Terms of reference

- 1.1 The Inquiry terms of reference relating to the upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, were adopted on 10 June 2005, under the Committee's power to make a self-reference (hereafter referred to as the Far North Coast Inquiry).
- 1.2 The Inquiry terms of reference relating to the upgrades between Coffs Harbour and Woolgoolga, and at Bonville, were adopted on 21 September 2005, also under the Committee's power to make a self-reference (hereafter referred to as the Coffs Harbour Inquiry).
- 1.3 The additional terms of reference relating to Coffs Harbour required both inquiries to be conducted concurrently. On adopting the terms of reference relating to Coffs Harbour, the Committee resolved to report on both its Inquiries in one report, namely the Final Report.<sup>1</sup> The terms of reference for both Inquiries are on pages iv and v.
- 1.4 The terms of reference for both Inquiries require the Committee to examine the RTA's processes for developing route options, as well as the possible impacts of the upgrades. The terms of reference do not include drawing 'lines on maps' or instructing the RTA to select particular route options.

### Content of Interim and Final Reports

- 1.5 This Interim Report addresses the issues relating to the upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, on the Far North Coast. The Committee came to this decision because the RTA had not announced the preferred route for these upgrades. The Committee hoped that by producing an early Interim Report, it could influence the RTA's process for selecting preferred route options for these upgrades.
- 1.6 On 30 November 2005 the RTA partly pre-empted the Committee's Interim Report on the Far North Coast, and announced the preferred route for the upgrade between Woodburn and Ballina. Given that the Committee has been inquiring into this matter since June 2005, the Committee is disappointed that the RTA did not wait to finalise the preferred route until after the release of this Interim Report, in order to consider the matters raised by the Committee.
- 1.7 The selection of a preferred route is a matter for the RTA, so this report does not direct the RTA to select a particular route for the upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn. This report examines the RTA's processes for developing route options, in particular the community consultation process, and examines various issues that

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<sup>1</sup> Minutes No. 69, 21 September 2005, item 5

should be taken into account in selecting a preferred route, such as preserving agricultural land, protecting the environment, minimising property devaluation, and curtailing the impact on towns and communities.

- 1.8** It is important to note that the majority of evidence received by the Committee relating to the upgrade between Ewingsdale and Tintenbar, including submissions, form letters, oral evidence and site visits, was from residents living in the eastern expanded section of the study area, who opposed the expansion of the study area.
- 1.9** The Final Report will examine matters relating to the upgrades between Coffs Harbour and Woolgoolga, and at Bonville. It will also consider the critical matter of heavy transport on the Pacific Highway, road and rail alternatives, and the RTA's strategic planning for the Pacific Highway Upgrade Program.

## **Submissions**

- 1.10** The Committee called for submissions to both Inquiries through advertisements in local and regional newspapers in areas relevant to the terms of reference, and by writing to interested parties.
- 1.11** After establishing the Coffs Harbour Inquiry, the Committee wrote to people who had already made a submission to the Far North Coast Inquiry but whose submissions were not confined to issues on the Far North Coast, to inform them of the new Inquiry relating to Coffs Harbour.
- 1.12** To date the Committee has received 207 submissions relating to the Inquiry into the upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, and 63 submissions relating to the Inquiry into the upgrades between Coffs Harbour and Woolgoolga, and at Bonville. As the two inquiries were being conducted concurrently, submissions to each Inquiry were considered as evidence for both Inquiries.
- 1.13** A list of submissions is contained in Appendix 4.
- 1.14** The Committee received 101 form letters relating to the upgrade between Ewingsdale and Tintenbar. These letters were sent under the auspices of the Coastal Environment Protection Society (CEPS), and were critical of the decision to expand the study area for the upgrade. While not considered as formal submissions, these letters were important in alerting the Committee to community views. All form letters were acknowledged in writing by the Committee. Samples of the two types of form letters are on the Committee's website.
- 1.15** A list of people who sent form letters is contained in Appendix 8.

## **Public hearings and public forum**

- 1.16** To date, the Committee has held four public hearings. Hearings were held at Parliament House on 26 September and 18 November, at Ballina on 27 October, and at Coffs Harbour on 21 November 2005. The Committee heard evidence from the RTA, local councils, peak bodies, community organisations, members of the RTA's Community Liaison Groups, and



local residents affected by the upgrades. Transcripts of these hearings are on the Committee's website [www.parliament.nsw.gov.au/gpsc4](http://www.parliament.nsw.gov.au/gpsc4).

- 1.17** To maximise the opportunity for local residents affected by the Far North Coast upgrades to give oral evidence to the Committee, the Committee held a public forum in Ballina on 27 October 2005. The Committee advertised this event in local newspapers, and by writing to Inquiry participants. Local residents were allocated five-minute speaking slots to address the forum. The forum was very well attended. The transcript of the forum is available on the Committee's website.
- 1.18** A list of witnesses at hearings and the public forum is contained in Appendix 5.

### Site visits

- 1.19** On 28 October 2005 the Committee travelled along the Pacific Highway between Ewingsdale and Broadwater. During this tour, the Committee inspected the Highway, and visited several properties in the areas between Ewingsdale and Tintenbar, and Ballina and Woodburn. The Committee met with property owners and other local residents who are directly affected by the proposed route options.
- 1.20** On 21 November 2005 the Committee travelled along the Pacific Highway between Bonville and Woolgoolga. The Committee inspected the Highway, and viewed the proposed route options. The Committee also visited the Guru Nanak Sikh Gurdwara (Punjabi Sikh Temple) at Woolgoolga and met with members of the Punjabi Sikh community who are directly affected by the proposed route options.
- 1.21** A list of the Committee's site visits is contained in Appendix 6.
- 1.22** The Committee is grateful to the hundreds of local residents who participated in the Inquiry whether they made submissions, sent letters, appeared as witnesses at hearings or the public forum, were observers at the hearings or the forum, or met the Committee at site visits.

### Pacific Highway Upgrade Program

- 1.23** The upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, are part of the RTA's program to upgrade to dual carriageway the entire length of the Pacific Highway between Newcastle and the Queensland border (see map at Appendix 1, Figure 1). The Pacific Highway Upgrade Program had its genesis in the 1989 inquiry by Coroner Kevin Waller into the tragic Kempsey and Grafton bus crashes, which recommended the urgent upgrade of the Pacific Highway to dual carriageway.
- 1.24** The RTA clearly distinguishes between 'upgrades' and 'duplication' in all their route options reports. These are vastly different levels of development and different standards apply to each.

## Funding

- 1.25** The Pacific Highway Upgrade Program is jointly funded by the NSW and Commonwealth Governments. In 1996 the NSW Government committed to contribute \$1.6 billion over ten years to upgrade this State road, and the Commonwealth \$600 million. The current funding agreement for the Pacific Highway Upgrade Program is in its tenth and final year.<sup>2</sup> The RTA advised that by the end of the current funding agreement in June 2006, approximately 304km or 44% of the Highway will have been opened or be under construction to dual carriageway standard. Approximately 373km remains to be upgraded.
- 1.26** In October 2005 the NSW and Commonwealth Governments signed the AusLink agreement, which included a commitment to continue to jointly fund the Highway from the expiry of the current ten-year agreement in June 2006. The Commonwealth and NSW Governments will provide \$960 million (\$480 million each) over the next three years, commencing in 2006-2007. AusLink is the Commonwealth's new national transport plan. The Pacific Highway between Newcastle and Brisbane forms part of the Australian Government's AusLink National Network. The AusLink National Network is based on national, regional and urban transport corridors, links to ports and airports, and inter-modal connections between road and rail. It aims to achieve better national land transport planning, funding and investing decision-making.

## Rationale

- 1.27** The RTA advised that the rationale behind the Pacific Highway Upgrade Program is to:
- provide a strategic link between Brisbane and Sydney
  - service communities on the North Coast
  - accommodate Sydney – Brisbane population growth
  - accommodate increases in traffic volume
  - decrease traffic congestion, particularly in holiday periods and during road incidents
  - improve traffic safety, including fixing blackspots.<sup>3</sup>
- 1.28** The RTA stated that the project has to date resulted in significant safety improvements and travel time savings of 80 minutes between Sydney and the Queensland border. According to the RTA, upgrading the length of the Highway to dual carriage way will result in:
- significant social benefits by preventing deaths and serious injuries (25 less deaths and 350 less serious injuries each year)
  - further reductions in travel times (90 minutes) and improved freight efficiency

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<sup>2</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, pp4-6

<sup>3</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, p3

- improved travel reliability (especially in holiday periods)
- support for and stimulation of regional activity on the North and Mid North Coast.<sup>4</sup>

**1.29** Mr Soames Job, General Manager, Road Safety Strategy, RTA, advised in relation to safety improvements:

... one of the significant values of upgrading the highway by making it a dual carriageway is to give a safety value. The history of the upgrade so far verifies that we are getting that. If we look at the data from the beginning of this upgrade in 1996 when we have good data flowing through it, say we take 2002 as a more recent year and compare them, over that period from 1996 to 2002 our traffic counts indicate that there has been a 28 per cent increase in traffic, in usage of the highway, and there has been a 13 per cent increase in crashes on sections that have not been upgraded to dual carriageway ... But the most striking figure is that on the sections which have been changed to dual carriageway through the upgrade, over the same period there has been a 19 per cent decrease in crashes. So we are achieving a 19 per cent decrease in crashes on those dual carriageways in the face of a 28 per cent increase in traffic. Clearly the dual carriageways give us a safety benefit, and they give us a safety benefit over and above the benefits of our other actions occurring on the non-dual carriageway sections, which have shown a 13 per cent increase in crashes.<sup>5</sup>

**1.30** Various organisations have made submissions to the Committee arguing for the completion of the upgrades of the Pacific Highway between Hexham and the Queensland border as soon as possible. In the cover letter to the NRMA's submission to the Committee the Chief Executive Officer Mr Tony Stuart said:

The upgrading of the Pacific Highway is a very high priority project for NRMA Motoring & Services (NRMA). The provision of dual divided carriageways similar to the Yelgun to Chinderah section and other upgraded sections of the highway, has the potential to reduce the number of head on fatalities by up to 90% with many other benefits, including reduced travel times. The fast tracking of the upgrade of the Pacific Highway is critical.<sup>6</sup>

**1.31** The NSW Road Transport Association Inc submission to the Committee made a number of recommendations. Its first recommendation states:

... that the Committee acknowledge the need to complete duplication of the Pacific Highway between Hexham and the Queensland border as a matter of urgency on social, economic and environmental grounds.<sup>7</sup>

**1.32** The submission of the Hon David Campbell, Minister for Regional Development and Minister for Small Business states:

<sup>4</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, pp6-7

<sup>5</sup> Mr Job, Evidence, 18 November 2005, p4

<sup>6</sup> Submission 62, NMRA, p1

<sup>7</sup> Submission 145, NSW Road transport Association, p3

... there are three main areas in which the upgrades will be of economic benefit to small business and regional development.

First, the upgrades will create employment opportunities for workers in the construction industry in the areas affected while road construction is taking place. These opportunities range from labouring and landscaping positions to earth moving, haulage, and the provision of materials for road base. In some instances, there may also be opportunities in project and contract management.

Second, over the long term, evidence suggests by-passed towns economically benefit from an increase in trade as local residents and visitors return to town centres due to improved amenity and safety resulting from reduced through-traffic, particularly road freight transport. This is consistent with RTA studies over the last decade which have dispelled the notion that highway by-passes have an adverse economic impact.

Third, the upgrades will improve transport links between commercial centres and thus trade and employment in the regions affected. This will have flow-on effects to local and regional economies.<sup>8</sup>

**1.33** Mr Mark Crosdale, Secretary of the Newcastle and Northern Sub-branch, Transport Workers Union of Australia, in evidence provided to the Committee said:

Dual carriageway is essential to improving the flow of traffic and ensuring that personal vehicles and freight vehicles can each achieve their objectives on the highway. I understand that the proposals for both Tintenbar to Ewingsdale and Woodburn to Ballina are for the extension of dual carriageway. The Transport Workers Union supports road improvements in both areas, and we encourage further expansion of dual carriageway across the entirety of the Pacific Highway.<sup>9</sup>

### **Proposed level of upgrade**

**1.34** The RTA advised that their preferred level of upgrade for the Ewingsdale – Tintenbar and Ballina – Woodburn sections of the Highway was for a high standard road, described as a motorway, or M-class road (see paragraph 1.24). An M-class upgrade involves:

- four lane dual carriageway with provision for upgrading to six lanes in future
- alignment for 110km/h driving conditions
- standard of access that accommodates growing community desires for separation of local and through traffic
- high standard highway connections to result in safer driving conditions
- mitigation measures to address noise and visual amenity.<sup>10</sup>

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<sup>8</sup> Submission 193, Hon David Campbell MP, pp1-3

<sup>9</sup> Mr Crosdale, Evidence, 26 September 2005, p14

<sup>10</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, pp12-13

- 1.35** During the Inquiry the Committee found considerable public support for upgrading the Pacific Highway to dual carriageway, to improve safety and save lives. The divergence of opinion is about the extent of the proposed upgrade, and the proposed locations of these upgrades or duplications.

### **Overview of project development stages**

- 1.36** The Committee understands that road upgrades are complex projects, requiring detailed consideration of a number of factors. The RTA advised the Committee that:

The development of any major infrastructure project is a highly detailed and complex process, which includes consideration of comprehensive information gathered on the physical, economic, engineering and social impacts. This information is obtained through the outcomes of field investigations and consultation with the community, key stakeholders and government agencies.<sup>11</sup>

- 1.37** Mr Bob Higgins, the RTA's General Manager of the Pacific Highway, described for the Committee the initial steps in planning a road upgrade:

Our first step in the process is to identify a study area ... looking at a range of issues in terms of topography, communities, environmental values, the condition of the existing highway, where there is a possibility of developing a route ... we develop a study area, which we then announce to the wider community. At that point we go through a process of giving a whole range of community information sessions. We then start to invite members of the community to participate in a community liaison group.<sup>12</sup>

- 1.38** After the identification of a study area, the RTA generally takes the following steps:

- identification of route options
- determination of a preferred route
- finalisation of a concept design
- Environmental Impact Assessment and display
- consideration of formal submissions
- consideration by Minister for Planning
- if approved – detailed design and construction
- operation, including monitoring.<sup>13</sup>

- 1.39** The RTA emphasised the importance of community input throughout project development, particularly via the establishment of Community Liaison Groups (CLGs). CLGs are the RTA's main consultative mechanism for Highway upgrade projects, and are comprised of interested

<sup>11</sup> Submission 203, RTA, p2

<sup>12</sup> Mr Bob Higgins, Evidence, 18 November 2005, p2

<sup>13</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, p8

local residents appointed by the RTA. The function of CLGs is to be a conduit for community input. The RTA explained that activities run in parallel to the key steps, including community consultation, field investigations, analysis, studies, project management and economic assessment, in an interactive process.

**1.40** Field investigations examine a number of complex issues, including:

- road safety
- traffic and transport
- topography, geology and soil investigations
- land use
- social
- noise, vibration and air
- plants and animals
- water
- economic
- visual and landscape
- indigenous and non-indigenous heritage.<sup>14</sup>

**1.41** These project development stages provide the context for the progress to date in the upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn.

## Report outline

**1.42** There are four chapters to this report. Chapter 2 examines community concerns in relation to the upgrade between Ewingsdale and Tintenbar. Chapter 3 examines community concerns in relation to the upgrade between Ballina and Woodburn.

**1.43** The final chapter, Chapter 4, contains the Committee's recommendations. The recommendations are contained in a separate chapter as most are applicable to both upgrades.

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<sup>14</sup> [www.arup.com.au/tintenbar/investigations.html](http://www.arup.com.au/tintenbar/investigations.html) (accessed 16 September 2005)

## Chapter 2      Ewingsdale to Tintenbar

In this Chapter the Committee considers the issues of most concern raised by Inquiry participants relating to the upgrade of the Pacific Highway between Ewingsdale and Tintenbar. These include the problems concerning the consultation process to develop route options, particularly the establishment and operation of the Community Liaison Group (CLG), the process for expanding the study area, and the potential impact of the upgrade on property values, agricultural land and the environment.

### Outline of proposed upgrade

- 2.1**      The upgrading or duplication of the Pacific Highway between Ewingsdale and Tintenbar involves a 17km stretch of Highway, from the approved (but not built) Ballina Bypass to the completed dual carriageway at the Ewingsdale Interchange. The level of upgrade preferred by the Roads and Traffic Authority of New South Wales (RTA) is for a road of Class M or motorway standard, providing dual carriageway (with capacity to expand to six lanes in future) and accommodating speeds of 110km/hour.
- 2.2**      A timeline of recent developments in relation to this project appears in Appendix 2.<sup>15</sup>
- 2.3**      Together with construction of the approved Ballina Bypass and the completion of the Brunswick Heads to Yelgun project now under construction, the Ewingsdale – Tintenbar project will complete the upgrade to dual carriageway of 91km of Highway between Ballina and the Queensland border.
- 2.4**      The project commenced in October 2004. In October 2005, the RTA announced four main short-listed route options and is now in the process of identifying a preferred route option. In response to questions on when the preferred route would be announced, the RTA advised that ‘(w)hen planning commenced in October 2004 for the remaining undeveloped two-lane sections of the highway, RTA envisaged finalising a preferred route for the whole highway by mid 2006.’<sup>16</sup>

### Initial consultation and planning

- 2.5**      In October 2004 the RTA commenced the Ewingsdale – Tintenbar project by identifying a study area for the proposed upgrade, and engaged the consulting firm ARUP to assist with community consultation and development of the preferred route option.
- 2.6**      The initial phase of the project commenced after the study area was announced. The aim of this phase is to investigate and develop route options through public consultation and field investigations. The RTA held community information sessions after the announcement of the

<sup>15</sup>      Timeline prepared by the office of Hon Amanda Fazio MLC and verified as accurate by the RTA, 14 December 2005

<sup>16</sup>      Answers to questions on notice taken during evidence 18 November 2005, Mr Mike Hannon, A/Chief Executive, RTA, Question 14, p5

study area, and established a CLG to advise the RTA of community views on the upgrade and to assist in developing route options.

- 2.7** In April 2005, six months after the commencement of the initial route development phase, the RTA expanded the study area to include areas to the east of the original study area (see map at Appendix 1, Figure 2). This allowed the RTA to investigate and develop route options throughout a much larger area. The expansion of the study area is controversial and is discussed in detail in following sections.

### **Timing of route options announcement**

- 2.8** During the Committee's first hearing of 26 September 2005, Mr Paul Forward, then Chief Executive of the RTA, told the Committee that 'route options are currently being investigated throughout this expanded study area.'<sup>17</sup> This was despite widespread community suspicion at that time that route options had been established. Mr Forward further said that 'this is a very important issue, and I think the Inquiry into this matter is timely.'<sup>18</sup>
- 2.9** Neither the RTA's Mr Forward nor Mr Les Wielinga, Director of Motorways, were able to give the Committee any indication of a possible timeframe for the announcement of route options for the Ewingsdale – Tintenbar upgrade. According to Mr Wielinga:
- Until we have worked through all of the issues on the project it would not be appropriate for me to give a definite timetable at this stage.<sup>19</sup>
- 2.10** Mr Wielinga told the Committee that 'clearly, we would like to do it [announce route options] sooner rather than later.' Mr Wielinga then stated: 'we are getting close with this project but we are not quite there.'<sup>20</sup>
- 2.11** Mr Forward then interceded to dispel Mr Wielinga's inference that the short list of route options would be announced in the near future. Mr Forward concluded this segment of questioning by telling the Committee: 'so there is still some time to go yet.'<sup>21</sup>
- 2.12** On 21 October 2005, just one month after the public hearing, the RTA announced a short list of route options. The Committee was disappointed by the RTA's apparent unwillingness to provide even a broad indicative timeframe for the announcement of route options. Given the RTA announced short-listed route options on 21 October 2005, just four weeks after the hearing, it is difficult to imagine these options were not known at the time of the hearing. This lack of candour with a parliamentary committee serves to underscore community concern about the RTA's processes.

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<sup>17</sup> Mr Forward, Evidence, 26 September 2005, pp34

<sup>18</sup> Mr Forward, Evidence, 26 September 2005, p32

<sup>19</sup> Mr Wielinga, Evidence, 26 September 2005, p37

<sup>20</sup> Mr Wielinga, Evidence, 26 September 2005, p38

<sup>21</sup> Mr Forward, Evidence, 26 September 2005, p39



## Route options

- 2.13** The four route options announced by the RTA on 21 October 2005 included two located on the plateau (Routes A and B) and two on the coastal plain in the expanded study area (Routes C and D – see map at Appendix 1, Figure 3). These main route options can be linked together in different ways to generate different final combinations. These options were displayed for public comment from 21 October to 18 November 2005 at a number of venues in the study area.<sup>22</sup> Submissions were invited from community members, with a closing date of 18 November 2005. The submission closing date was later extended to 2 December 2005.<sup>23</sup>
- 2.14** A Route Options Development Report was prepared by the RTA's consulting firm ARUP and made available on the RTA's website and from venues in the study area, from the date of the route options announcement. The Report contained detailed information on the route options and examined impacts including on local communities, agricultural land, and the natural environment.
- 2.15** The RTA is currently conducting further investigatory work on the four route options, including more community consultation and detailed field studies, which will culminate in the announcement of the preferred route, expected prior to mid-2006. After this, a concept design will be finalised, again involving public display and community input as well as further technical work, and an Environmental Impact Assessment will be prepared and submitted to the Minister for approval, before commencement of the construction phase. Further refinement of the routes and mitigating processes will be developed following the selection of the preferred route.

## Consultation

- 2.16** Inquiry participants were extremely critical of the consultation process undertaken by the RTA to develop route options for the proposed upgrade and to expand the study area. A central complaint was that the RTA was dismissive of community input, and that community concerns had little weight in the RTA's decision-making processes. Inquiry participants were particularly critical of the operation of the Ewingsdale – Tintenbar CLG. It was often claimed that the CLG was unrepresentative, lacked influence, and lacked openness in its proceedings. This criticism extended to other aspects of the RTA's broader consultation process.

### RTA strategy for community consultation

- 2.17** The former Chief Executive of the RTA, Mr Forward, outlined the value placed on community consultation by the RTA in planning Highway upgrades:

Input by the community is important. Community liaison groups are established. Brochures, newsletters and web sites assist us in a communication process associated

<sup>22</sup> RTA, *Community Update: Tintenbar to Ewingsdale: Route Options Display*, October 2005, p5, [www.arup.com.au/tintenbar/files/051014\\_Comm\\_Update.pdf](http://www.arup.com.au/tintenbar/files/051014_Comm_Update.pdf) (accessed 24 October 2005)

<sup>23</sup> RTA, *Extended Route Options Display*, November 2005, [www.arup.com.au/tintenbar/files/051111\\_Big5Advertisement.pdf](http://www.arup.com.au/tintenbar/files/051111_Big5Advertisement.pdf) (accessed 15 November 2005)

with these projects. Community liaison groups play a significant role in providing input and in assisting the project team in developing these projects.<sup>24</sup>

- 2.18** In December 2004, two months after the announcement of the original study area, the RTA established a CLG for the Ewingsdale – Tintenbar upgrade consisting of 30 members.<sup>25</sup> In April 2005 after expanding the study area to the east, the RTA re-formed membership of the original CLG to include representatives from areas in the expanded study area.
- 2.19** As noted earlier, the establishment of a CLG is a central plank of the RTA’s community consultation strategy for all Highway upgrade projects. The RTA establishes a CLG to be a conduit for community input and to feed information back to the local community.
- 2.20** The RTA also established an Agricultural Focus Group in February 2005 ‘because of the importance of the impact on agricultural land of this project.’<sup>26</sup> In November 2005, the RTA advised that it had established a second focus group to address indigenous heritage issues.<sup>27</sup>
- 2.21** The RTA advised that CLG members were selected to provide ‘...the most diverse representation from resident, business, property and environmental issues as possible.’<sup>28</sup> For the original CLG, 33 local residents applied for 30 positions. For the re-formed CLG, 64 local residents applied for those 30 positions. By this time, the RTA had agreed to the request of original CLG members to engage an independent facilitator to chair the CLG meetings.<sup>29</sup> The independent Chair reviewed applications for the re-formed CLG and recommended the 30 local residents to be appointed.
- 2.22** The Charter for the Ewingsdale – Tintenbar CLG noted that the aims of the CLG were:
- to create a forum for discussion and exchange of information on topics related to the development phase of the project
  - to assist the project team to identify local issues relating to the project that will input into the project development phase
  - to act as a two-way communication link between the project team and the community and stakeholders and to give indications of community priorities and values
  - to produce a final report on the outcomes of the project from the point of view of the CLG.<sup>30</sup>
- 2.23** The Charter noted that the CLG would meet regularly to provide community input.

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<sup>24</sup> Mr Wielinga, Evidence, 26 September 2005, p34

<sup>25</sup> RTA, *Tintenbar to Ewingsdale: Route Options Development Report*, October 2005, pv

<sup>26</sup> Mr Weilinga, Evidence, 26 September 2005, p35

<sup>27</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p1

<sup>28</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p1

<sup>29</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p2

<sup>30</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, Attachment C, ‘Tintenbar to Ewingsdale Pacific Highway Upgrade – Community Liaison Group Charter’

- 2.24** The RTA advised that as at 26 September 2005, it had coordinated 13 meetings of the CLG since its formation in December 2004, and five meetings of the Agricultural Focus Group since its formation in February 2005.<sup>31</sup>
- 2.25** In addition to establishing the CLG, the RTA conducted the following community information activities:
- free-call project information line – allowing community members to speak with the ARUP project team
  - community updates – written updates released at various stages of the project, to provide project information
  - advertising in the local area – to provide project information
  - Community Information Sessions at important project stages, including three in November 2005, at Bangalow’s A & I Hall, Ewingsdale Hall and Newrybar Hall, after the announcement of the original study area.
- 2.26** Community updates and advertisements were placed on the RTA’s website, as were minutes of meetings of the CLG and Agricultural Focus Group.

### **Community Liaison Group**

- 2.27** The RTA did not provide the Committee with the information package listing the criteria used to select members for the original CLG. However, for the re-formed CLG, the RTA’s information package sent to interested community members noted that of the 30 available positions, up to 24 community and business representatives would be selected, based on a quota system for the three geographic segments of the study area (10 representatives for the North segment, 7 for Central and 7 for South).<sup>32</sup> Another six members were to be selected from other stakeholder groups.
- 2.28** For the original CLG, given that 33 people applied for 30 positions, the Committee can only infer that the original CLG members were not selected according to strict criteria, but perhaps to avoid duplication of interests. The Committee is unable to determine if the public was informed of any selection criteria for the original CLG.
- 2.29** Local residents told the Committee that very little information was made available regarding the process by which the RTA selected members of the CLG. Mr Paul McLisky, for example, a member of the original GLG, was unclear about the selection criteria for members of the original CLG:

The original group had apparently been formed with a balance of representatives from three areas, north, central and southern (it is not clear to what extent the population density of these areas was taken into account when allocating the numbers to each area).<sup>33</sup>

<sup>31</sup> Mr Weilinga, Evidence, 26 September 2005, p35

<sup>32</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade – Re-formed Community Liaison Group: Applicant Information Pack*, April 2005

<sup>33</sup> Submission 106, Mr Paul McLisky, p2

- 2.30** Ms Gail Greig-Morrison was another member of the CLG confused about the selection process, noting: ‘You did not really know what they were looking for. I think they probably went geographically.’<sup>34</sup>
- 2.31** Many local residents were particularly critical of the process for re-forming the CLG to include representatives from the expanded study area. According to Mr Gerard Swain:
- ... the complete Community Liaison Group was dismantled and a new one elected. There would seem to be no reason for this. All that was needed was a number of new community representatives to be elected from the new area and the already elected members of the CLG remain. It seems as if they wanted to get rid of the original members and this was a good way to do it.<sup>35</sup>
- 2.32** A similar opinion was expressed by Mr Alistair Annandale, a member of the original CLG:
- I was removed due to the re-election process, which originally the advertisement said they were electing six new persons to the CLG. They ... got rid of me and several others, probably mainly because I called [a member of the RTA project team] a liar ...<sup>36</sup>
- 2.33** According to Mr McLisky the re-formed CLG did not accurately represent community opinion in the entire expanded study area:
- The consequent group was weighted so heavily to representatives from the new area (the coastal plains) that it has since been a rubber stamp for their total rejection of any route in that area, and insistence that the existing highway route be followed. This has resulted in biased evaluation criteria that are designed to influence the route selection away from the coastal plains and onto the plateau.<sup>37</sup>
- 2.34** The Committee notes that the material tabled by the RTA at the hearing of 18 November notes that the role of a CLG is an advisory one rather than a decision making one. The Committee also notes that the route options determined for this project include routes in the coastal plain.
- 2.35** Ms June Zentveld also claimed that the re-formed CLG was unrepresentative:
- The RTA then disbanded the first CLG and elected a new 30-member CLG to bring in those from the expanded study area. Who knows how or why, but the ‘new’ CLG contained a disproportionate number from the expanded study area.<sup>38</sup>
- 2.36** Many other Inquiry participants also claimed that CLG members were not representative of all segments of the community. For example, Mr Chris Shevellar, a member of the CLG, stated that he represents a community that is within 500m of the existing Highway, but that his

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<sup>34</sup> Ms Greig-Morrison, Evidence, Hearing, 27 October 2005, p66

<sup>35</sup> Submission 180, Mr Gerard Swain, p2

<sup>36</sup> Mr Annandale, Evidence, Public Forum, 27 October 2005, p16

<sup>37</sup> Submission 106, Mr McLisky, p3

<sup>38</sup> Ms Zentveld, Evidence, Public Forum, 27 October 2005, p2

community (residents living from St Helena to Sunnycrest Lane) and other Highway communities had minimal representation on the CLG.<sup>39</sup>

**2.37** However, some members of the re-formed CLG such as Mr Jack Harper rejected claims that the re-formed CLG was unrepresentative:

... 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.<sup>40</sup>

**2.38** Ian and Kathy Dall believed that the lack of transparency surrounding the selection of CLG members led to widespread community cynicism regarding the CLG:

The composition and functioning of the Community Liaison Group has been an endless source of cynicism in the local community. The precise selection process, that determined the membership of the original and current reconstituted CLG, remains a mystery.<sup>41</sup>

**2.39** The process for selecting members of the Agricultural Focus Group was also unclear. The Committee was told by Mr John Crump that members of the Agricultural Focus Group were initially going to be selected by the RTA from the CLG members. However, according to Mr Crump, the RTA eventually decided that any member of the CLG with a primary interest in agriculture could be a member of the Agricultural Focus Group.<sup>42</sup>

**2.40** Members of the CLG such as Ms Gail Greig-Morrison were critical of the processes for the operation of the CLG, including the production of minutes of meetings, and the RTA's response to action items:

Our minutes go on the RTA website. They are censored. They are sanitised ... 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 ... The action items 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.<sup>43</sup>

**2.41** Other members of the CLG criticised the RTA for the lateness and inaccuracy of CLG minutes, including Mr Jack Harper:

- There have been numerous administrative errors on the CLG Web site notes.
- ARUP has also been unable to keep their advertised deadlines, often by many days, for minutes of meetings, evaluation data and the pairwise process.<sup>44</sup>

<sup>39</sup> Submission 5, Mr Shevellar, p1

<sup>40</sup> Mr Harper, Evidence, Hearing, 27 October 2005, p59

<sup>41</sup> Submission 157, Mr and Mrs Dall, p2

<sup>42</sup> Mr Crump, Evidence, Hearing, 27 October 2005, p74

<sup>43</sup> Ms Greig-Morrison, Evidence, Hearing, 27 October 2005, p59

<sup>44</sup> Submission 12a, Mrs and Mr Harper, p4

**2.42** Ms Greig-Morrison further criticised the RTA for only allowing the CLG a token role in the route selection process:

... the night they showed us the 12 route options, which were confidential, these books [Route Option Development Reports] 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.<sup>45</sup>

**2.43** Mr Ian Dall was similarly critical of the CLG's role in the route selection process:

Fundamentally the whole selection process is a sham ... Ultimately, the RTA will retreat behind closed doors to determine their preferred route, and in the final count, the concerns of local communities will be considered inconsequential, irrelevant or damned as parochial and self-serving.<sup>46</sup>

### **Community Liaison Group confidentiality requirements**

**2.44** The RTA was criticised for requiring members of the CLG to sign an agreement not to disclose information deemed confidential. In evidence, Mr Forward described the RTA's rationale for this requirement:

What we did not want to do was create any incorrect information. Everyone in the community should receive this information at the same time.<sup>47</sup>

**2.45** Mr Bob Higgins advised the Committee:

The issue of what is confidential information generally falls into three categories ... one is when we actually start to put lines on maps. The idea of sharing that with CLG members is to test them and try and get their views on those particular issues so that we can see whether we are heading in the right direction or not. The last thing is that we are very conscious about maps getting out there amongst the community which then show there is a line through a particular property when we have not made any decision or anything by that, because that creates a lot of uncertainty and angst as well.<sup>48</sup>

**2.46** Mr Bob Higgins told the Committee that three types of information are kept confidential, namely information:

- relating to indigenous archaeological sites
- revealing the location of possible route options ('lines on maps')
- revealing the location of threatened species.<sup>49</sup>

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<sup>45</sup> Ms Greig-Morrison, Evidence, Hearing, 27 October 2005, p66

<sup>46</sup> Mr Dall, Evidence, Public Forum, 27 October 2005, p7

<sup>47</sup> Mr Forward, Evidence, 26 September 2005, p43

<sup>48</sup> Mr Bob Higgins, Evidence, 26 September 2005, p24

<sup>49</sup> Mr Bob Higgins, Evidence, 18 November 2005, p24

**2.47** There is no specific confidentiality agreement setting out which information is considered confidential, or the rationale for classifying information as confidential. The RTA told the Committee that the confidentiality requirements are contained in the CLG Charter (which must be signed by all members). The only reference to confidentiality in the Charter is a sentence asking members to agree ‘to disseminate non-confidential information.’<sup>50</sup>

**2.48** The most specific reference to the need for CLG members to maintain confidentiality was contained in the minutes of the first meeting of the CLG. These minutes noted that ‘there have been severe impacts to people when they make decisions on information that may change.’<sup>51</sup> However, even in these minutes, there was no detailed explanation of what information must be kept confidential.

**2.49** CLG members told the Committee that they objected to the confidentiality requirement, as it prevented them from discussing proposed routes with the local residents they were appointed to the CLG to represent. According to Yvonne and Jack Harper:

Nine initial route options were outlined to the CLG members by the RTA who then invoked a confidentiality clause which effectively prevented the CLG consulting with the community as to the constraints on the routes as they applied to them.<sup>52</sup>

**2.50** Locals not on the CLG have been extremely critical of the confidentiality requirements. According to Mrs Donna Jarrett:

These people are our elected representatives and are there to consult with the wider community. If they cannot tell us where the options go, then how is the community to be consulted ...<sup>53</sup>

**2.51** Mr Paul Gannon was also critical of the secrecy surrounding the workings of the CLG, claiming that it severely curtailed its contribution to the public consultation process:

... the CLG which is supposed to liaise with the local community is severely restricted in its ability to do this. It is chosen by the RTA, in a secret process, it is given no resources to enhance communication with the local community, and it is sworn to secrecy with respect to any information the RTA wishes to keep secret. For the RTA to pretend that this arbitrary secretness is somehow a positive aspect of the process is ingenious. It only adds to the perception that the process is somehow corrupt<sup>54</sup>

**2.52** Ms Catherine Byrnes was also concerned about the confidentiality requirement:

I am also concerned about the process of keeping the options within the Community Liaison Group rather than make them public. This is a very stressful time for residents and this secrecy is not in the best interest of the people concerned. I am not

<sup>50</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, Attachment C, ‘Tintenbar to Ewingsdale Pacific Highway Upgrade – Community Liaison Group Charter’

<sup>51</sup> ARUP, *Minutes of Community Liaison Group Meeting No. 1*, 15 December 2004, [www.arup.com.au/tintenbar/files/041215\\_CLG01\\_Notes.pdf](http://www.arup.com.au/tintenbar/files/041215_CLG01_Notes.pdf) (accessed 6 December 2005), p11

<sup>52</sup> Submission 12a, Mr and Mrs Harper, p3

<sup>53</sup> Submission 89, Mrs Jarrett, p3

<sup>54</sup> Submission 28, Mr Gannon, p6

convinced that the RTA is being perfectly honest and question the processes being employed.<sup>55</sup>

- 2.53** It was suggested by Ms Margaret Oldham that the confidentiality requirement for CLG members heightened tension in the community:

These people [members of the CLG] represent the stakeholders in the Pacific Highway upgrade process but are prohibited from reporting to these stakeholders. This makes it difficult for the community to respond in any logical way to perceived developments which are based on rumour and innuendo. This can only lead to mass hysteria which can be a great waste of time and energy by all parties.<sup>56</sup>

- 2.54** An example of such conjecture was the widespread belief that route options would be announced in November 2005,<sup>57</sup> despite the RTA's refusal to publicly nominate any timeframe for the announcement of route options. This November timeframe seems to have been based on information from CLG members. After the route options were announced on 21 October 2005, rumours emerged that ARUP was entitled to a bonus if they announced the route options early.<sup>58</sup> The RTA has confirmed that there was no bonus arrangement with ARUP.

- 2.55** The Community Alliance for Road Sustainability (CARS) claimed that such conjecture, resulting from the RTA's reluctance to disclose relevant information, created a 'culture of subterfuge, gossip and misinformation' that undermined the RTA's public consultation process.<sup>59</sup>

### **Other concerns about the consultation process**

- 2.56** While the CLG was the focus of some of the strongest criticism made by Inquiry participants regarding the RTA's consultation practices, many other aspects of this process were also severely criticised. For example, Mr Les Einhorn told the Committee that not all residents were notified of the RTA's information sessions:

At the public information session meeting that was held in Broken Head in April this year – one of the few sessions that was misleadingly advertised by the RTA and ARUP to only a small section of the affected community ...<sup>60</sup>

- 2.57** Mr Robert Deards claimed that the RTA website was out-of-date. The website is supposedly one of the RTA's main modes of communication. In late October 2005 Mr Deards told the Committee:

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<sup>55</sup> Submission 132, Ms Byrnes, p1

<sup>56</sup> Submission 90, Ms Oldham, p2

<sup>57</sup> Submission 139, CARS, p33

<sup>58</sup> Tabled Document No. 45, *Presentation to the Parliamentary Inquiry – On Farm Visit to the Jarrett Property, St Helena and Coopers Shoot*, p6

<sup>59</sup> Submission 139, CARS, p34

<sup>60</sup> Mr Einhorn, Evidence, Public Forum, 27 October 2005, p8



... the RTA website has not been updated frequently or regularly until recently and then it was updated just four weeks ago. This update brought the information up to July 2005. Prior to that the most recent information was dated May 2005 ...<sup>61</sup>

- 2.58** The case of the Jarrett family was cited on several occasions to illustrate why the community distrusts the RTA's consultation process, and in particular ARUP, the consulting firm engaged by the RTA. According to Mrs Donna Jarrett:

On 1<sup>st</sup> November, 2004, we were approached by ARUP consultants showing us a map with the proposed tunnel and a road running through our property and asking if they could come onto our property to look at flora and fauna. As we were unsure of our rights, we showed them onto the property.<sup>62</sup>

- 2.59** When Mrs Jarrett subsequently requested a copy of the map from ARUP and the RTA, she was told that the map did not exist. During the Committee's visit to Mrs Jarrett's property, Mrs Jarrett told the Committee that when she spoke of the tunnel option map at public meetings, she felt publicly humiliated and belittled by project officers who dismissed her claim to have seen any such map.

- 2.60** In response to a question taken on notice, concerning whether the RTA acknowledged the existence of the map described by Mrs Jarrett, the RTA responded that: 'The RTA did undertake internal desktop strategic planning to investigate the viability of a tunnel through the St Helena Hill.'<sup>63</sup> This seems to admit the possibility that Mrs Jarrett saw a map outlining a tunnel option as early as November 2004.

- 2.61** The Mayor of Byron Shire Council, Cr Jan Barham, described the frustration of her Council and the community at the role played by consultants:

... 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 ...<sup>64</sup>

- 2.62** The RTA's consultants were criticised for conducting site investigations and inspections without giving property owners advance warning or seeking permission first. For example, according to Mrs Jarrett:

On the 16<sup>th</sup> November a large coach full of people stopped in front of our property, disembarked and spent 10 – 15 minutes looking over our property in the direction of the tunnel and map we had seen. We were not told who they were or that they were coming. We later found out that this was a focus group meeting organised by the RTA.<sup>65</sup>

<sup>61</sup> Mr Deards, Evidence, Public Forum, 27 October 2005, p13

<sup>62</sup> Submission 89, Mrs Jarrett, p2

<sup>63</sup> Answers to questions on notice taken during evidence 18 November 2005, Mr Mike Hannon, A/Chief Executive, RTA, Question 2, p1

<sup>64</sup> Cr Barham, Evidence, 27 October 2005, p4

<sup>65</sup> Submission 89, Mrs Jarrett, p3

**2.63** Mr Jack Harper was also critical of the RTA's liaison with property owners regarding inspections of their properties. Although Mr Harper was advised that an inspection of his property was required to test soil conditions, the test was never carried out. In response to a question taken on notice, the RTA advised the Committee that Mr Harper placed a number of conditions on any testing.<sup>66</sup> The RTA then decided that they did not need to test on Mr Harper's property, as the information could be obtained from a nearby site. The RTA claimed that they advised Mr Harper of this at a CLG meeting on 30 May 2005, a claim denied by Mr Harper.

**2.64** The RTA was criticised for not providing property owners with copies of the reports on their properties. According to Mrs Pam Brook:

Consultants must provide landowners with a copy of the report they provide to the RTA on the landowner's property. This is essential for an honest process.<sup>67</sup>

**2.65** It was suggested that the concerns of residents outside the study area were ignored during the consultation process. For example, Ms Heather Lloyd is a resident of Fig Tree Hill:

Even though we are outside this study area, we will be potentially impacted on a lot more than some people who are in the study area, and I feel that we have been neglected in this process.<sup>68</sup>

**2.66** The RTA was also criticised for the manner in which they announced the short-listed route options. Besides announcing the options earlier than CLG members were led to expect, Mr Terry Sandon told the Committee that the RTA advised affected property owners on a Friday afternoon:

On Friday 21 October at 5.23pm we received a phone call from the RTA informing us that our property was affected by one of the four proposed routes of the Pacific Highway upgrade. Apparently government departments recognise Friday afternoon as the preferred time to deliver bad news.<sup>69</sup>

**2.67** Mr Robert Deards was similarly unimpressed with the process for announcing the short-listed route options, suggesting that by announcing the route options late on a Friday afternoon, the RTA hoped to get less media coverage.<sup>70</sup> Mr Deards told the Committee that even when route options were announced, very little information was made available to the community:

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

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<sup>66</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment A, Question 10, pp4-5

<sup>67</sup> Tabled Document No. 43, *Recommendations*, p1

<sup>68</sup> Ms Lloyd, Evidence, Public Forum, 27 October 2005, p16

<sup>69</sup> Mr Sandon, Evidence, Public Forum, 27 October 2005, p6

<sup>70</sup> Tabled Document No. 40, *Letter & Media Release regarding the film 'Paradise Lost?'*, 26 October 2005, p2

table of events, outcomes and a follow up call to allay and manage issues and fears would have been highly desirable.<sup>71</sup>

**2.68** One affected resident, Mrs Donna Jarrett, told the Committee that:

It should not be up to us in an emotional and distressed state to have to seek information in relation to our rights and future direction. This should be provided to all affected land holders immediately upon announcement of the route Options.<sup>72</sup>

**2.69** Inquiry participants suggested that the lack of detailed information available at the time of the announcement of route options demonstrates that ARUP and the RTA were trying to rush through the route options announcement.

**2.70** Some residents suggested that much of the problem with the RTA's consultation stems from the RTA's lack of transparency. For example, Mr Paul Gannon noted that the RTA lists the factors to be considering in determining route options, but does 'not offer any idea to the public, of the weighting on factors that will be given to each upgrade.<sup>73</sup>

**2.71** Alan and Deidre Catchpoole also questioned the transparency of the RTA's process for selecting route options:

We have been unable to find any documentation of the methodology being used to select the "preferred" options. We suspect the methodology is not understood by most members of the community, including ourselves, and the conclusions reached are therefore open to question.<sup>74</sup>

### **Committee view: Consultation**

**2.72** Community disillusionment with the operation of the CLG has left many local residents cynical about their capacity to influence the route development process in the communities affected by the Ewingsdale – Tintenbar upgrade. A significant number of residents raised a broad range of concerns about the RTA's approach to consultation, particularly the selection of CLG members, the lack of clear public information on the role of CLGs, the lack of detailed and up-to-date minutes for all CLG meetings, and the RTA's failure to respond in full to CLG action items.

**2.73** The Committee heard that a particular obstacle to community participation in developing routes was the confidentiality requirement applying to the 'lines on maps' information circulated to CLG members (ie relating to the location of proposed routes and the timing of key announcements, such as of the short-listed route options and the preferred route). It seems that not only was the confidentiality requirement ineffective, but it further divided the community, and created unnecessary angst.

<sup>71</sup> Mr Deards, Evidence, Public Forum, 27 October 2005, p14

<sup>72</sup> Tabled Document No. 45, *Presentation to the Parliamentary Inquiry – On Farm Visit to the Jarrett Property, St Helena and Coopers Shoot*

<sup>73</sup> Submission 28, Mr Gannon, p5

<sup>74</sup> Submission 116, Mr and Mrs Catchpoole, p2

- 2.74** From the evidence presented by Inquiry participants, it is clear to the Committee that the CLG was not the only flawed aspect of the RTA's consultation strategy. Other concerns include the late and inaccurate provision of information, the quality of information provided, procedures for site visits, and the manner in which the short-listed route options were announced.
- 2.75** As noted earlier, during the hearing of 26 September 2005 the Committee was unable to obtain even a broad indicative timeframe for the announcement of route options. The Committee was disappointed by the unavoidable inference that the RTA's reluctance to provide this information to the Committee (in even the broadest context) was indicative of the RTA's approach to providing information to the local community.
- 2.76** Ways to improve the RTA's consultation process, including CLGs, are addressed in Recommendations 1, 2 and 3.

### **Process for expanding the study area**

- 2.77** The RTA's expansion of the original study area to include a substantial new area to the east that had not previously been slated for a Highway upgrade generated considerable distress for many Inquiry participants, and is one of the most controversial elements of the Ewingsdale – Tintenbar upgrade project.
- 2.78** A central complaint of residents opposed to the expansion of the study area is that the RTA listened to the concerns of only one segment of the community, namely residents living near the existing Highway concerned about increased noise impacts since the introduction of B-doubles, to the detriment of those living in the expanded study area.
- 2.79** Much of this Chapter considers the problems posed by the expansion of the study area, namely the direct and indirect impacts on residents. These include the impact on recent RTA projects which were built to complement an upgrade along the path of the current Highway, property devaluation for residents who bought away from the current Highway, the potential loss of agricultural land, the impact on the environment, and community section begins with an examination of the process for expanding the study area, and the arguments put forward in favour of the expansion.

### **Steps in RTA decision to expand the study area**

- 2.80** The RTA advised the Committee that the study area was expanded after calls from the CLG, community information sessions and community information meetings:

... one of the key issues raised at the community information sessions, community meetings and by the Community Liaison Group, was that the original study area was too narrow and may have unacceptable impacts on the regionally and state significant agricultural lands in the area.<sup>75</sup>

- 2.81** The RTA advised the Committee that 'many community groups and individuals called for expansion of the study area eg Community Liaison Group, Bangalow Community Alliance

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<sup>75</sup> Submission 203, RTA, p2

and Northern Rivers Development Board.<sup>76</sup> The RTA further noted that ‘community submissions and RTA investigations supported the desirability of expanding the study area.’ This matter is further discussed in paragraph 2.98.

**2.82** Mr Bob Higgins, General Manager, Pacific Highway, RTA, described the RTA investigations as including a ‘desktop review’ of information.<sup>77</sup> Mr Higgins said:

... when we released the original study area in October of last year, as part of the community information sessions and the feedback we were getting from members of the community, they were asking us, “Why should we stay within this area” and “Why shouldn’t you be considering it much more broadly?”. After those comments were raised we went away and did some desktop work. Desktop work is not to go out and visit individual property owners but to see if there is something there. What we were able to identify was that you could put some feasible routes out there. So from that a decision was then taken to expand the study area. No decision has been made on a preferred route, but it is incumbent upon us to investigate those options that people put forward to make sure that we go through a process and we have considered them.

After we expanded the study area we were able to go out and talk to a lot of people and gauge community feeling about those particular issues. We understand that but we were able to go out there and do the field investigations. We have analysed all that and we have come back and said, “There are a few feasible routes out here. They should go on display, as well as the other feasible routes in terms of the original study area.” We are now in the position of seeking community comment on those options so that we can come to an informed position before making a decision on where the preferred route should be.<sup>78</sup>

**2.83** Mr Bob Higgins also advised that the existing highway had a number of deficiencies that contributed to the decision to expand the study area:

We did a bit of a deficiency analysis of the existing highway. If you look at the horizontal alignment and the vertical alignment you will see does it make the current standards? That is an issue we have with the existing highway, whether the curves are vertical or horizontal. The other issue is we have the 90-odd private access points along that section of the highway. This is where property owners front onto the existing highway and they come onto it directly. Coupled with an alignment we have a series of safety concerns in relation to that.<sup>79</sup>

**2.84** Once the study area was expanded, Mr Bob Higgins stated that the RTA was then empowered to commence investigatory field work in the expanded area, ‘this is drilling, understanding the ground conditions, the flooding conditions, the agricultural and noise impacts.’<sup>80</sup>

<sup>76</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, p11

<sup>77</sup> Mr Higgins, Evidence, 26 September 2005, p40

<sup>78</sup> Mr Higgins, Evidence, 18 November 2005, pp5-6

<sup>79</sup> Mr Higgins, Evidence, 18 November 2005, p7

<sup>80</sup> Mr Higgins, Evidence, 26 September 2005, p43

### Community involvement in decision to expand the study area

- 2.85** The RTA acknowledged that there was no attempt to seek community participation in the decision to expand the study area. Mr Higgins claimed that the decision to expand the study area ‘... was not a public process’<sup>81</sup> and was a necessary first step to opening up the route selection process to public participation.
- 2.86** The RTA was strongly criticised for its reliance on the views of the CLG as an indicator of community opinion prior to the expansion of the study area. Mr John Pick, a member of both the CLG and the Agricultural Focus Group, claimed that the RTA’s failure to consult outside the CLG allowed the ‘unruly minority’ on the CLG to override the ‘silent majority’ among the local community:
- ... the announcement to expand the study area for Tintenbar to Ewingsdale Highway Upgrade has been undertaken in response to a vocal minority taking over the agenda of the first four meetings that were run by the RTA and ARUP without a chairperson to formally run the meetings and maintain the group’s focus on the original highway upgrade zone ...<sup>82</sup>
- 2.87** Other new members of the re-formed CLG, such as Mr Jack Harper, also suggested that the lack of an independent facilitator allowed the original CLG to deviate from its charter and call for the expansion of the study area:
- ... we [the re-formed CLG] 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.<sup>83</sup>
- 2.88** Similarly, Mr Samuel John Crump described the initial meetings of the original CLG as ‘dysfunctional’ and ‘almost total chaos.’<sup>84</sup> It was at these meetings, prior to the engagement of an independent facilitator, that the CLG called for the expansion of the study area. The RTA advised the Committee that the independent facilitator was engaged to ensure that the CLG was a ‘fair, inclusive and professional forum’ and to ensure that the meetings were run in an ‘unbiased manner.’<sup>85</sup>
- 2.89** Pam and Martin Brook suggested that residents in the Bangalow and Ewingsdale areas were responsible for the expansion of the study area. The Brooks believe that consequently, ‘the loudest interest groups were involved but a broader community representation was not demonstrated.’<sup>86</sup>

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<sup>81</sup> Mr Higgins, Evidence, 26 September 2005, p40

<sup>82</sup> Submission 39, Mr and Mrs Pick, p1

<sup>83</sup> Mr Harper, Evidence, Hearing, 27 October 2005, p59

<sup>84</sup> Mr Crump, Evidence, Hearing, 27 October 2005, p72

<sup>85</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, Attachment A, ‘Tintenbar to Ewingsdale Pacific Highway Upgrade: Re-formed Community Liaison Group Applicant Information Pack,’ April 2005

<sup>86</sup> Submission 152, Mrs and Mr Brook, p5

**2.90** On several occasions, community members condemned the RTA's modus operandi for extending the study area as divisive, and questioned if that was the RTA's intention. Mr Richard Grzegorzulka said:

I hope that the Committee will look into the process of what the RTA did to extend the study area and the dynamics of dividing the community. It has been terrible, and now they can pick and choose community opinion.<sup>87</sup>

**2.91** As well as failing to consult with the community at large, the RTA was criticised for failing to consult with Ballina and Byron Shire Councils prior to making the decision to expand the study area. However, Mr Bob Higgins rejected this criticism by explaining that the purpose of expanding the study area was to allow the RTA to engage in open consultation with stakeholders, and that 'as soon as [the study area was expanded] we briefed both councils.'<sup>88</sup>

**2.92** The RTA's view is at odds with that of many community members who live and work in the expanded study area: these residents are strongly of the view that the RTA should have invited public participation prior to making a decision to expand the study area. If this had happened, local residents believe that the RTA's decision would have been informed by a more representative range of community views.

#### **Strength of support for expanding the study area**

**2.93** Some residents endorsed the view that there was strong community support for expanding the study area. According to Keith and Robyn Bauer:

We attended all three Community Information Sessions held by the RTA in November/December 2004. Although we never supported the suggestions made to expand the original study area, nevertheless it must be recognised that there was considerable community support displayed at these CIS meetings requesting the RTA to investigate the feasibility of expanding the study area in order to consider other corridor possibilities.<sup>89</sup>

**2.94** Residents questioned why the RTA did not listen to residents' calls to expand the study area to the west as well as the east. According to Mr Bernard Grinberg of the Ewingsdale Progress Association:

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 simply was not extended to the west as well as the east.<sup>90</sup>

**2.95** A similar understanding was held by Lois and Jeff East:

<sup>87</sup> Mr Grzegorzulka, Evidence, Public Forum, 27 October 2005, p12

<sup>88</sup> Mr Bob Higgins, Evidence, 26 September 2005, p44

<sup>89</sup> Submission 33, Mr and Mrs Bauer, p1

<sup>90</sup> Mr Grinberg, Evidence, Hearing, 27 October 2005, p27

A suggestion was made by the community that a wider study area be considered with accent on an investigation zone further west, where the population is less dense, the environment less specialized and the farms larger and therefore less individually affected by buy out. However the study area was expanded to the east where there are sensitive environmental concerns, the population is denser, the properties are more valuable and there is liable to be much greater impact on individuals due to partial buy out by the RTA.<sup>91</sup>

**2.96** Mr Ian Duncan also noted that regarding the expansion, ‘... the RTA ignored the proposal to go west and read only in one direction.’<sup>92</sup>

**2.97** Given the lack of public involvement and hence transparency surrounding the decision to expand the study area, it is not surprising that many local residents dispute the RTA estimation of the strength of community support for expanding the study area. For example, Mr Matthew Jamieson, a member of the original CLG, disputed the RTA’s claim that the CLG strongly supported expanding the study area:

Voting on resolution of extension of the study area did not appear to get support from a clear majority of CLG members.<sup>93</sup>

**2.98** The RTA’s claim to have the support of local organisations was also disputed. For example, the Northern Rivers Regional Development Board (NRRDB) rejected the RTA’s claim, as put to the Committee in evidence, that the Board ‘called for the expansion of the study area.’<sup>94</sup> The Executive Director of the Board claimed:

According to the NRRDB records, there is no evidence of Development Board making such a recommendation [for the extension of the study area] ... the Development Board is requesting that both ARUP and the RTA take steps to address this issue and inform all relevant stakeholders (including the general public) of this fact.<sup>95</sup>

**2.99** In response to this assertion, the RTA’s Mr Bob Higgins told the Committee that the NRRDB’s support was given in a meeting with RTA officers:

... it has been reported from members of my team that attended that meeting and I have been assured that the person who attended from the board did suggest an extension of the study area to the east in terms of the meeting that was held.<sup>96</sup>

**2.100** The Committee is not surprised at these differing versions of events, given that the RTA seems to have relied on verbal advice from the Board, rather than requesting written advice on whether the Board supported an eastern expansion of the study area.

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<sup>91</sup> Submission 54, Mr and Mrs East, p1

<sup>92</sup> Mr Duncan, Evidence, Hearing, 27 October 2005, p29

<sup>93</sup> Submission 128, Mr Jamieson, p4

<sup>94</sup> Correspondence from Mr Les Wielinga, Director, Motorways, RTA, to Principal Council Officer, 5 October 2005, p11

<sup>95</sup> Tabled Document No. 33, *Letter from Ms Katrina Luckie to ARUP*, 24 October 2005

<sup>96</sup> Mr Bob Higgins, Evidence, 18 November 2005, p23



- 2.101** The Bangalow Community Alliance (BCA) was the other organisation cited by the RTA as supporting the expansion. The BCA did not question the assertion of the RTA that it ‘called for the expansion of the study area.’ Ms Christobel Munson noted that at the BCA’s meeting of December 2004, the local residents who attended supported expanding the study area. While attendees called for an expansion to the east and the south, the RTA only expanded the study area to the east.<sup>97</sup>
- 2.102** In addition to questioning the level of support for expanding the study area, it is evident that there would have been a high level of opposition to the expansion of the study area, if the RTA had consulted with local residents outside the original study area who were affected by the expansion.
- 2.103** Inquiry participants told the Committee that the RTA relied on written submissions in assessing whether community opinion was in favour of expanding the study area. Local residents, such as Ms Jocelyn Hollis and Mr Jim Fiford, claimed that the RTA count of submissions was unreliable:
- Of concern to us is the belief that the RTA seems to have been influenced by the alleged high number of written submissions received by people wanting the highway re routed onto the sugar cane flats. Speakers at subsequent public meetings have stated the RTA counted as one written submission each signature on circular letters.<sup>98</sup>
- 2.104** Ms Hollis and Mr Fiford suggested that signatures were collected at local markets, and would be misleading due to the large number of tourists and non-locals who attend such markets.
- 2.105** Residents in the expanded study area were frustrated at the lack of information provided by the RTA in support of the RTA’s assertion that community opinion supported the expansion of the study area. In April 2005, a Freedom of Information (FOI) request was lodged under the auspices of the Coastal Environment Protection Society (CEPS), which sought details of the evidence used by the RTA in making the expansion decision.<sup>99</sup> In the Committee’s first hearing on 26 September 2005, more than five months after the lodgement of the request, the Committee was advised by Mr Col Dorey that the RTA had not released the information requested.<sup>100</sup>
- 2.106** On 29 September 2005, three days after the Committee’s hearing, the RTA responded to the FOI request from CEPS.<sup>101</sup> The RTA advised the Committee that the delay was attributable to several reasons:
- the application did not advance until the applicant paid an advance deposit on 19 May
  - the applicant was advised on 27 June that it was necessary for the RTA to consult with indigenous community representatives before releasing the information

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<sup>97</sup> Ms Munson, Bangalow Community Alliance, Evidence, Hearing, 27 October 2005, p21

<sup>98</sup> Submission 61, Ms Hollis and Mr Fiford, p2

<sup>99</sup> Submission 12a, Mr and Mrs Harper, p4

<sup>100</sup> Mr Dorey, Evidence, 26 September 2005, p26

<sup>101</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment A, Question 5, pp1-2

- indigenous liaison officers advised on 4 August that the information should not be released until third parties were consulted
- a meeting with indigenous community representatives was held on 18 August and an agreement reached as to the information that could be released.<sup>102</sup>

**2.107** Mr Jack Harper informed the Committee that in response to the FOI request, the RTA acknowledged that 340 of the 600 submissions cited in support of the expansion were not specific to the Ewingsdale – Tintenbar upgrade:

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.<sup>103</sup>

### **ARUP's role in expanding the study area**

**2.108** Inquiry participants suggested that the consulting firm ARUP had a conflict of interest in supporting the expansion of the study area. Mr Bob Higgins from the RTA gave evidence on the ARUP's role:

ARUP has been contracted to undertake the development work for the Tintenbar to Ewingsdale work. As part of that ARUP had already done so much work within the extended study area, so we varied that ... we asked them to expand - to change the brief.<sup>104</sup>

**2.109** Evidence from Mr Dorey was indicative of concerns regarding ARUP's role:

Did ARUP, the consultancy agency on the original study area, tender for the extended study area? Was the tender publicised? If not, would it not be conflict of interest to recommend an extension of the study area knowing who had the contract?<sup>105</sup>

**2.110** Mr Higgins denied that it was a conflict of interest for ARUP to be awarded additional work in the expanded study area, although the decision to expand the study area was based on ARUP's previous advice. The Committee is inclined to agree with this view. It is possible that concerns about ARUP's role arose due to the lack of transparency in the process to expand the study area.

### **Committee view: Process for expanding the study area**

**2.111** The evidence shows that the views of the CLG were crucial in the RTA's decision to expand the study area. It is not surprising that those on the original CLG, who lived and worked in the original study area, would support the expansion of the study area, in an attempt to move

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<sup>102</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment A, Question 5, pp1-2

<sup>103</sup> Mr Harper, Evidence, Hearing, 27 October 2005, p65

<sup>104</sup> Mr Bob Higgins, Evidence, 26 September 2005, p43

<sup>105</sup> Mr Dorey, Evidence, 26 September 2005, pp23-24

the Highway upgrade away from their homes and businesses. The Committee believes that as the RTA cited ‘community support’ as a major rationale for expanding the study area, it should have taken into account the views of the whole community, not just certain segments of it, before deciding to expand the study area.

- 2.112** The Committee is not satisfied by the explanation given to date by the RTA as to why the study area was expanded. For example, the RTA’s long-delayed response to the FOI request lodged by CEPS is a particular demonstration of the RTA’s reluctance to divulge information relating to the decision to expand the study area. This delay strengthened the belief that a hidden agenda was behind the expansion of the study area.
- 2.113** The process for expanding the study area is considered in Recommendation 4.

### Arguments in favour of expanding the study area

- 2.114** As seen in the preceding section, the process for expanding the study area was vigorously debated by local residents, some of whom supported the expansion while others were vehemently opposed. There are three central claims in favour of the expansion of the study area, namely the number of residents and businesses affected, the noise impact, and the impact on the water catchment.

#### Number of residents and businesses affected

- 2.115** The lower population density of the area to the east of the Pacific Highway and thus the smaller number of people affected by an upgrade was often presented as the justification for expanding the study area, including by the RTA:

Investigations have indicated that options to the east of the original study area could provide the potential for lesser social impacts due to the lower population densities compared to the original study area, especially with regard to noise and property impacts.<sup>106</sup>

- 2.116** Local residents including Greg and Lynn Plummer also supported expanding the study area for this reason:

The area [to the east] is less closely settled, and the population is much smaller. There is no established village to disturb ...<sup>107</sup>

- 2.117** The joint submission from Knockrow Newrybar Residents Group and Ewingsdale Community Association supported the assertion that a route in the east could have lower social impacts, as people and businesses are clustered adjacent to the current Highway:

The plateau section of the study area is a relatively well populated area with intensive horticulture and other development. In particular the area adjacent to the existing Pacific Highway has been the focus of dwellings and horticulture and tourism.<sup>108</sup>

<sup>106</sup> Submission 203, RTA, p2

<sup>107</sup> Submission 79, Mr and Mrs Plummer, p2

<sup>108</sup> Submission 70, Knockrow Newrybar Residents Group and Ewingsdale Community Association, p1

- 2.118** The submission claimed that there are 110 dwellings adjacent to the current Highway, as well as significant population clusters including Bangalow (population 1,500) and Newrybar village and school.
- 2.119** It was suggested by Mr Robert Howard that the ‘many times greater’ population density on the plateau, compared to the lower populations on the coastal plains to the east, was due to ‘the higher fertility of the Plateau [that] allows smaller farms to be viable.’<sup>109</sup>
- 2.120** Intensive horticulture is also located in the areas adjacent to the current Highway. For example, according to Mr Cliff James ‘there are numerous farms along the existing Highway with an estimate of 80 – 90,000 [macadamia] trees directly affected by a route to the west of the Highway.’<sup>110</sup>
- 2.121** Expanding the current Highway would also impact on businesses located adjacent to the current Highway. One such business is the Macadamia Castle at Knockrow. The Castle’s owner, Mr Jerome Hensen, described the facility as the largest tourist attraction in Ballina Shire with 350,000 visitors annually, and 30 employees. As much of the facility’s business is from locals and passing traffic, Mr Hensen foresaw a significant impact on his business if the Highway was upgraded along the current route:
- A highway relocated in close proximity without exit or entry arrangements would cause a near terminal impact – which would have the same impact as if the highway passed through the middle of the facility.<sup>111</sup>
- 2.122** Residents in the eastern part of the expanded study area do not dispute the arguments about lower population density. However, they argue that the number of people affected should not be the only consideration in determining route options, and instead emphasise the importance of preserving agricultural land. This is discussed in relation to the impact of the upgrade on agricultural land.

### **Noise impacts**

- 2.123** According to many Inquiry participants living near the current Highway the introduction of B-doubles to the Pacific Highway has had a dramatic impact on noise levels and was an important factor in expanding the study area. For example, Ms Judy Baker, a resident of Bangalow, told the Committee how noise was affecting her community:

... since the change in regulations to allow B-doubles to use the Pacific Highway in 2002, our delightful township and its renowned atmosphere is progressively being spoiled by the increasing traffic noise. Instead of a quiet peaceful retirement ... we are increasingly disturbed by the noise of large trucks changing gears grinding up the hills or of their compression brakes as they wind down the hills.<sup>112</sup>

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<sup>109</sup> Submission 173, Mr Howard, p3

<sup>110</sup> Submission 44, Mr James, p1

<sup>111</sup> Submission 58, Mr Hensen, p1

<sup>112</sup> Submission 85, Ms Baker, p1

- 2.124** Mr Robert Howard also stressed the importance of minimising noise levels as a reason for expanding the study area:

The most significant impact of the new road [Highway upgrade] is noise. Other impacts ... are all relatively minor compared with noise ... On the Plateau the new road would be located within 1km of Newrybar and if the existing bypass was selected at Bangalow, houses would be only 50m from the highway and most of the town within 1km. On the plain the closest communities of Lennox Head and Broken Head would be 4km and 5km respectively from the new road.<sup>113</sup>

- 2.125** However, residents in the expanded study area rejected the suggestion that the study area needed to be expanded to examine the feasibility of sharing the noise burden. These eastern residents believe that people living on or near the current Highway bought their properties in full knowledge of the noise impact, and paid lower property prices as a result of doing so. This issue is discussed in relation to property devaluation.

### **Water catchment impacts**

- 2.126** Another rationale for expanding the study area was to protect the Emigrant Creek Dam water catchment in the original study area. This Dam supplies water to Ballina and Lennox Head and is used to supplement the water supply from Rocky Creek Dam. According to Mr Surrey Bogg:

In 1987 all land in Emigrant Creek catchment was rezoned 7 (c) Environmental Protection (Water Catchment Zone). Essentially there is limited if any development allowed ... It would seem that the continuous operation to freeze development in the catchment and then to discuss putting a major highway through it might not at the very least make this RTA study team reconsider the width of the study area ...<sup>114</sup>

- 2.127** Rous Water is the authority responsible for supplying water to Lismore, Byron, Ballina and Richmond Valley. Rous Water did not, however, advocate for the Highway upgrade to be located in the east of the study area, further away from the Emigrant Creek catchment. According to Mr Bogg:

Therefore the formal position of Rous Water is that they would prefer the highway not go through the Emigrant Creek catchment but if necessary NO closer to the Emigrant Creek Dam than the current highway.<sup>115</sup>

- 2.128** Inquiry participants raised concerns about the position taken by the Rous Water Council in relation to the location of the Highway upgrade. Ian and Kathy Dall said:

There is also concern about the role Ballina Councillors, and especially the Mayor has played as Chairman of Rous Water, in the repositioning of the water authority in regards to an upgraded highway route tracking through the Emigrant Creek Dam catchment. There is concern that Mayor Silver has discounted the potential for

<sup>113</sup> Submission 173, Mr Howard, pp3-4

<sup>114</sup> Submission 149, Mr Bogg, pp2-3

<sup>115</sup> Submission 149, Mr Bogg, p3, emphasis as per original

compromising Ballina's water supply despite the cautionary advice from Rous Water staff.<sup>116</sup>

- 2.129** Local residents, such as Mr Gerry Swain, expressed concern at the possible compromise of the water catchment:

People living in the water catchment area have been very restricted by what they can do and they have accepted it. But a Sydney-based government can tell the RTA, 'put a freight route through it.'<sup>117</sup>

- 2.130** Mr Robert Deards was fearful of possible contamination by motor vehicle pollution, if the route was located in close proximity to the water catchment:

Pollution from both motor vehicles and heavy transport is well known and understood and the accepted best practice is to keep them well separated from sources of drinking water ... The solution, subsequently suggested by Rous Water's Chairman, of increasing water purification and filtration does not take into account toxins that are permanently established in the soil by the construction of this highway and the use by heavy freight. This is then added to by the run off ground water from the highway.<sup>118</sup>

- 2.131** However, residents in the expanded study area dismissed the argument that the study area needed to be expanded to protect the Emigrant Creek catchment. They claim that only a small number of people believe that the water catchment and the Highway cannot coexist. According to Alan and Marianne Logan:

The reason given for this expansion as outlined by the RTA was as a result of community pressure and social interests. The community pressure turned out to be a small number of residents who lived on the existing highway running a scare campaign about the highway upgrade polluting Ballina's water supply in a cynical attempt to have the highway moved away from their properties ...<sup>119</sup>

### **Committee view: Arguments in favour of expanding the study area**

- 2.132** Given the contradictory assertions of Inquiry participants, and the limited evidence to support these assertions, the Committee is unable to conclude whether the key arguments in favour of expanding the study area were sufficiently strong to justify the expansion. Regardless of the strength of the arguments, the Committee's key concern is why the RTA after several years of investigation of the original study area decided to expand the study area in a period of only six months, apparently in response to lobbying from residents along the current Highway.

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<sup>116</sup> Submission 157, Mr and Mrs Dall, p3

<sup>117</sup> Mr Swain, Evidence, Public Forum, 27 October 2005, p5

<sup>118</sup> Mr Deards, Submission 207, p4

<sup>119</sup> Submission 26, Mr and Mrs Logan, p3

## Impact of expanding the study area on other RTA projects

- 2.133** The Committee was told in many submissions that the expansion of the study area, and consideration of routes to the east of the current Highway, was inconsistent with three key projects that have recently been approved or constructed in the immediate area, and that were predicated on an upgrade being built in the original study area. These three projects are the:
- approved Ballina Bypass – Environmental Impact Statement on preferred route approved 2003
  - completed Bangalow Bypass – construction completed 1997
  - preferred Bangalow to St Helena route – Environmental Impact Statement on preferred route exhibited 1999.
- 2.134** Inquiry participants told the Committee that inconsistencies between these projects and the route options announced by the RTA reflects a lack of strategic direction.

### Ballina Bypass and urban investigation area

- 2.135** Ballina Shire Council was concerned that the expansion of the study area may further delay the construction of the approved Ballina Bypass, which was scheduled to be completed by 2004.<sup>120</sup>
- 2.136** Of the four route options announced by the RTA in October 2005, only Option A uses the full Ballina Bypass. Option B uses most of the Ballina Bypass.<sup>121</sup> The Committee heard evidence from Mr Craig Simpson that it was impossible to connect options C and D to the approved route of the Ballina Bypass:

We obtained from the RTA the confidential report that ARUP prepared for them, under an FOI request, prior to expanding the study area ... it is clear from that report that the RTA did investigate the potential to join the approved end of the Ballina Bypass to routes C and D, and found it to be technically impossible ...<sup>122</sup>

- 2.137** The RTA advises that route options C and D which have been released for public comment can join up to the Ballina Bypass.<sup>123</sup>
- 2.138** Residents fear a construction delay as the Bypass was designed to link with a route in the original study area. Mr Stephen Barnier, Executive Strategic Planner, Ballina Shire Council, told the Committee:

<sup>120</sup> RTA, *Annual Report 1997*, p94

<sup>121</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade: Route Options Development Report*, October 2005, p160

<sup>122</sup> Mr Simpson, Evidence, Hearing, 27 October 2005, p64

<sup>123</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade: Route Options Development Report*, October 2005, ppxi-xiii

... the Ballina Bypass was approved in May 2003, but currently remains unfunded ... the failure to commit to funding and construction of this project is a major disappointment to the Council and the broader community.<sup>124</sup>

**2.139** The Committee notes RTA advice that:

... the RTA has and will continue to consider many issues in identifying a preferred route for the Tintenbar to Ewingsdale project including the Environmental Impact Statement, the subsequent Representations Report and Project Approval for the Ballina Bypass project ...<sup>125</sup>

**2.140** The Ballina Bypass Action Group believes that the local community has a right to feel outraged by the postponement of the construction of the Ballina Bypass:

... such a serious alteration to the planned bypass of Ballina would delay this project further when it has already been in place, as earlier stated, at least **27 years**. The Ballina Bypass has been awaited by this community and to now have the plans, which have progressed almost to completion, threatened by a proposal which is unthinkable and unworkable as well as preposterous, clearly has this community up in arms.<sup>126</sup>

**2.141** Ballina Shire Council was concerned that the expansion of the study area did not take into account research undertaken prior to approval of the Ballina Bypass:

... 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.<sup>127</sup>

**2.142** Similarly, Mr David Kanaley argued that by including the area south of Ross Lane in the expanded study area, the RTA acted contrary to the conclusions of the Environmental Impact Statement (EIS) it commissioned in 1997 – 1998 for the Ballina Bypass. According to Mr Kanaley:

Indeed the weight of evidence in the Ballina Bypass EIS is clearly and overwhelmingly against the inclusion of this land. It has been extensively studied already. It does not need to be studied again as the constraints and comparative limitations when assessed against other route options have not changed.<sup>128</sup>

**2.143** The RTA noted that it had considered, and will continue to consider, the Environmental Impact Statement prepared for the Ballina Bypass in determining route options.<sup>129</sup>

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<sup>124</sup> Mr Barnier, Evidence, Hearing, 27 October 2005, p5

<sup>125</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 15, p5

<sup>126</sup> Submission 94, Ballina Bypass Action Group, p1, emphasis as per original

<sup>127</sup> Mr Barnier, Evidence, Hearing, 27 October 2005, p5

<sup>128</sup> Submission 2, Mr Kanaley, p1

<sup>129</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 15, p5



- 2.144** The Committee understands that the RTA has already acquired properties near Ross Lane for construction of the Ballina Bypass, which may not be required if the preferred route is in the expanded study area to the east.<sup>130</sup> Ballina Shire Council noted that notwithstanding the expansion of the study area, the RTA was still in the process of acquiring properties at Ross Lane.<sup>131</sup>
- 2.145** In addition to jeopardising the construction of the approved Ballina Bypass, Ballina Shire Council was concerned about the impact of expanding the study area on Council's urban investigation area south of Ross Lane, in the vicinity of Cumbalum Ridge. This area is an integral part of Council's urban expansion plans, and received in-principle approval from the then Department of Planning under the North Coast Regional Environment Plan.<sup>132</sup> Mr Barnier told the Committee:

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.<sup>133</sup>

### **Bangalow Bypass**

- 2.146** The RTA stated that the cost of the recently-completed Bangalow Bypass was \$5 million.<sup>134</sup> Many residents were angry about the potential waste of time and taxpayers' money if the Bypass is not part of the preferred route option.
- 2.147** Of the four route options announced by the RTA in October 2005, only Option A utilises the Bangalow Bypass.
- 2.148** The RTA's Mr Bob Higgins admitted in evidence that the expansion of the study area opened up the possibility that the Bangalow Bypass may be left unused. At that time, Mr Higgins noted, however, that the level of investment in the Bypass meant that it would be a 'very important consideration' in determining a preferred route.<sup>135</sup>

### **Bangalow – St Helena route**

- 2.149** The RTA announced Option B – Modified as the preferred route for the Bangalow – St Helena upgrade in 1998. Option B – Modified followed or was in close proximity to the current Highway. This followed an extensive public consultation process, culminating in the exhibition of an EIS in 1999. The RTA then took action to zone the required land as a future

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<sup>130</sup> Mr Dorey, Evidence, 26 September 2005, p22

<sup>131</sup> Submission 137, Ballina Shire Council, p1

<sup>132</sup> Submission 137, Ballina Shire Council, p2

<sup>133</sup> Mr Barnier, Evidence, Hearing, 27 October 2005, p6

<sup>134</sup> RTA Project Fact Sheet, *Bangalow Bypass*, [rta.nsw.gov.au/constructionmaintenance/downloads/bangalow-fact01.pdf](http://rta.nsw.gov.au/constructionmaintenance/downloads/bangalow-fact01.pdf) (accessed 8 November 2005)

<sup>135</sup> Mr Higgins, Evidence, 26 September 2005, p44

Highway corridor.<sup>136</sup> This zoning remains in place today. Despite this, Mr Craig Simpson gave evidence that:

In July 2004, the RTA announced that it [the Bangalow-St Helena upgrade] was “on hold” and would be incorporated within the overall “T2E” project ...<sup>137</sup>

**2.150** Of the four route options, only Option A utilises the 9(a) zoning already in place near Bangalow.<sup>138</sup> Option B uses part of the 9(a) zoning near Bangalow.

**2.151** The RTA’s Mr Bob Higgins explained to the Committee that after completion of the EIS, the NSW Government established a Northern Pacific Highway Noise Taskforce, with participation from the local community, to assess traffic noise on the Highway. The Taskforce recommended that noise on St Helena Hill be reduced by altering the alignment of the Highway and hence altering the alignment of Option B – Modified. As a result, the RTA then decided to revisit the Bangalow – St Helena route as part of the broader Ewingsdale – Tintenbar project.<sup>139</sup>

**2.152** The previously identified route Option B – Modified was excluded from the short list of route options announced by the RTA in October 2005. According to the RTA:

This route identified in the Bangalow-St Helena project has not been included in the shortlist due to the relatively poor performance compared to other routes investigated.<sup>140</sup>

**2.153** The RTA listed the reasons for the poor performance of Option B – Modified as:

- failure to meet highway design criteria – design speed of 80km/h and sustained 8% grade on the escarpment (as opposed to design criteria for a Class M upgrade of 100-110km/h and desirable maximum grade of 4.5% and absolute maximum grade of 6%)<sup>141</sup>
- requirement for greater mixing of local and through traffic than other options (the current Highway could not be retained as a separate road for local traffic)
- longer than other options
- greater noise impacts than other options
- crosses more wildlife corridors than other options.<sup>142</sup>

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<sup>136</sup> Submission 178, Mr Simpson, p6

<sup>137</sup> Submission 178, Mr Simpson, p7

<sup>138</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade: Route Options Development Report*, October 2005, p160,

<sup>139</sup> Mr Bob Higgins, Evidence, 26 September 2005, p42

<sup>140</sup> RTA, *Community Update: Tintenbar to Ewingsdale: Route Options Display*, October 2005, p3, [www.arup.com.au/tintenbar/files/051014\\_Comm\\_Update.pdf](http://www.arup.com.au/tintenbar/files/051014_Comm_Update.pdf) (accessed 24 October 2005)

<sup>141</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade: Route Options Development Report*, October 2005, p30

<sup>142</sup> RTA, *Tintenbar to Ewingsdale Pacific Highway Upgrade: Route Options Development Report*, October 2005, pxi

- 2.154** In response to a question taken on notice concerning the inconsistency between the RTA's previous planning and upgrade projects and the alignment of the four route options, the RTA admitted that 'in the early years of the Upgrading Program, planning was focussed around upgrading the existing Highway,' and that it was only after the Noise Taskforce for St Helena Hill that investigations moved away from the existing Highway.<sup>143</sup> The RTA did not admit that this amounted to an inconsistency.
- 2.155** There is a widespread belief among Inquiry participants that Option B – Modified is no longer considered viable due to the introduction of B-double trucks to the Pacific Highway after Option B – Modified was selected as the preferred route. According to local residents, the RTA's insistence on a 100 – 110 km/h speed limit and the lowest possible gradient accommodates the interests of the freight industry, at the expense of the local community.
- 2.156** No figures are available on the cost to the taxpayer of the extensive planning, consultation and technical studies undertaken for Option B – Modified, which were not used.

**Committee view: Impact of expanding the study area on other RTA projects**

- 2.157** The Committee notes that two of the four route options announced by the RTA, Options C and D, would not make use of the entire Ballina Bypass, approved two years ago. The Committee is concerned at the detrimental impact on the safety and amenity of the residents of Ballina, who may wait even longer for their Bypass if Options C or D are chosen. The neglect of the Ballina Bypass demonstrates the RTA's lack of strategic planning. This will be examined in the Committee's Final Report. The Mayor of Byron Shire Council commented on this matter, telling the Committee that she was 'very disappointed' by the State Government's lack of progress (since the closure of the Casino to Murwillumbah rail service) in developing an integrated transport strategy.<sup>144</sup>
- 2.158** No figures are available on the cost to the taxpayer if the extensive planning, consultation and technical studies undertaken for the entire Ballina Bypass are not used, and if properties previously acquired are no longer needed. The Committee is also unable to determine the possible extent of compensation claims from business owners planning to develop residential estates in the Cumbalum Ridge area.
- 2.159** The Committee notes that three of the four route options, Options B, C and D, do not make any use of the Bangalow Bypass. This is extremely concerning given that the Bypass was completed less than ten years ago at a cost to taxpayers of \$5 million.
- 2.160** The Committee notes the substantial waste of public money, and community time, in developing Option B – Modified. Suffice to say, the Committee considers the abandonment of Option B – Modified as the preferred Bangalow – St Helena route, less than six years after its selection, to demonstrate a lack of foresight and strategic planning.

<sup>143</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 7, p3

<sup>144</sup> Cr Barham, Evidence, Hearing, 27 October 2005, p7; see also NSW Legislative Council, General Purpose Standing Committee No. 4, Report 10, *Closure of the Casino to Murwillumbah rail service*, November 2004

**2.161** The Committee concludes that the expansion of the study area has had a serious detrimental impact on previous RTA projects in the immediate Ewingsdale – Tintenbar area. Prior to 2005, all RTA planning was focused on upgrading the current Highway. The RTA's failure to consider whether this was an appropriate focus is a serious flaw, and highlights the NSW Government's lack of transport planning for the North Coast.

### **Property devaluation and financial compensation**

**2.162** The decision to expand the study area may impact financially on residents who bought property away from the current Highway, based on RTA assurances that planning was focussed on the current Highway. These residents face significant and possibly uncompensated property devaluation if Options C or D were chosen as the preferred route. As will be seen in this section, property devaluation emerged as one of the most emotive issues in the Inquiry.

#### **Capacity for residents to rely on RTA planning assurances**

**2.163** Inquiry participants repeatedly told the Committee that they were deeply concerned by the RTA's apparently ad-hoc and tardy approach to planning. This was particularly the case for residents in the eastern expanded section of the study area. These residents were extremely critical of the RTA's decision to expand the study area, which they claimed was in contradiction of RTA planning and assurances over the previous decade indicating that the Highway upgrade would follow, or be adjacent to, the route of the current Highway.

**2.164** The submission from Mr Craig Simpson listed three of the key complaints against the RTA:

1. The RTA's apparent willingness to depart from approved and publicly notified plans, without adequate reason.
2. The need for local councils, businesses and the general community to be able to have a reasonable degree of certainty in planning their affairs in areas potentially affected by RTA planning.
3. The uncompensated loss suffered by persons who reasonably rely on RTA advice, where the RTA subsequently changes its position.<sup>145</sup>

**2.165** Like many other residents concerned at the RTA's sudden decision to consider routes away from the current Highway, the submission from Mr Simpson asked:

What new information has the RTA become aware of that has caused it to contemplate changing the route? Why wasn't that information available or capable of being discovered at the time the RTA planned the [Ballina] bypass route?<sup>146</sup>

**2.166** The NSW Farmers' Association was similarly mystified at the reasoning behind the RTA's sudden departure from its long-term plans:

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<sup>145</sup> Submission 178, Mr Simpson, pi

<sup>146</sup> Submission 178, Mr Simpson, p22

There was no suggestion that the extension in any way resulted from the discovery of new or previously unknown obstacles to upgrading the road through the original study area, consistent with the past 12 years of RTA planning and advice to the community.<sup>147</sup>

- 2.167** Mr Paul Gannon questioned why the RTA reneged on years of detailed and consultative planning by expanding the study area:

Why then did the RTA double the planning envelope of the section upgrade, months after the public consultation and planning process had begun, without consulting the wider community and in doing so ignoring more than 20 years of community expectation that any widening of the planning envelope would follow the existing highway?<sup>148</sup>

- 2.168** Mr Col Dorey was one of many local residents who criticised the RTA for failing to form reliable long-term plans about future Highway upgrades:

How can the RTA renege on previously gazetted routes: When can a property owner rely on closure that a gazetted route will not be changed again?<sup>149</sup>

- 2.169** As discussed in detail later, such a lack of certainty has already had negative effects on investment in the area.

- 2.170** Many local residents gave evidence that they purchased properties to the east of the Highway in the belief that the RTA had no intention of locating the upgrade anywhere other than along the route of the current Highway. These residents claimed that if the upgrade is in the eastern area, which was never previously slated for an upgrade, there will no longer be any capacity for residents and business owners to rely on RTA planning assurances when making decisions about their homes and businesses.

- 2.171** The RTA, however, rejected any suggestion that its previous planning decisions misled the community as to the likely location of the future Highway upgrade. In response to a question taken on notice, the RTA advised that:

The RTA does not consider that it has misled Councils, property owners and the community on the future location of the Highway. The RTA kept key stakeholders informed as the Highway development progressed.<sup>150</sup>

### **Property devaluation**

- 2.172** The family home is the principal asset for many residents. Residents were concerned that a reduction in its value may have significant and long-lasting effects on their financial situation. This was especially alarming for those approaching retirement, such as Colin and Anita White:

<sup>147</sup> Submission 197, NSW Farmers' Association, p6

<sup>148</sup> Submission 28, Mr Gannon, p5

<sup>149</sup> Mr Dorey, Evidence, 26 September 2005, p23

<sup>150</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 5, p2

We have spent a lot of time, energy and money over the last 18 years in upgrading our property and, in our particular case, as we are heading toward retirement with little money in superannuation funds, were relying on the possibility of realising our residential property in the future to fund our retirement.<sup>151</sup>

- 2.173** A resident who recently purchased their first home was particularly concerned about the impact of expanding the study area:

... this home we purchased in July 2003 is our very first family home and we now face financial ruin ... My wife and I planned our purchase and we included searches of the relevant planning by the RTA and searches of the local zoning. We never would have considered our purchase has we thought there was any possibility of such a monumental back-flip in public planning ...<sup>152</sup>

- 2.174** Mr Markus Pache and Ms Kalyani Newman had a similar experience when, at the time of purchasing their home, they phoned the RTA in Grafton to inquire whether there was any ‘reasonable expectation’ that the Highway would be upgraded through Newrybar Swamp:

We were told that all plans of the past decade considered only a possible upgrade on the ridge-line. This area had long been zoned for the upgrade, the road base would be far superior, the RTA would already own the land up there plus some of the properties right next to the existing highway. And the upgrade would have to meet the already approved Ballina Bypass on the ridge near Ross Lane, suggesting it would need to stay on the ridge anyway.<sup>153</sup>

- 2.175** Residents in the expanded study area said that the uncertainty created by the expansion of the study area prevented them from selling their properties or making investment decisions. This sentiment was voiced by Yvonne and Jack Harper, who noted that:

The assets, investment decisions and livelihoods of the people outside the existing highway corridor have been entombed for an indeterminate time without access to compensation.<sup>154</sup>

- 2.176** The case of Mr Tony Gilding provides an example of an ‘entombed’ property owner. Mr Gilding purchased his property at Newrybar in November 2004, intending to build eco tourism cabins. Mr Gilding’s property was then included in the expanded study area. Mr Gilding wrote in his submission:

I am currently entombed in my property. It is not saleable and I cannot afford to develop it until the route is finalised. Even then I cannot be confident that the route decided will be the route built.<sup>155</sup>

- 2.177** These residents are particularly fearful of the impact of a Highway adjacent to or in the vicinity of their property, for which they may not be entitled to compensation.

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<sup>151</sup> Submission 183, Mr and Mrs White, p1

<sup>152</sup> Submission 117, name withheld at the request of the author, p1

<sup>153</sup> Submission 177, Mr Pache and Ms Newman, p1

<sup>154</sup> Submission 12a, Mr and Mrs Harper, p3

<sup>155</sup> Submission 91, Mr and Mrs Gilding, p1

### Financial compensation

**2.178** Under the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act) the RTA is empowered to compulsorily acquire land.<sup>156</sup> Despite this power, the RTA states that it endeavours to acquire land by negotiation. The Act guarantees that compensation will be at least equal to the market value of the land, unaffected by the road proposal. The RTA does not usually purchase properties until the project reaches the construction phase.<sup>157</sup>

**2.179** The RTA does not acquire more land than is necessary for road works. Hence, if only part of a property is required, the RTA will pay the difference between two ‘before and after’ valuations of the property. These valuations calculate the difference between the value of the whole property prior to the decision to build the road, and the value of the remainder of the property once the new road is built.

**2.180** Property owners in the immediate vicinity of a new road, but whose land is not required to build the road, are not entitled to compensation. According to the RTA:

Where a property owner owns land close to an approved highway route but no land is required from the owner to build the project, the provisions of the *Land Acquisition (Just Terms Compensation) Act* do not apply.<sup>158</sup>

**2.181** The RTA noted that in such cases the RTA instigates measures to ‘mitigate the impacts.’

**2.182** Therefore, a property owner who previously lived away from the Highway, but who has had a highway built next to (but not through) their property, will not be entitled to any financial compensation. According to Mr Craig Simpson:

Most of the properties are located such that they overlook the likely route of a coastal highway option and would generally be within a few hundred metres of it. Their residents would suffer severe visual and noise impacts but, as the route would not actually pass through their land, they would not receive any compensation for resumption of their land and related loss.<sup>159</sup>

**2.183** In particular, Mr Simpson was concerned for the residents of Martins Lane East:

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 ... as the RTA will not have to acquire any of their land it will not have to pay them any compensation at all.<sup>160</sup>

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<sup>156</sup> RTA, *Fact Sheet: Property Acquisition*

<sup>157</sup> The Committee notes that ‘the RTA may give consideration in special circumstances to purchasing a property ahead of the construction phase, where the owner of the land to be acquired can show that a delay in this acquisition will cause hardship, as defined by the Act.’ See RTA’s *Fact Sheet: Property Acquisition*

<sup>158</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 12, p4

<sup>159</sup> Submission 178, Mr Simpson, p11

<sup>160</sup> Mr Simpson, Evidence, Hearing, 27 October 2005, p60

- 2.184** For those residents whose properties will be acquired, and who are entitled to compensation, there will be a delay before they receive compensation, possibly for many years, as the RTA will not acquire properties before commencement of the construction phase.
- 2.185** The financial impact of the Highway upgrade on the value of the family home is exacerbated for many families in the study area, as an estimated 65% of these families operate a business from their home or farm.<sup>161</sup> For owners of agricultural enterprises whose properties are to be acquired, a delay in receiving compensation could be particularly damaging.
- 2.186** For example, Mrs Pam Brook of Brook Farm, a gourmet macadamia enterprise at St Helena, already knows that her property will be affected by the tunnel under St Helena Hill (included in all the short-listed options under consideration). During the Committee's site visit, Mrs Brook told the Committee that her business had been placed in limbo, possibly for several years, while they waited for their property to be acquired by the RTA. The Brooks know that in the interim it would be pointless to further invest in and attempt to grow their business, and it would also be impossible to sell their property on the commercial market.
- 2.187** The cost of relocating such agricultural enterprises would be extremely high. For example, during the Committee's visit to Zentveld's Coffee, Ms Rebecca Zentveld told the Committee that if they had to relocate their business, they would face start-up costs of \$2 million, which area unlikely to be covered by RTA compensation.

#### **Committee view: Property devaluation and financial compensation**

- 2.188** Residents who bought properties in the eastern part of the expanded study area, based on RTA planning assurances regarding the future route of the Highway, face significant property devaluation. If these residents' properties are not required to build the upgrade, they will not be entitled to any financial compensation from the RTA. For residents who are entitled to financial compensation, the Committee is concerned that they may have to wait years before their properties are acquired.
- 2.189** Currently, under the *Land Acquisition (Just Terms Compensation) Act 1991*, the NSW Government is only obliged to acquire land if it is on a preferred route once Ministerial approval has been granted. This could be many years after the preferred route is announced. In the meantime, a property is blighted but the landowner cannot force the Government to acquire it.
- 2.190** The procedure after a preferred route is announced provides that an Environmental Impact Statement has to be undertaken, public comment (including government agency comment) has to be heard, a Representations Report has to be prepared based on these comments (to which the RTA responds) and then the Minister for Planning has to develop and finalise all the Conditions of Consent that will apply to any approval. This can take years. In the meantime, the landowner can neither sell up nor be compensated. This is regarded by many people as unfair and a denial of natural justice. The issue of compensation is discussed in Recommendation 6.

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<sup>161</sup> Submission 139, CARS, p18



## Impact on agriculture

- 2.191** The Ewingsdale – Tintenbar area is renowned as a fertile agricultural region, hence a central concern of Inquiry participants was the impact of the upgrade on such prime agricultural land. Agriculture is a major contributor to the region’s economy, with many residents depending on their land for their livelihood. Agriculture is also an important contributor to the region’s identity, with Inquiry participants often expressing the importance of maintaining the character of the area as a working agricultural region.
- 2.192** The Committee heard evidence on the value of agriculture to the region, and the possible impact of the upgrade on the most important land, that is land declared State or Regionally Significant. Evidence also debated the monetary value of different types of agricultural land in the study area, and described the impact of the upgrade on local farmers.

### Value of agriculture to the region

- 2.193** The submission from the Department of Primary Industries emphasised the value of agriculture to the study area, noting that the study area contains ‘some very good quality, high value agricultural lands.’<sup>162</sup>
- 2.194** The Committee is aware that there are many diverse agricultural industries in the study area, including:
- macadamias
  - cattle
  - sugar cane
  - stone fruit
  - coffee
  - bush foods.
- 2.195** The RTA Route Options Development Report noted that the cattle industry is the largest agricultural industry in the study area, accounting for 50% of land use, and the macadamia industry was the second largest, accounting for 19% of land use in the study area.<sup>163</sup> It was claimed that 7.5% of residents in Ballina Shire and 5.8% in Byron Shire were employed in agriculture, forestry and fishing.<sup>164</sup>
- 2.196** The Northern Rivers Regional Development Board (NRRDB) emphasised the importance of the agricultural industry to the region. The Board’s Executive Director, Ms Katrina Luckie explained to the Committee that ‘... things like food production and agribusiness activities are

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<sup>162</sup> Submission 196, Department of Primary Industries, p1

<sup>163</sup> Route Options Development report, p39

<sup>164</sup> Route Options Development report, p39

big contributors, maybe not so much in terms of employment but definitely in terms of export income.<sup>165</sup>

**2.197** It is difficult to calculate the monetary contribution of the diverse agricultural industries within the study area, especially as most figures are calculated on a wider regional basis. However, the Committee did receive some estimates. For example, CARS suggested that cattle farming in the study area contributes \$10 million, the production value of macadamias \$42 million, stone fruit \$10 million, and coffee \$4 million.<sup>166</sup>

**2.198** According to Byron Shire Council, ‘agriculture is the third largest source of income for Byron Shire residents with between \$35 million and \$57 million in annual production.’<sup>167</sup> Mayor Jan Barham of Byron Shire Council told the Committee that the value of agriculture is inter-related to its contribution to other industries such as tourism:

We are becoming very well known, both nationally and internationally, for our food products. The Byron brand has been an important part of that ... 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.<sup>168</sup>

**2.199** The value of agricultural production was a recurring theme among Inquiry participants, such as Yvonne and Jack Harper:

Much of the extended study area is under macadamias which contribute over \$30m p.a. Other major crops include coffee, stone fruit and bush foods. It is estimated that value adding over the next 6 years will contribute over \$50m to the economy. It will be export oriented and heavily relying on the region’s ‘clean, green’ image.<sup>169</sup>

**2.200** Pam and Martin Brook of Brook Farm noted that the Department of State and Regional Development had recognised the value of agribusiness to the area, for example by providing programs to further support local agribusinesses.<sup>170</sup> The Brooks said that their business alone will contribute \$25 million to the local economy over the next seven years.<sup>171</sup>

### **Impact on land declared State or Regionally Significant**

**2.201** Over the last two years the Department of Planning has conducted a Farmland Protection Project to identify the best agricultural land remaining on the Far North Coast, with the aim of preventing further urbanisation of the farmland. Important agricultural land was identified as State or Regionally Significant farmland.<sup>172</sup> According to the Department of Planning, the

<sup>165</sup> Ms Luckie, Evidence, Hearing, 27 October 2005, p69

<sup>166</sup> Submission 139, CARS, pp11-16

<sup>167</sup> Submission 188, Byron Shire Council, p2

<sup>168</sup> Cr Barham, Evidence, Hearing, 27 October 2005, p6

<sup>169</sup> Submission 12, Mr and Mrs Harper, p6

<sup>170</sup> Submission 152, Mr and Mrs Brook, p1

<sup>171</sup> Submission 152, Mr and Mrs Martin Brook, p3

<sup>172</sup> Submission 202, Department of Planning, p1

Project ‘recognises that essential public infrastructure will sometimes need to coincide with the mapped farmland’ but only in cases where ‘no feasible alternative is available.’<sup>173</sup> There is a small area of State Significant farmland in the study area, and a very large area of Regionally Significant farmland.

**2.202** The Department of Planning explained the different level of constraint imposed by farmland declared either State or Regionally Significant:

As a matter of policy, state significant farmland is seen as the highest value and most unique agricultural resource that should be preserved for agriculture. Accordingly, the Department supports state significant farmland being considered as a high constraint for public infrastructure provision, and regionally significant farmland being considered as a medium constraint.<sup>174</sup>

**2.203** The submission from the RTA did not refer to the existence of State or Regionally Significant farmland in the Ewingsdale-Tintenbar study area. The submission described agricultural land as ‘one of a number of important issues’ being investigated.<sup>175</sup> In relation to the Ballina – Woodburn upgrade, the submission from the RTA noted that they had considered the impact of having farmland of State or Regional Significance in the study area, and described agriculture as ‘an *essential* economic driver for communities along this section of the highway.’<sup>176</sup>

**2.204** The submission from the RTA recognised that protecting agricultural land is a central community concern in developing route options:

... a corridor workshop was held in early August 2005 with members of the project team and local community, stakeholder and government agency representatives. The workshop identified that the impact on agricultural land is one of the key values to be considered in developing route options.<sup>177</sup>

**2.205** Mr Bob Higgins, General Manager, Pacific Highway, RTA, gave evidence that agriculture is not an overriding concern for the RTA:

Agriculture is one of many issues ... Agriculture is one issue but the functionality of the highway, noise, amenity, and ecological issues feed into arriving at a decision on a preferred route.<sup>178</sup>

**2.206** The RTA Route Options Development Report noted that all four options would have a significant impact on agricultural land, directly affecting or making non-viable between 567 and 701 hectares of farmland.<sup>179</sup> All four options will directly affect Regionally Significant

<sup>173</sup> Submission 202, Department of Planning, p1

<sup>174</sup> Submission 202, Department of Planning, p1

<sup>175</sup> Submission 203, RTA, p3

<sup>176</sup> Submission 203, RTA, p8; italics added

<sup>177</sup> Submission 203, RTA, pp3-4

<sup>178</sup> Mr Bob Higgins, Evidence, 26 September 2005, p51

<sup>179</sup> Route Options Development Report, p137

farmland, ranging from 351 to 433 hectares. Three of the four options, Options A, B and C, will directly affect State Significant farmland, ranging from 3 to 10 hectares.

- 2.207** Many witnesses told the Committee of the uniqueness of the Ewingsdale – Tintenbar area, noting that not only is it home to valuable agricultural land but is also a popular tourism and lifestyle destination. According to Mrs Pam Brook:

The other recognition of the area in terms of agriculture is the New South Wales Farmland Protection Act, where the Government actually recognised the uniqueness of the area, and in its planning it specifically set out to protect the area because of the tremendous tourism growth and people wanting to do the sea change; the Government set out to protect the area so that it could not be developed for just houses, that it will be protected as valuable agricultural land.<sup>180</sup>

- 2.208** Similar sentiments were voiced by Ms Rebecca Zentveld, co-owner of Zentveld's coffee plantation at Newrybar:

The area for the proposed new highway is through some of the best agricultural land in Australia. Drought free, deep, rich red soil which produces world class horticultural products, such as macadamias and coffee, as well as stone fruit, passion fruit, bananas, sugar cane and vegetables. The lands in the study area are designated either State or Regional Significant land. Also under the Farmland Protection zoning the land is classified as being 'too good for houses' but not, apparently, too good for a six lane highway!!<sup>181</sup>

- 2.209** The Committee visited Zentveld's Coffee and inspected Skinner's Creek, on the property of Mr Rex Harris, which is declared to be State Significant land. The Committee was impressed by the visible melding of dynamic agricultural enterprises with a serious commitment to environmental protection. Mr Harris told the Committee that Option C would decimate Skinners Creek:

One of these options, route C, runs right through our properties and causes me severance. A large portion of the farm is lost due to a 30-metre cut and a 300m-long bridge, 20 metres high, across Skinners Creek, which is the most pristine part of our property. The route also severs State significant land.<sup>182</sup>

- 2.210** The Committee notes evidence that it was only in recent months that farmland in the study area was downgraded from State to Regionally Significant. According to Mr Terry Sandon:

Most of the land was classed as State significant, until being downgraded to regionally significant about six months ago.<sup>183</sup>

- 2.211** The NRRDB called for the protection of State and Regionally Significant farmland:

... the Development Board encourages full consideration of the importance of the protection of regionally and state significant agricultural land. The proposed routes in

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<sup>180</sup> Mrs Brook, Evidence, 26 September 2005, p24

<sup>181</sup> Submission 67, Ms Zentveld, p1

<sup>182</sup> Mr Harris, Evidence, Hearing, 27 October 2005, p70

<sup>183</sup> Mr Sandon, Evidence, Public Forum, 27 October 2005, p6

both of these areas has potential to negatively impact on the economic viability of businesses and industry sectors (horticulture, coffee, sugar cane etc), and further flow on effects.<sup>184</sup>

- 2.212** According to the NSW Farmers' Association, the most effective way to protect State and Regionally Significant land is to avoid a route option through the east of the study area:

A great deal of good agricultural land in this area has already been lost to urban and rural residential development. This is having a significant impact on the economic and social value of agriculture in the region.

Any highway upgrade east of the existing highway will remove more prime agricultural land and destroy the lives of rural families, some of which have been farming in the area for three generations.<sup>185</sup>

- 2.213** The Committee understands the purpose of the Farmland Protection Project is to prevent fragmentation of farmland and encourage farmers to maintain the integrity of large landholdings. However, many farmers believe that far from being rewarded for maintaining the integrity of their land, they have been penalised. It was their belief that the RTA viewed large agricultural landholdings as 'greenfield' sites, ideal for a new highway, instead giving priority to the number of dwellings to be acquired by any route option and the number of residents affected.

- 2.214** The Jarrett family own a 330 acre cattle farm at St Helena, which was declared Regionally Significant farmland. According to Mrs Donna Jarrett:

This family has held onto its property and expanded it where possible in order to increase our farming opportunities in this area. It appears that because we have consolidated this prime agricultural land into large holdings (for this area) the RTA view this as an unencumbered route for a new highway.<sup>186</sup>

- 2.215** Similarly, Ms Robyn Hornery expressed concern that contrary to the aims of the Farmland Protection Project, farms may be split and may not be passed down through the family:

Because of the climate and soil fertility, our farms are capable of increasing production to accommodate additional family members wishing to join the family concern. One of our sons has been working with us full time for several years, hoping one day to take over the responsibility of management. The location of a highway or motorway through our property may result in the farm becoming an unviable unit. A second-generation farmer would be lost at a time when very few young people are entering the farming industry.<sup>187</sup>

<sup>184</sup> Submission 192, Northern Rivers Regional Development Board, p3

<sup>185</sup> Submission 197, NSW Farmers' Association, p4

<sup>186</sup> Mrs Jarrett, Submission 89, p2

<sup>187</sup> Ms Hornery, Evidence, Public Forum, 27 October 2005, p9

**Relative value of agricultural land on the plateau versus the coastal plains**

**2.216** A significant point of contention among residents in the study area is the relative value of agricultural land on the plateau (ie closest to the route of the current Pacific Highway) compared to agricultural land on the coastal plain (ie the area to the east of the current Highway in which the study area was expanded). Residents agreed that the highest value agricultural land should be protected, but could not agree which land this is.

**2.217** Resident Mr Paul McLisky claimed that the land on the plateau was superior to that of the coastal plain:

The highway route on the plateau would be through prime agricultural land for its entire length ... A route on the coastal plains however would pass through agriculturally inferior land ... In quantifiable terms any valuation would show that the financial value of the land on the plateau would be significantly higher than that of the coastal plain, which is inferior agricultural land to the soil of the plateau.<sup>188</sup>

**2.218** Mr Cliff James supported the argument that the value of agricultural land is related to the financial return from that land:

The value of prime agricultural land is directly related to the potential for income from that land the value of the agricultural land on the escarpment is approximately three times that of the coastal plain land.<sup>189</sup>

**2.219** Mr Surrey Bogg is a macadamia farmer. Like Mr McLisky and Mr James, he believes that the most valuable agricultural land is located on the plateau:

... this part of the plateau on the extreme Eastern edge has achieved the best growing results over the years. As a result agricultural value for land has become very high – approx \$43,000/hectare for bare land and \$75,000/hectare for land with mature trees. To validate this value, mature macadamia farms met their weighted cost of capital in 2004. This is extremely rare in Australian agriculture and this return on these capital values of approximately 13% compare with historical averages of between 2% and 8% for grains, grazing, sugar and cotton ...<sup>190</sup>

**2.220** Mr Bogg explained that the coastal land to the east has historically had sugar cane as its principal agricultural crop, but is now moving into macadamias. According to Mr Bogg, this land has a value of \$15,000/hectare, indicating a much lower agricultural worth.<sup>191</sup> Mr Bogg argued that ‘there is a real bind here, but if agricultural land is going to be saved the highest valued agricultural land, presumably, should be saved.’<sup>192</sup>

**2.221** Other Inquiry participants, such as Helen and Alan Craig, supported the view that because the coastal plain has historically been home to cane farming, this land is of inferior agricultural value:

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<sup>188</sup> Submission 106, Mr McLisky, p6

<sup>189</sup> Submission 44, Mr James, p2

<sup>190</sup> Submission 149a, Mr Bogg, p2

<sup>191</sup> Submission 149a, Mr Bogg, p3

<sup>192</sup> Mr Bogg, Evidence, Hearing, 27 October 2005, p71

There are mostly large cane farms on low lying ground which will be affected with a coastal plain route, compared to the escarpment hinterland which has the most productive agricultural land in the State. We are aware that the federal government is wanting many cane farms phased out at present, due to gluts in the world market for sugar. The government is actively encouraging farmers to diversify to other primary production in farming.<sup>193</sup>

- 2.222** However, farmers on the coastal plain disputed that their land was of inferior agricultural value. For example, the Committee inspected several properties on the coastal plain owned by the Dorey family. In the past these properties were cane farms, but over the last two decades the Doreys have pioneered the growing of macadamias on the plain. Mr Dorey told the Committee that this resulted in a 20-fold increase in the productivity of the land, compared to sugar cane.
- 2.223** In direct opposition to claims that the coastal plain is inferior agricultural land, Mr Col Dorey told the Committee that the Dorey family's innovative method for farming macadamias had in fact led to macadamia farms on the plain yielding significantly higher returns in 2004 than those on the plateau. To demonstrate the success of macadamia farming on the coastal plain, Mr Dorey told the Committee that in the last couple of years 200 acres of coastal plain had been sold to Pacific Plantations, one of Australia's largest macadamia producers.

### **Impact on owners of agricultural enterprises**

- 2.224** The submission from the Department of Primary Industries outlined a range of damaging impacts that the Highway upgrade could have on agricultural enterprises, including:
- fragmentation of properties and changes to paddock layout
  - changes to property access arrangements, eg internal farm movement of stock, vehicles and equipment
  - changes to drainage and flooding patterns resulting from changes to hydrology caused by roads and embankments
  - loss of farming land and decreased production.<sup>194</sup>
- 2.225** The Jarrett family run a beef enterprise based at St Helena, farming cattle, buying cattle on commission, providing cattle management services to clients across the study area, and running a cattle auctioneering business. Mrs Donna Jarrett told the Committee that the family will be affected by the tunnel under St Helena Hill, that results in 'a tunnel and road running the entire length of our property and dividing it in two.'<sup>195</sup> While the Jarretts have six farms and another eight agistment properties in the study area, and significant land holdings in Bonalbo, Kyogle and Tuncester, their 330 acre farm at St Helena is central to their operations:

The majority of cattle bought are trucked back to this property for drafting, and treating before they are moved onto the various other properties, including the properties further west. The entire property is used more as a cattle management

<sup>193</sup> Submission 29, Mrs and Mr Craig, p4

<sup>194</sup> Submission 196, Department of Primary Industries, pp1-2

<sup>195</sup> Submission 89, Mrs Jarrett, p2

centre, where cattle may come and go quite quickly, or they may be held a week or a month, depending on the circumstances.<sup>196</sup>

**2.226** The Committee visited the Jarrett's farm and was told that without the St Helena property, their beef enterprise would become unviable in the study area. When the Committee visited, the Committee saw a load of cattle from four different owners being trucked off to Brisbane, destined for the American and Japanese export markets. This demonstrated to the Committee the impact on many members of the local community if the area loses farming enterprises such as that of the Jarrett family.

**2.227** Mr Col Dorey is a fourth generation farmer in the study area. Mr Dorey, his father and five brothers have nine farms between them amounting to 908 acres in the extended study area, principally in Newrybar Swamp, as well as five more farms in the vicinity. Mr Col Dorey described the potentially devastating results if the preferred route was through Newrybar Swamp:

If the upgrade takes the form of a new freeway through Newrybar Swamp it is possible all nine of our farms could be cut in half by up to five kilometres of freeway.<sup>197</sup>

**2.228** Inquiry participants emphasised that even if the amount of land lost to individual farms may be small in area, it could still have a substantial effect on the farm's viability. According to Ms Robyn Hornery:

To say that partial resumption would not necessarily affect a farm's viability is not always the case. The paddocks that our farm stands to lose under option B are our best-producing paddocks.<sup>198</sup>

**2.229** The Committee heard that the impact on individual farms is expected to result in a substantial effect on the regional economy, but that the RTA has done no work to quantify this effect. . As noted by Ms Luckie of the NRRDB:

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.<sup>199</sup>

**2.230** Documents from the NRRDB explained this economic model:

The Economic Model for the Tweed and Northern Rivers provides a mechanism to examine the impacts on local economic production, employment, imports and exports (but not investment) and it is recommended that this tool is used to develop a thorough understanding of the costs to the economy.<sup>200</sup>

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<sup>196</sup> Tabled Document No. 45, *Presentation to the Parliamentary Inquiry – On Farm Visit to the Jarrett Property, St Helena and Coopers Shoot*, p2

<sup>197</sup> Submission 55, Mr Dorey, p8

<sup>198</sup> Ms Hornery, Evidence, Public Forum, 27 October 2005, p9

<sup>199</sup> Ms Luckie, Evidence, Hearing, 27 October 2005, p69

<sup>200</sup> Tabled Document No. 27, *Notes on tabled documents and additional comments*



**2.231** Mr Ian Dall was also extremely critical of the RTA's economic analysis, claiming that:

The treatment of the economic impact is amateurish. There is no attempt to quantify the loss of production and employment with the resumption of 1000 acres of farmland.<sup>201</sup>

**2.232** Mrs Pam Brook of Brookfarm, argued that the uncertainty created by the expansion of the study area has had a detrimental effect on investment in the area:

... six years ago there was certainty: the Ballina bypass was gazetted; the Bangalow bypass had been built; and the Ewingsdale to Bangalow, option B, had been determined. So investment went on from there in our area.<sup>202</sup>

**2.233** An example of stalled investment is the Zentveld's coffee plantation. The Zentveld family's coffee enterprise is 'from cut to cup:' they grow and process coffee, are an education facility, are the largest coffee nursery in Australia, and also showcase and sell coffee processing equipment. The business employs 10 people.<sup>203</sup> The uncertainty surrounding the proposed upgrade led to the Zentvelds putting their \$0.5 million expansion plans on hold.

**2.234** Mr Dorey, whose family has lived in the area for generations, gave evidence which highlighted the importance of certainty regarding the location of the upgrade in his family's long-term planning:

The growing of macadamias is a long-term project and gives excellent returns ... Those returns allow for the next generation to come and join us on the farm ... We asked ourselves what could go wrong. After planning for so long, and I have been planning for 30 years on the Newrybar farms, I know the answer is a six-lane freeway.<sup>204</sup>

#### **Committee view: Impact on agriculture**

**2.235** The Committee believes that it is important to preserve farmland declared State and Regionally Significant, in order to maintain the future viability of the agricultural industry on the Far North Coast. The Committee also recognises not only the economic importance of agriculture but also its social importance, as a significant contributor to community identity.

**2.236** While the Committee is unable to determine whether agricultural land on the plateau is of higher value than that on the coastal plain, it is evident that land on both the plateau and the plain is home to productive agricultural enterprises.

**2.237** The importance of preserving agricultural land is discussed in Recommendation 7.

<sup>201</sup> Mr Dall, Evidence, Public Forum, 27 October 2005, p7

<sup>202</sup> Mrs Brook, Evidence, 26 September 2005, p24

<sup>203</sup> Submission 67, Ms Zentveld, p2

<sup>204</sup> Mr Dorey, Evidence, 26 September 2005, p22

## Impact on the environment

**2.238** There are significant environmental issues in the study area that must be addressed in planning for the Highway upgrade, particularly rainforest remnants, and wildlife corridors and habitat. Environmental constraints including fog, flooding and soil issues are also highly relevant. Inquiry participants told the Committee that environmental issues have not been given sufficient prominence in the RTA's route development process. In addition, farmers in the study area believe that their commitment to environmental protection, as demonstrated by the significant environmental improvements that they have made to their properties, was disregarded by the RTA in developing route options.

### Environmental issues in the study area

**2.239** The RTA's Route Options Development report noted that there are over 100 threatened animal and plant species in the vicinity of the study area, as well as three major wildlife corridors and significant patches of vegetation in the study area itself.<sup>205</sup>

**2.240** Some of the last remnants of the Big Scrub, the rainforest that once stretched from Byron to Meerschaum Vale, are located in the study area. According to Mr Matthew Jamieson:

Our patches [of remnant rainforest vegetation] are a very significant portion of the Big Scrub rainforest vegetation, riparian vegetation and vertebrate and invertebrate animals populations. There are a number of endangered species in these remnants.

The significance of our remnants can be understood if one considers that the Big Scrub sub tropical rainforest which once comprised 34,000 ha in this area and was the biggest area of rainforest in Australia. The forest has been cleared to such an extent that only 1.0% remains.<sup>206</sup>

**2.241** The Committee also heard of the abundance of wildlife in the study area. For example, CARS informed the Committee that some of the few remaining fauna corridors are in the expanded study area, providing habitat for brush turkeys, bandicoots, wallabies, tortoises, wedge tailed eagles, echidnas, frog mouth owls and a range of other fauna.<sup>207</sup>

**2.242** CARS also claimed that there is sensitive environmental land in the study area, namely Newrybar Swamp and corridors along the escarpment, which were identified in Byron Shire Council's Biodiversity Strategy 2004.<sup>208</sup>

**2.243** Despite the sensitivity of environmental issues in the study area, CARS suggested that the RTA's environmental studies lacked credibility:

The RTA studies have ignored extensive environmental assessments and therefore lack credibility. For example the constraints identified by ARUP focus on fish species

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<sup>205</sup> Route Options Development Report, p55

<sup>206</sup> Submission 128, Mr Jamieson, p14

<sup>207</sup> Submission 139, CARS, p32

<sup>208</sup> Submission 139, CARS, p32

in the waterways. A true ecological assessment of waterway health always includes a study of macro-invertebrates.<sup>209</sup>

**2.244** The Nature Conservation Council of NSW encapsulated the views of many local residents when it criticised the RTA for allowing economic considerations to dominate its approach to selecting route options and study zones, at the expense of the natural environment.<sup>210</sup>

**2.245** Inquiry participants claimed that environmental constraints, including fog, flooding and soils in the eastern expanded study area, were not given adequate consideration in developing route options. For example, Mr Col Dorey told the Committee that Newrybar Swamp has ‘some of the worst fog-prone land in the district.’<sup>211</sup> Mr Matthew Jamieson claimed that nearby areas are similarly fog-prone:

The coastal plain and some valleys including Tinderbox Valley are prone to fog. These fog areas pose potential for increased accidents and concentrating pollution in an inversion layer. My experience in the St Helena, Tinderbox and Talofa Valley areas is that the hilly geography on the escarpment traps fog and moist air. This fog is slow to dissipate under an atmospheric inversion layer.<sup>212</sup>

**2.246** Mr Dorey was a 15-year veteran of the former Newrybar Drainage Union. According to Mr Dorey, ‘Newrybar swamp is like a big amphitheatre and the flow of water out of there is tremendous.’<sup>213</sup> Mr Dorey claimed that a new highway would alter flooding patterns in the Newrybar Swamp area, and also affect the water table, impacting on agricultural enterprises.<sup>214</sup>

**2.247** The Committee also heard evidence from Mr Dorey regarding the consequences of tampering with the acid sulphate soils in Newrybar Swamp:

My biggest concern would be the loading of the soils for a freeway and how the water table will react. I believe it would be possible while loading an area the water table is pushed up in surrounding areas possibly bringing acid water to the surface, not unlike the salt problems elsewhere in Australia.<sup>215</sup>

**2.248** In addition to the problems with acid sulphate soils, Mr Dorey told the Committee of the dangers of building a freeway on soft peat soil, which will not tolerate loading, especially the loading of a new highway.<sup>216</sup>

<sup>209</sup> Submission 139, CARS, p32

<sup>210</sup> Submission 191, Nature Conservation Council of NSW, pp2-3

<sup>211</sup> Mr Dorey, Evidence, 26 September 2005, p28

<sup>212</sup> Submission 128, Mr Jamieson, p15

<sup>213</sup> Mr Dorey, Evidence, 26 September 2005, p28

<sup>214</sup> Mr Dorey, Evidence, 26 September 2005, p23

<sup>215</sup> Submission 55, Mr Dorey, Attachment A, *Constraints on TW Dorey and Sons Farms in Newrybar Swamp*, May 2005, p20

<sup>216</sup> Submission 55, Mr Dorey, Attachment A, *Constraints on TW Dorey and Sons Farms in Newrybar Swamp*, May 2005, p17

- 2.249** The importance of these issues was visibly demonstrated to the Committee by photos submitted by Inquiry participants, showing the extent of flooding and the softness of peat soil in Newrybar Swamp, and fog on the coastal plains and around St Helena.<sup>217</sup>
- 2.250** The RTA's Mr Bob Higgins gave evidence that the possible safety implications of flooding, fog and soil instability had not been considered prior to the expansion of the study area. The RTA advised that by expanding the study area, this gave the RTA the opportunity to consult with experts and locals on these issues.<sup>218</sup>

### **Agriculture and environmental protection**

- 2.251** Local farmers told the Committee that they were committed to protecting and regenerating the natural environment, and minimising the environmental impact of their farming practices. The Committee visited a number of properties on which owners had invested in regeneration projects. Local farmers said that it seemed contradictory for the Government to, on the one hand' encourage them to protect the environment, while on the other hand the RTA could pay little heed to the significant environmental improvements that farmers had made to their properties in developing route options.
- 2.252** The Newrybar Landcare Group told the Committee of the unique partnership between environmental protection and agricultural production in the study area:

There are so few areas which can safely merge vibrant, productive agricultural success stories with environmental protection policies. And that is what happens here.<sup>219</sup>

- 2.253** Many Inquiry participants described how farmers protect and regenerate the natural environment. According to the submission from Yvonne and Jack Harper:

Like the Byron farmers on the plateau, the Newrybar Swamp farmers have undertaken extensive tree planting and reforestation projects which are now functioning as significant resources for sedentary migratory wildlife. These replanted areas are now functioning as 'stepping stone' wildlife corridors that link the Broken Head Nature Reserve with the escarpment and Big Scrub remnants on the Alstonville plateau.<sup>220</sup>

- 2.254** The Zentvelds' coffee plantation provides an example of the environmental commitment among local farmers on the plateau:

Zentvelds' plantation has been declared by Ballina Council as a 'Land for Wildlife' zone. We have set aside a minimum of 2Ha for wildlife. We have also been granted just under \$10,000.00 from the EnviroFund for restoration at Skinner's Creek, which runs at the bottom of the property. On our property we have a number of endangered flora, plus platypus, echidnas and numerous aquatic and flight birds. We have planted

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<sup>217</sup> Tabled Documents No.'s 35 and 36, photos of fog over proposed tunnel exit at and fog over proposed route C & D, Tabled Document No. 46, various photos of the Dorey properties and surrounds

<sup>218</sup> Mr Bob Higgins, Evidence, 26 September 2005, p50

<sup>219</sup> Submission 100, Newrybar Landcare Group, p2

<sup>220</sup> Submission 12, Mr and Mrs Harper, p6

over 1000 cabinet timbers which will enhance the environment and in future years will be selectively logged for timber. Meanwhile, the timbers will help encourage wildlife and enrich the beauty of the area. All of the above indicate the level of care and consideration placed by us on the environment and future of the land.<sup>221</sup>

- 2.255** It was claimed that farmers seek to harness the opportunities offered by the area's unique natural environment in their farming practices. According to Mrs Pam Brook such practices have both commercial and environmental benefits:

... sustainable agriculture in our region is not a fiction. The commercial farms in our region recognise the value of land management and they actively practice it ... We do not bait our farm at all for rats or mice but we have less than 0.2 per cent rat damage because it is all controlled by the owls that come out of our rainforest.<sup>222</sup>

- 2.256** Brookfarm was one of many farming enterprises to rely on the 'clean green' image of the area in promoting their products. Pam and Martin Brook told the Committee:

Overseas buyers regularly visit our property and their choice of Brookfarm products for their gourmet export markets is based on our farm's clean & green image and likewise the other farms that supply us. This image and practice has been the deciding factor in recently won contracts to Japan and the USA.<sup>223</sup>

- 2.257** Mr Rex Harris also takes advantage of the natural answers to pest control offered by the regenerated rainforest on his property. Mr Harris told the Committee: 'For pest management we rely solely on a system of microbats, barn owls and many native birds.'<sup>224</sup> On a site visit to Mr Harris' property, Piccadilly Park, the Committee saw the extensive array of bird boxes and pole roosts installed to encourage nesting. Mr Harris explained to the Committee the role played by microbats in controlling moths and other insects, including the nut borer and fruit spotting bug.<sup>225</sup>

- 2.258** In visiting the Zentveld coffee plantation, the Harris macadamia farm and the Dorey macadamia farms, the Committee was impressed by the environmental commitment of these farming families. For example, the Committee inspected the Zentveld's coffee plantation and the adjoining macadamia farm of Mr Harris, and was shown the results of the restoration of Skinner's Creek, which runs between the two properties. The Committee commends such commitment to environmentally friendly agricultural practices as supported by farmers across the study area.

- 2.259** Local property owners are aghast that years of commitment to the environment may come to nothing. According to Mr Matthew Gannon:

Our family, who have been members of the local Byron Creek Land Care group for over ten years and have worked extremely hard to regenerate this beautiful area, have been funded to not only plant the hundreds of trees over the years, but to improve the

<sup>221</sup> Submission 101, Zenvestments, p2

<sup>222</sup> Mrs Brook, Evidence, 26 September 2005, p25

<sup>223</sup> Submission 152, Mr and Mrs Brook, p2

<sup>224</sup> Mr Harris, Evidence, Hearing, 27 October 2005, p70

<sup>225</sup> Tabled Document No. 25, Booklet entitled *Picadilly Park Pacific Highway Bangalow*

Byron Creek which runs throughout the Northern Rivers ... What is the point helping our environment, if it is just going to be wiped out?<sup>226</sup>

- 2.260** The Nature Conservation Council of NSW suggested that in order to minimise environmental impacts, the RTA should in the first instance seek to widen the current Highway:

Where opportunities to widen existing routes are available these should be explored, as opposed to seeking alternative routes which are often through the types of habitats that have been mentioned in this submission.

### **Committee view: Impact on the environment**

- 2.261** The Committee is mindful of the potential for the Highway upgrade to result in significant and irreparable environmental damage to the study area. Hence the Committee notes the importance of the RTA commissioning rigorous environmental studies in assessing the short-listed route options. These studies must take into account the environmental improvements made by farmers throughout the study area. The Committee believes that minimising the environmental impact is given added significance, considering the importance of the region's 'clean green' image in marketing the region's agricultural produce.

- 2.262** The environmental impact is considered in Recommendation 8.

### **Impact on communities**

- 2.263** From the evidence presented to the Inquiry, it is clear that the Highway upgrade project is having a significant affect on the local community. Prior to the route options announcement, the uncertainty regarding the location of the upgrade created deep divisions among local residents. These were exacerbated by the added uncertainty following the expansion of the study area. Evidence to the Committee suggested that the RTA's management of the route development process fuelled these tensions.

### **Tension within communities**

- 2.264** The uncertainty created by the expansion of the study area exacerbated divisions within the local community regarding the route for the Highway upgrade, and introduced a new element of distrust among local residents. According to Mr Dorey:

I could speak to you for the rest of today and for the whole of tomorrow about the trauma that the extended study area has already caused property owners ...<sup>227</sup>

- 2.265** The distress among residents, particularly those in the expanded study area who previously believed that they would not be affected by the Highway upgrade, was evident in the submission from Mrs Margaret Gannon:

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<sup>226</sup> Submission 134, Mr Gannon, pp1-2

<sup>227</sup> Mr Dorey, Evidence, 26 September 2005, p23

We paid a lot extra to live away from the existing highway. Noise and traffic are our hatred. If we had of known a future highway was to come through or near here we would never have spent all this time and money developing it. We would never have bought it in the first place. I can't believe the RTA can destroy our dream and the future dreams of our children. We have worked so hard to achieve this.<sup>228</sup>

- 2.266** Norma and Jack McAndrew voiced similar sentiments about the distress caused by the upgrade project:

Why should we have our home taken from us? Who has the right to take our lives from us? Our dream has turned into a nightmare. This cannot continue. Our land has been stolen.<sup>229</sup>

- 2.267** The distress resulting from the route development process created deep community divisions. The Committee understands that many community groups were formed to support different positions, such as keeping the Highway on the Highway, or locating a new highway away from the current Highway. In arguing their case, it seems that these groups sought to discredit the views of opposed groups. For example, Mr Paul Gannon told the Committee:

I am not saying give up your fight to save your house, your farm or your community. We all need to fight to save our castle. However, we do not need to tear down our community to make that fight. We do not need to attack and discredit our neighbour to carry out that fight ... In the end the RTA will say that the community is divided and cannot make up its mind so we will make it up for it.<sup>230</sup>

- 2.268** Members of the local community claimed that distress concerning the proposed Highway upgrade was exacerbated by the RTA's approach to public consultation. According to Lois and Jeff East:

The feelings of anxiety, frustration and insecurity created by the dictatorial methods currently being employed by the RTA underpin the suffering being endured.<sup>231</sup>

- 2.269** Alan and Anja Morton, residents in the expanded study area, were also angry at the consultative methods employed by the RTA

We were, and still are, devastated, frustrated, and angry ... RTA representatives are extremely insensitive. At public meetings they have not even acknowledged the anxiety that they have induced on many families and individuals, by expanding the study area, especially in the manner in which they did. They have the power to compulsorily acquire people's homes and that power has gone to their heads ...<sup>232</sup>

- 2.270** Frustration with the RTA may be due to a lack of acknowledgement from the RTA of the emotional attachment to the family home, and the strong response to any threat to its existence. Such an attachment is evident in the submission from Mr Dayne Mearns:

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<sup>228</sup> Submission 56, Mrs Gannon, p1

<sup>229</sup> Submission 135, Mr and Mrs McAndrew, p1

<sup>230</sup> Mr Gannon, Evidence, Public Forum, 27 October 2005, p4

<sup>231</sup> Submission 54, Mr and Mrs East, p4

<sup>232</sup> Submission 72, Mr and Mrs Morton, p1

The proposed route option through our property will destroy our family's heritage. We have designed and built out home in a fabulous location. I have been encouraged by my business partners to relocate to a capital city or to one of our overseas offices but have chosen to remain here. Our children's hand prints as toddlers are in our paths and we have seen trees planted as seedlings grow to maturity.<sup>233</sup>

- 2.271** Residents' emotional attachment to their homes is particularly evident for families who have lived in the area for generations:

My family have owned land here for 99 years. My family – to 5 generations – still live on the properties. It would be impossible to compensate for the extension of the study area.<sup>234</sup>

- 2.272** Despite the community's frustration with the RTA's perceived lack of empathy, the RTA advised the Committee that it was conscious of the divisive potential of the route selection process:

The RTA is very conscious of the impact on land owners and is endeavouring to move as quickly as possible to identify a preferred route for the Highway and provide certainty to residents within the study area.<sup>235</sup>

### **Tension between Highway residents and residents in the expanded study area**

- 2.273** The divisions within local communities are particularly evident in the tensions between property owners on the current Highway and in the expanded study area. The Committee was repeatedly told that people who bought property on the current Highway did so in full knowledge of the noise, visual and toxic pollution consequences. It was argued that these people paid lower prices for their properties, while people who bought property away from the Highway paid higher prices commensurate with the quietness, beauty and pristine natural environment of the area.
- 2.274** This sentiment was encapsulated by Lois and Jeff East, who suggested that residents living on the current Highway stood to 'benefit financially at the expense of other people who have paid a high price to locate their businesses and residences away from the Highway.'<sup>236</sup>
- 2.275** Dr Ian Falson also claimed that the location of a new highway in areas never previously slated for an upgrade would unfairly advantage residents on the current Highway:

... there is a principle of equity here. People who purchased properties on the existing highway understood the implications of their purchase – noise, pollution, land values etc. It seems unfair that people who purchased property in the eastern study area in good faith years ago, should be penalized with a motorway that would involve 30,000

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<sup>233</sup> Submission 120, Mr Mearns, p2

<sup>234</sup> Submission 140, Mr Armstrong, p2

<sup>235</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Attachment B, Question 2, p2

<sup>236</sup> Submission 54, Mr and Mrs East, p4



vehicle movements a day and consequent massive blow to the quality of life of their families.<sup>237</sup>

- 2.276** The NSW Farmers' Association was also concerned at the impact on property prices for residents who purchased land away from the current Highway:

In addition to agriculture, properties in the areas generally derive much of their value from their tranquil, undeveloped setting and from their expansive views. As a result, the intrusion of a major highway development will have a very significant impact on their value. In those cases where the owners have developed tourist or recreational businesses on their land, the impact on their businesses and livelihoods will be severe.<sup>238</sup>

- 2.277** It seems that the expansion of the study area, attributed to pressure from residents living near the current Highway, created bitter divisions between residents living near the current Highway and residents in the newly expanded study area. Many residents in the expanded study area, such as Claire and Steve Bedford, believe that residents living along the current Highway should be the ones to cope with continuing Highway noise:

Those people [residing near the current Highway] possibly live with the expectation of future highway expansion and are familiar with living close to the existing highway, therefore upgrading the Pacific Highway in the existing corridor would not have such a severe impact on their lifestyle.<sup>239</sup>

- 2.278** Mr Chris Shevellar, a property owner living on the current Pacific Highway, rejected the argument that people who bought property on the current Highway did so in full knowledge of the ongoing traffic and pollution consequences:

The locals tell us 'you were silly enough to buy on the Highway ... you live with it.' We bought here in the 70's because the RTA told us the Pacific Motorway was to go through Cooper's Shoot and along the canefields.<sup>240</sup>

- 2.279** Similarly, the joint submission from Knockrow Newrybar Residents Group and Ewingsdale Community Association claimed that property owners on the current Pacific Highway deserve relief. These groups argued that Highway residents often bought their properties before the higher traffic volume dramatically increased noise and other impacts.<sup>241</sup>

- 2.280** Mr Shevellar's case provides an example of the debilitating individual impacts of the RTA's constant changes of plan. In 1998, after years of living with severe noise impacts, the RTA advised Mr Shevellar that his house and four others would be acquired as part of the Bangalow – St Helena upgrade. In 2005, after seven years planning for this eventuality, the RTA advised that his property was no longer required, due to the abandonment of the preferred route Option B – Modified from Bangalow – St Helena. Mr Shevellar believes that

<sup>237</sup> Submission 36, Dr Falson, p1

<sup>238</sup> Submission 197, NSW Farmers' Association, p5

<sup>239</sup> Submission 87, Mr and Mrs Bedford, p1

<sup>240</sup> Submission 5, Mr Shevellar, p2

<sup>241</sup> Submission 70, Knockrow Newrybar Residents Group and Ewingsdale Community Association, p2

the RTA needs to provide certainty, in order for himself and other residents to move on with their lives:

We need no further delay tactics. We need to know whether to stay or go, buy or sell, to plant those trees, to put in that dam, to build those extensions or build a new house.<sup>242</sup>

### **Effect on rural residential communities**

**2.281** The detrimental community impact is also seen in the potential effect on rural residential communities in the study area. The Committee was told that much of the substantial impact on rural residential communities was due to the unusually high population density in the Ewingsdale – Tintenbar area. Mr Ian Oelrichs said:

The existing Tintenbar to Ewingsdale section of the Pacific Highway traverses the most densely populated area between the Hunter and Queensland other than possibly Coffs Harbour.<sup>243</sup>

**2.282** The Northern Rivers Regional Development Committee described a ‘village settlement pattern’ in the Northern Rivers region, with over half of the region’s residents living in 300 small villages or localities.<sup>244</sup> The Committee notes that such a pattern has consequences for route selection in the region, as it increases the likelihood that any proposed route option will directly effect at least some small villages or localities.

**2.283** Locals were fearful that the Highway upgrade would destroy communities along the new route, such as the community living along Broken Head Road at Newrybar. According to the Newrybar Landcare Group:

We are a unique, close community which was divided in 1968 when the village was cut in half by the present Pacific Highway. The school at the corner of Broken Head Road and the hamlet of Newrybar was divided by the Pacific Highway. And now they want to divide us further!

Other towns are bypassed so why not bypass Newrybar altogether? There are other route options which would leave the village of Newrybar undivided and peaceful.<sup>245</sup>

**2.284** Residents such as Ian and Kathy Dall believe that Newrybar is but one of many communities that may be negatively affected:

The communities in the original study area, and Newrybar is an excellent example, have developed over the last three decades, a renewed strength and vitality, after the decline of the local dairy industry in the fifties and sixties. It is a community with a real and demonstrated sense of neighbourhood, which believes it is threatened by the

<sup>242</sup> Submission 5, Mr Shevellar, p5

<sup>243</sup> Tabled Document No. 8, *A Strategic Approach to Regional Transport Planning*, p2

<sup>244</sup> Submission 192, Northern Rivers Regional Development Board, p1

<sup>245</sup> Submission 100, Newrybar Landcare Group, Attachment 1, *Broken Head Road: The Heart of Newrybar*, p1

prospects of an upgraded highway, that may physically divide the community and jeopardise the social fabric ...<sup>246</sup>

**2.285** The Committee considers that any such impacts on rural residential communities would be yet another instance of the damage to community cohesion from the Highway upgrade.

### **Committee view: Impact on communities**

**2.286** The Committee concludes that the RTA's route development process significantly damaged the fabric of the local community. The Committee is of the opinion that much of the impact on local communities could have been ameliorated if the RTA had implemented a best-practice consultative process

## **Conclusion**

**2.287** As seen in this chapter, local residents were highly critical of many aspects of the proposed Ewingsdale – Tintenbar upgrade. The most criticised aspects of the upgrade were the:

- consultation process, particularly the establishment and operation of the CLG
- process for expanding the study area
- prospective property devaluation for residents living away from the current Highway
- potential loss of agricultural land
- acrimony and division among local residents.

**2.288** It was claimed that the consultation process did not adequately engage the local community in developing route options. Indeed, many Inquiry participants told the Committee that the consultation process bred distrust of the RTA and its consultants. The CLG process was the focus of much criticism, as it was seen to be unrepresentative and lacking openness.

**2.289** The process for expanding the study area was seen as particularly flawed. This decision, perhaps more than any other aspect of the upgrade project, divided the community. This was a hasty decision, made without proper explanation, and which would appear to flout the RTA's previous ten years of planning for this section of the Highway. The expansion of the study area was particularly contentious, as it may result in substantial property devaluation for many residents, especially for those in the eastern part of the expanded study area.

**2.290** Local residents were extremely concerned about the impact of the upgrade on the area's rich agricultural land. Local residents supported protecting agricultural land, not only because of its economic importance, but also because of its contribution to the area's identity as a working agricultural region. Farmers and other local residents have already seen precious remaining agricultural land lost to new houses, and do not want to lose any more.

**2.291** The upgrade process to date has left a community divided. This is particularly unfortunate for a region that prides itself on its community spirit. While it is inevitable that some people will

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<sup>246</sup> Submission 157, Mr and Mrs Dall, p5

be adversely affected by any Highway upgrade project, it would appear that the RTA's route development process has exacerbated rather than reduced the divisions and discontent generated by such projects.

## Chapter 3 Ballina to Woodburn

This Chapter examines the issues of concern raised by Inquiry participants regarding the proposed upgrade of the Pacific Highway between Ballina and Woodburn. These include problems concerning the consultation process, particularly the establishment and operation of the Community Liaison Group (CLG), the consideration of the 'Flood Free Route' put forward by some residents and potential impacts on community, agricultural land, and the natural environment.

### Outline of proposed upgrade

- 3.1** The project to upgrade the Pacific Highway from the south of Woodburn to the approved Ballina Bypass involves upgrading 32.3km of Highway to dual carriageway.<sup>247</sup> The upgrade would link the Woodburn to Iluka project, which is in its preliminary stages, with the approved Ballina Bypass. The preferred level of upgrade is for a road of Motorway standard, providing dual carriageway (with capacity to expand to six lanes) and accommodating speeds of 110km/h.
- 3.2** A timeline of recent development in relation to this project appears in Appendix 3.<sup>248</sup>
- 3.3** The upgrade project commenced in November 2004. Eleven short-listed route options were announced in May 2005. During the inquiry process the Roads and Traffic Authority of New South Wales (RTA) did not advise the Committee of the expected date for the release of the preferred route option for Ballina to Woodburn upgrade but stated that it previously expected to finalise a route by mid-2006.<sup>249</sup> On 30 November 2005 the RTA announced its preferred route for the Ballina to Woodburn upgrade.

### Initial consultation and planning

- 3.4** In November 2004 the RTA publicly announced a study area for the proposed Ballina – Woodburn upgrade, and engaged the consulting firm Hyder Consulting to assist with community consultation and development of the preferred route option.
- 3.5** After the study area was announced the initial route development phase of the project commenced. This involved public consultation as well as field investigations. The RTA established a CLG to advise the RTA of community views on the upgrade and to assist in developing route options. It also convened community information sessions in Wardell, Broadwater and Woodburn on 22, 23 and 24 November 2004 respectively. A community information centre was opened in Woodburn in April 2005 to provide information about the project to the community.

<sup>247</sup> Mr Wielinga, Director, Motorways, RTA, Evidence, 26 September 2005, p 36

<sup>248</sup> Timeline prepared by the office of Hon Amanda Fazio MLC and verified as accurate by the RTA, 15 December 2005

<sup>249</sup> Answers to questions on notice taken during evidence 18 November 2005, Mr Mike Hannon, A/Chief Executive, RTA, Question 14, p5

### Short-listed route options

- 3.6** The 11 short-listed route options for the Woodburn – Ballina upgrade were announced on 23 May 2005. The RTA displayed the short-listed route options for public comment at various venues in the study area until 17 June 2005.<sup>250</sup> The southern area, Section 1, had three possible routes (1A, 1B, and 1C). The central section, Section 2, had six possible routes (2A, 2B, 2C, 2D, 2E, 2F), while the northern section, Section 3, had two possible routes (3A and 3B: see map Appendix 1, Figure 4).<sup>251</sup> Submissions were invited from community members, with a closing date of 20 June 2005 (later extended to 4 July 2005).
- 3.7** A Route Options Development Report prepared by Hyder Consulting (known as the Hyder Report) was released on 14 June 2005, three weeks after the route options were announced, and was made available on the RTA's website after that date. The Report contained detailed information on the various routes, including consideration of ecological impact, impact on farmland, impact on communities and impact on indigenous heritage.
- 3.8** Following consideration of the public submissions on the short-listed route options, the RTA said it would conduct further community consultation and investigatory work, to determine a preferred route.

### Preferred route

- 3.9** The RTA announced the preferred route for the upgrade on 30 November 2005. The preferred route commences at the Pacific Highway 3km south of Woodburn and extends in a north-east direction, skirting Broadwater National Park, proceeding through the Park on the current Highway alignment and extending east of Cooks Hill.<sup>252</sup> North of Cooks Hill the route proceeds in a north-west direction, heading towards the Blackwall Range, skirting Jali land and Wardell Heath, then returns east to join the current Highway (see map at Appendix 1, Figure 5).
- 3.10** In announcing their preferred route the RTA published a Preferred Route Report outlining the processes undertaken and the comparative impacts of the various routes.<sup>253</sup> In addition to a number of other issues the RTA refers to several issues of specific concern to the Committee, including the 'Flood Free Route,' socio-economic impacts and the environmental studies undertaken. The RTA has invited submissions from the public reacting to the preferred route, closing on 31 January 2006.

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<sup>250</sup> RTA *Route Options Display Advertisement*, May 2005, [www.woodburntoballina.com.au/pdfs/W2B\\_newspaper\\_ad\\_may.pdf](http://www.woodburntoballina.com.au/pdfs/W2B_newspaper_ad_may.pdf) (accessed 6 December 2005)

<sup>251</sup> RTA, *Community Update: Route Options*, May 2005, [www.woodburntoballina.com.au/pdfs/may\\_community\\_update.pdf](http://www.woodburntoballina.com.au/pdfs/may_community_update.pdf) (accessed 6 December 2005)

<sup>252</sup> *Woodburn to Ballina Upgrading Pacific Highway Preferred Route Report November 2005*, p90 [www.woodburntoballina.com.au/pdfs/PRR\\_all.pdf](http://www.woodburntoballina.com.au/pdfs/PRR_all.pdf) (accessed 6 December 2005)

<sup>253</sup> *Woodburn to Ballina Upgrading Pacific Highway Preferred Route Report November 2005* [www.woodburntoballina.com.au/pdfs/PRR\\_all.pdf](http://www.woodburntoballina.com.au/pdfs/PRR_all.pdf) (accessed 6 December 2005)

- 3.11** The RTA said it would now finalise a concept design, again inviting public comment, and prepare an Environmental Impact Assessment for submission to the Minister for approval. The RTA advised that further refinement of the routes and mitigating processes would be developed once the preferred route was selected.
- 3.12** The Committee received evidence regarding the Ballina – Woodburn area prior to the announcement of the RTA’s preferred route option. This evidence canvassed a wide range of potential impacts generated by the eleven short-listed options.
- 3.13** Now that the RTA’s preferred option has been announced, it is the RTA’s role to assess the specific implications of its preferred route on the people living and working in the Ballina – Woodburn area. As there has been no opportunity for the Committee to take evidence as to community feedback on the RTA’s Preferred Route Report, the Committee is unable to comment in detail on whether the RTA’s Report addressed the community concerns that have been raised repeatedly in evidence to the Committee during this Inquiry.

## Consultation

- 3.14** Inquiry participants were highly critical of the consultation process undertaken by the RTA in relation to the Ballina – Woodburn upgrade. Their concerns include inadequate consultation deadlines, late notification of consultation processes, provision of limited, belated and inaccurate information to the community, and flawed CLG process and procedures.

### Consultation deadlines

- 3.15** A number of Inquiry participants felt that the consultation process was poorly organised and rushed, with unrealistically short deadlines for community feedback imposed by the RTA.
- 3.16** Greg and Lynne Cronan told the Committee that the consultation deadlines constrained consideration and discussion of the proposed upgrade:

There has been no time to digest all the information, organise community meetings to discuss route options or alternative options possibilities and to discuss long term impacts on the community as a whole ... More time is needed to appreciate the scope of a project this size to be impacted on such small villages in the study area.<sup>254</sup>

- 3.17** Ms Leyla Roberts became concerned about the inadequate timeframes for commenting on the route options after attending a public meeting on 31 May 2005:

It was immediately clear that the consultation process has been embarrassingly inadequate for many reasons. We discovered at the meeting that the final date for written submissions was June 20<sup>th</sup> (later extended to July 5<sup>th</sup>), which left little time for any informed public discussion.<sup>255</sup>

- 3.18** Similar concerns about the consultation deadlines were expressed by Ms Gwenaelle Sez nec:

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<sup>254</sup> Submission 195, Mr and Mrs Cronan, p2

<sup>255</sup> Submission 109, Ms Roberts, p1

One of my main concerns is the speed with which the project has been conducted. Despite initial advice to the community that the process would take approximately two years, we are now told it will be completed in September, i.e. ten months from the start of the project.<sup>256</sup>

- 3.19** The Whytes Lane West Action Group noted that the consultation deadlines had a divisive effect on the community:

In the 3 to 4 weeks in which the RTA asks for community feedback, community members are asked to submit for and against arguments to the proposed options ... This is not consultation. It is not empowering. This is a form of community blackmail. It is divisive (which might be its unsaid purpose). It creates winners and losers. It asks neighbours to speak against neighbour.<sup>257</sup>

- 3.20** The short consultation deadlines were compounded by the late notification of residents.

#### **Notification of residents**

- 3.21** In spite of the substantial potential impact of the project on the lives and properties of residents, notification about the project appears to have been inconsistent, with some people in the study area advised of the project and the consultation events late, and others not at all. The CLG minutes for the December 2004 meeting included a notation that ‘not all persons within the study area received notification of the project, information sessions or the community liaison group.’<sup>258</sup>

- 3.22** This was reflected in the comments made during the Inquiry. For example, Ms Angela Davison submitted:

We had NO knowledge of this at all until January 05 when a neighbour informed us that we were in the study area. Since then we have received ONE article of mail containing a cartoon like map and a submission form to be sent back to them within a 3wk time frame. This is called community liaison? I met a man on Sunday last who had only known for one week that his house is under option 2C.<sup>259</sup>

- 3.23** Similarly, Ms Leyla Roberts stated:

Apparently the RTA held a number of community information sessions in late 2004. These were supposed to inform the public that the planning stage had been reached. Many people, myself included, knew nothing about the proposed upgrade or any meetings regarding it. People whose properties are directly affected were not even contacted by the RTA.<sup>260</sup>

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<sup>256</sup> Submission 158, Ms Seznec, p2

<sup>257</sup> Submission 112, Whytes Lane West Action Group, p44

<sup>258</sup> Hyder, *Minutes of Community Liaison Group No. 1*, 14 December 2004, [www.woodburntoballina.com.au/pdfs/clg\\_1\\_meeting\\_notes.pdf](http://www.woodburntoballina.com.au/pdfs/clg_1_meeting_notes.pdf) (accessed 6 December 2005), p2

<sup>259</sup> Submission 59a, Ms Davison, p1

<sup>260</sup> Submission 109, Ms Roberts, p1



- 3.24** The Melino family, whose properties fall within the boundaries of three of the proposed routes, advised that they had not been consulted at all about the impact of the routes:

It is disappointing that although 3 proposed routes pass through our properties, which total over 300 ha of land, no family member has been consulted on any aspect or impact of the routes from members of the RTA, Hyder Consulting or the Community Liaison Group.<sup>261</sup>

- 3.25** It was claimed that consultation evenings were inadequately publicised. According to Ms Kerry Kelly:

Many people were unaware of the initial community information evenings held at 3 or 4 venues in our study area because large areas were neglected in the mail-out and therefore people were denied the opportunity to attend the meetings and also to apply for a position on the Community Liaison Group.<sup>262</sup>

- 3.26** Ms Maria Matthes described the situation for the residents of Bagotville:

Letters were sent to residents, almost two months after the date on the letter advising of the RTA's initial public meeting about the Upgrade. That is, the letters were received 6 weeks after the meeting was held, with some residents not receiving a letter.<sup>263</sup>

- 3.27** In the minutes of the CLG meeting of 7 June 2005, a CLG member suggested that the Cabbage Tree Island community did not receive any mail from the RTA in relation to the project, and were not consulted despite the fact that Options 2C and 2D would impact on the community and run through Jali Local Aboriginal Land Council land:

... the Aboriginal Community on Cabbage Tree Island had not received any mail with regards to the upgrade of the highway. Cabbage Tree has at any time a population of 180 – 250 people and this is a large amount of people who have been ignored, dismissed, forgotten.<sup>264</sup>

- 3.28** Mr Gavin Brown, a representative of the Jali Local Aboriginal Land Council, commented that 'Jali Land Council was not represented on the CLG until March this year.'<sup>265</sup>

- 3.29** Ms Emma Walke, a CLG member, also criticised the lack of consultation and involvement with the Cabbage Tree Island community:

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

<sup>261</sup> Submission 127, Mr Con Melino, Attachment A, p3

<sup>262</sup> Submission 105, Ms Kelly, p 1

<sup>263</sup> Submission 133, Ms Matthes, p3

<sup>264</sup> Hyder, *Minutes of Community Liaison Group Meeting No. 7*, 7 June 2005, [www.woodburntoballina.com.au/pdfs/clg\\_7\\_minutes.pdf](http://www.woodburntoballina.com.au/pdfs/clg_7_minutes.pdf) (accessed 6 December 2005) p7

<sup>265</sup> Mr Brown, Evidence, Public Forum, 27 October 2005, p17

to gaining the assistance of Jali and contacting people on the island, there had been no contact.<sup>266</sup>

**3.30** Ms Walke noted that by the time the Jali Local Aboriginal Land Council was consulted, there were only three weeks left to comment on the route options before the closure of public submissions.

### **Provision of information**

**3.31** The information provided to residents about the short-listed route options was initially limited to a description and illustration of the options. The comprehensive Route Options Development Report was not available until 14 June 2005. Inquiry participants argued that the information provided was not adequate for making submissions on proposed route options.

**3.32** Annette Coghill and Denis Fullarton were particularly critical of the information provided:

1. The details shown by the RTA in their brochure ‘Woodburn to Ballina – Route Options Display May 2005’ was not detailed enough to express an informed opinion as to any of the proposed routes. At best, the drawings provided a very rough guide as to where the proposed routes were to go.
2. The large maps that were on display from the 23/5 to the 17/6 were of the same calibre as the above ... From these maps, it appeared that our property was not in any of the ‘corridors’, however this is not the case as we are affected by two of the proposed corridors ...
5. On the 10/6 at Broadwater, detailed maps were made available by RTA staff from 10am to 6pm for viewing by residents, however no detailed maps or sections of maps were available to take away and study.<sup>267</sup>

**3.33** The quality of the maps was a subject of criticism by several other participants. For example, the Whytes Lane West Action Group submitted that they received a map which ‘left everyone in our section unclear as to the position of the proposed route 3A ...’<sup>268</sup> However, this was the basis on which consultation took place. They further stated:

There weren’t any accurate maps detailing properties, homes, environment, or studies available to the general public or affected landholders until close to the submission closing time. The RTA brochure states that a more detailed map was on display at Ballina RTA, West Ballina. This was untrue for a time, as the only map on display was at a small shop in Woodburn that only opens 2.5 days per week.<sup>269</sup>

**3.34** The Committee notes advice from the RTA that the map on display at the shop in Woodburn was displayed in the shop window so it would be seen regardless of whether the shop was open or closed.

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<sup>266</sup> Ms Walke, Evidence, Hearing, 27 October 2005, p51

<sup>267</sup> Submission 24, Ms Coghill and Mr Fullarton, p1

<sup>268</sup> Submission 112, Whytes Lane West Action Group, p20

<sup>269</sup> Submission 112, Whytes Lane West Action Group, pp20-21

- 3.35** The Committee heard that the available information was often not readily accessible. According to Whytes Lane West Action Group:

The staffed display at Wardell failed to supply an adequate number of maps. Maps were requested by residents, which were to be posted out, and still have not been received ... The staffed display presented a topographical map and an aerial photograph indicating the proposed route; there was a major discrepancy between these two maps as to how the route would affect properties.<sup>270</sup>

- 3.36** Concerns were also raised about the lack of user-friendly information about costings provided by the RTA. Coghill and Fullarton stated:

No dollar values have been provided, only units of measure. Proposed routes have been expressed as a percentage of a base route, there being a base route for each section, each section base route bearing no relationship to each other. To further explain, section 1, the base is route B=100%, route C=98% of B. Section 2, the base is route A=100%, route F = 160% of A. Section 3, the base route is route B=100%, route A=102% of B.

As there is no monetary reference & as each section is unrelated to each other, it is possible that section 2 route F (160% of A) is less, in dollar value, than section 1 route C (98% of B). The relevance of this is that route F in section 2 appears to affect the back portion of sugar cane blocks with little or no effect on residences. Because of the minimal 'people' effect, this route becomes the residents' preferred route, however as the 'cost' is shown as 160, residents assume that this route is far too expensive and therefore unacceptable.<sup>271</sup>

- 3.37** Of particular concern to the Committee was the RTA's failure to release the Route Options Development Report on the day that the route options were announced. According to Dr Milton Easton:

It must be noted that those two reports (ecological and general) together constituted over 200 pages, but at that time, the RTA *had still not released those reports for public viewing*.<sup>272</sup>

- 3.38** The Committee understands Mr Michael Meszaros' perplexity at the RTA's not releasing such crucial information in a timely manner:

In relation to the Route Option Development Report released to the public toward the end of the public submission period ... Why was this report NOT released at the time of announcing the route options, especially as this is the document that is supposed to contain ALL the facts & figures relating to the project? The majority of the appendices weren't released to the public until AFTER the submission period had closed.<sup>273</sup>

<sup>270</sup> Submission 112, Whytes Lane West Action Group, p10

<sup>271</sup> Submission 24, Ms Coghill and Mr Fullarton, p2

<sup>272</sup> Submission 162, Dr Easton, p2, emphasis as per original

<sup>273</sup> Submission 118, Mr Meszaros, p2, emphasis as per original

- 3.39** Similarly, Annette Coghill and Denis Fullarton criticised the RTA and their consultants, Hyder Consulting, for not responding to community requests for basic information:

We requested information considered important in making any submission by e-mail request to Geo Link ... on 27/5 ... with a reply finally from Geo Link in a letter dated 7/7 with a CD attached. This information was not made available in time for us to use in making our submissions. With the information that is now available to us on the CD, our prior submission was made on incorrect information and assumptions.<sup>274</sup>

- 3.40** The RTA telephone line was also a source of irritation, with claims that calls were unanswered and messages were not returned. Whytes Lane West Action Group explained:

A project line was set up ... to answer enquiries, several residents have expressed concern at the unavailability of this line, and the lack of attention to calls left on the answering service.<sup>275</sup>

- 3.41** A similar observation was made by Ms Maria Matthes:

Attempts by many residents and landowners to phone the RTA, were mostly met with answering machines, and in many cases, calls were not followed up within a reasonable time, if at all.<sup>276</sup>

- 3.42** The RTA website was mentioned by several participants as being out of date. For example, the submission from Ms Matthes informed the Committee:

The RTA website has not been adequately updated ... notes from the Community Liaison Group meetings are only provided to January 2005. I know that meetings were also held in February, March, April and May. Additionally, no minutes are provided of specialist meetings eg environmental, floodplain, etc meetings are available for community review of consideration. Furthermore, there were no community updates provided on the website between January and April. This has not improved over time.<sup>277</sup>

- 3.43** Ron and Pam Gittoes summed up many of the criticisms of the consultation process:

... on the surface RTA have & are providing all information to the community however community information has been limited to one initial community meeting, a community liaison group sworn to secrecy, a internet site starved of information until the corridors had been announced and a shop front information office where people meet with RTA representatives one on one.<sup>278</sup>

- 3.44** The Whytes Lane West Action Group argued that the whole consultation process was not adequate:

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<sup>274</sup> Submission 24, Ms Coghill and Mr Fullarton, p2

<sup>275</sup> Submission 112, Whytes Lane West Action Group, p10

<sup>276</sup> Submission 133, Ms Matthes, p3

<sup>277</sup> Submission 133, Ms Matthes, p3

<sup>278</sup> Submission 102, Ron and Pam Gittoes, p3

I feel this so-called consultative process is in name only. The “fixed deck” of letting the community respond to already chosen options, the lottery like selection of CLG representatives and then their enforced secrecy, the response period of 3 to 4 weeks and the whole overwhelming sense of the unstoppable, unresponsive, unthinking bureaucratic juggernaut that is the RTA do not serve a real consultative process. They seem to be there so boxes can be ticked that the community was consulted.<sup>279</sup>

### Community Liaison Group

- 3.45** The CLG is a key feature of the RTA’s community consultation process. It was a subject of specific criticism by a number of Inquiry participants.
- 3.46** A CLG for the Ballina – Woodburn upgrade was formed following the consideration of nominations from the community and first met on 15 December 2004. The CLG initially had a membership of 28 and ‘all persons who applied were accepted to form the CLG’ with the exception of one applicant.<sup>280</sup> The CLG was later expanded to 34 members following further nominations from the group. The membership also included technical representatives from the RTA, and the project’s consultant team.
- 3.47** Three special focus groups were established to specifically target issues relating to ecology, the sugar industry and flooding.<sup>281</sup> An additional indigenous focus group was subsequently established.
- 3.48** The RTA advised the Committee that selection criteria for CLGs differ from project to project depending on:
- ... a range of issues including project scope, study area size, demographics, likely key constraints and other project specific issues. This is to ensure that the widest possible range of community interests and views are represented in the planning phase of the project.<sup>282</sup>
- 3.49** Invitations to nominate for the CLG were available at the initial community information sessions and on the RTA website. The information package included a draft charter for the group outlining the purpose, roles and responsibilities of the members.
- 3.50** The Charter for the Ballina – Woodburn CLG indicated that the group was intended to ‘provide a forum for discussion and exchange of information on topics related to the project’<sup>283</sup>. This included discussion of a range of route options, which were further discussed at Value Management Workshops intended to reduce the route options to a shortlist.
- 3.51** The CLG met on six occasions prior to the development and display of the short-listed routes. Minutes of the meetings are available on the RTA website.

<sup>279</sup> Submission 112, Whytes Lane West Action Group, p46

<sup>280</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p1

<sup>281</sup> Submission 203, RTA, p8

<sup>282</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p1

<sup>283</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, AttachmentC: ‘Pacific Highway Upgrade – Woodburn to Ballina: Draft CLG Charter,’ p1

- 3.52** The way in which the members of the CLG were appointed was questioned by some residents, others complained about inadequate representation on the CLG. Residents in the Northern section, Section 3, were particularly dissatisfied at the level of representation. The Whytes Lane West Action Group submitted:

We have since found out that there was a Community Liaison Group formed back in November/ December of 2004. None of the residents in Section 3 were represented in this, as none of us had any idea that this upgrade would affect our area, as this option 3A route wasn't put forward until the middle of January by this group.<sup>284</sup>

- 3.53** The Whytes Lane West Action Group noted that their area remained unrepresented as late as July 2005.

- 3.54** The process for establishing the CLG was also an issue for the Laws family, residents of Wardell:

We are not aware of any obvious selection process that was undertaken to choose the members of the community liaison group and consider that some appointed members have a vested interest in the final placement of the route. The influential members of the community liaison group have been able to steer the investigation of the various routes away from their own properties.<sup>285</sup>

- 3.55** Several residents expressed the view that the RTA disregarded the views and advice provided by the CLG. For example, Ms Matthes submitted that:

It appears that significant and important contributions, relevant to the process, made by many of our Community Liaison Group representatives have been largely dismissed and/or considered as trivial, minor or irrelevant ...

It appears the RTA has provided route options that it told the Community Liaison Group were not going to be included, or were placed in locations that were never discussed by the CLG. Much to the surprise of Group Representatives, options they believed were excluded were now appearing in the community's mail ... In addition, the location of many route options presented and discussed by the Group, have been ignored.<sup>286</sup>

- 3.56** The Gittoes family told the Committee that the RTA held consultations with the CLG about route options the night before the announcement on possible routes was made, in spite of having already printed the pamphlets outlining the proposed routes.<sup>287</sup>

- 3.57** This claim was repeated by Whytes Lane West Action Group:

... there is evidence that the community consultation process had been staged, as the proposed route corridor options were released far too close to the date of the last

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<sup>284</sup> Submission 112, Whytes Lane West Action Group, p21

<sup>285</sup> Submission 168, Mr Law, p1

<sup>286</sup> Submission 133, Ms Matthes, p3

<sup>287</sup> Submission 102, Ron and Pam Gittoes, p3; Submission 104, Mark and Roxine Gittoes, p3

meeting to be able to have any impact on changing the outcome of the selected route corridor options.<sup>288</sup>

- 3.58** Residents also pointed out that the RTA decided not to extend the study area and that this was an example of the RTA's lack of consideration of CLG views. A number of CLG representatives and residents advised the Committee that there was a strong body of opinion that the study area should be extended to enable the consideration of a so-called 'Flood-Free Route.' Ron and Pam Gittoes asked the Committee:

Could you please investigate the inconsistencies and the process by which the RTA have identified the route options as it is obviously not the local communities' wishes to pursue such incompatible routes when a far better flood free route is available...

RTA have blatantly not listened to the communities' requests to increase the study area to include Broadwater National park. I personally along with the majority of the community requested the study to include the Broadwater National Park at the first and only round of Community meetings.<sup>289</sup>

- 3.59** The Committee notes the divergence of approach between the RTA's decision not to increase the study area in the Ballina – Woodburn section and its recognition of the need for expansion of the study area in considering viable routes in the Ewingsdale – Tintenbar section of the Pacific Highway upgrade. Prior to the Committee's inspection of the options and visit to part of the 'Flood Free Route,' Mr Paul Forward, then Chief Executive of the RTA told the Committee:

If we are after a proper consideration of what is the most viable route for the Highway, I think we owe it to those community members who requested we look at the broader footprint that we should go about and do that.<sup>290</sup>

- 3.60** The RTA did in fact commission a report on the supposed 'Flood Free Route' and the proposals to extend the study area. No suitable potential route could be found so the decision was made not to extend the study area in this case.
- 3.61** The Committee further examines the issue of the 'Flood-Free Route' later in this Chapter.

### **Community Liaison Group confidentiality requirements**

- 3.62** A subject attracting repeated criticism was the requirement that CLG members sign confidentiality agreements. Ms Kerry Kelly objected to the confidentiality requirement:

CLG members were forced to sign a "charter" and pledge not to disclose any information deemed "confidential" by the RTA to the community they were supposed to represent. They were initially told they were not to have anything to do with the media also. In fact, later when the issue of the degree of secrecy was again broached

<sup>288</sup> Submission 112, Whytes Lane West Action Group, p11

<sup>289</sup> Submission 102, Ron and Pam Gittoes, pp1-2

<sup>290</sup> Mr Forward, Evidence, 26 September 2005, p42

[RTA officer] said that unless this was carried out he “wouldn’t bring information to the meetings.”<sup>291</sup>

- 3.63** The information provided to the Committee by the RTA in relation to the Ballina – Woodburn CLG included a draft charter and an information package for potential nominations. Neither document referred to a requirement for confidentiality. However, as discussed in Chapter 2, the Ewingsdale – Tintenbar CLG Charter did include a reference to the dissemination of ‘non-confidential’ documentation by members to the community, which implies the existence of confidential documentation.
- 3.64** In relation to Ewingsdale – Tintenbar CLG, the RTA explained to the Committee that confidential information generally fell into three categories, namely information on indigenous heritage sites, ‘lines on maps’ (proposed route options), and the location of threatened species. The Committee presumes that this is also relevant to the Ballina - Woodburn upgrade.

### **Committee view: Consultation**

- 3.65** It is apparent to the Committee that the consultative process conducted by the RTA in relation to the Ballina – Woodburn upgrade lacked community credibility and legitimacy. The Committee is particularly critical of two specific aspects of the consultation process:
- First, the release of the Route Options Development Report three weeks after the route options were announced. This suggests a dismissive attitude to community consultation.
  - Second, the three-week deadline for written submissions commenting on the short-listed route options (bearing in mind that the Hyder Report was not available until almost three weeks after route options were announced). The grounds for such haste are unclear. Certainly, it does not appear that the process would have been unduly delayed if a six or eight-week submission period were provided.
- 3.66** The CLG was a much-criticised component of the consultation process. It is clear to the Committee that the community is suspicious of the perceived secrecy regarding the CLG, and has not received a satisfactory explanation from the RTA to resolve its concerns. Indeed, the Committee is sympathetic to community sentiment questioning the value and legitimacy of a consultative process that prohibits representatives from discussing pertinent information with the community they are purportedly representing. Given that the CLG was the RTA’s main mechanism for community consultation, the lack of public confidence in its operations is particularly disappointing. Recommendations 1, 2 and 3 address the consultation process and the operation of CLGs.

### **Impact on communities**

- 3.67** Inquiry participants expressed concerns about the potential impact of the upgrades on their communities and livelihoods, including concerns about social cohesion, the environment and the local economy. These issues are examined below.

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<sup>291</sup> Submission 105, Ms Kelly, p1



**3.68** In the Preferred Route Options Report the RTA refers to many of the issues of concern to residents, examined in this section. The impact on townships such as Wardell, Broadwater and Woodburn have been referenced in some detail by the RTA but as there has been no opportunity to take evidence on the RTA Report the Committee is unable to comment in detail on the potential impacts of the preferred route. The Committee also has particular concern as to the potential impacts on communities that were previously unaffected by the highway, such as Cooks Hill, Hillside Lane and the residents of the area below Buckombil Mountain.

### **Sense of community**

**3.69** The Ballina to Woodburn area contains several small rural communities and enjoys a diverse range of rural activities including cane farming and ecotourism. These are longstanding communities with a history of community endeavour, according to Ms Maria Matthes:

... the Richmond Valley is a strong community with ties going back ages. The government has a responsibility to ensure that the value of the small community isn't lost. We don't live in the city, we don't have access to all that city-folk do. What we have is each other and the encouragement, support, friendships, and trust that go with it.<sup>292</sup>

**3.70** Many people living in this district have family links to the area going back generations and/or have made a lifestyle choice to live in an environment that is ecologically clean and sustainable. As a long term resident with family connections Ms Matthes stated:

Many of the affected residents are farmers, people with a long history with the area, 4th generation landowners, the local Byndjaliung Aboriginal community, people seeking a saner world.<sup>293</sup>

**3.71** A relatively recent resident to the area, Mr Robert Graham added:

I have owned my property since 1998 and chose the spot because of its tranquillity and natural features, that is, remnant rainforest and unique biodiversity.<sup>294</sup>

**3.72** The Blackwall Highway Action Group was particularly concerned about the impact of one of the upgrade options:

Many of the residents along the alignment of Route 2C were born on and have remained on family owned properties all their lives. A number of the properties along Route 2C have considerable local social value, with one site in particular having been used as a Picnic Area for the local Presbyterian Church for over 40 years. The destruction of social fabric and loss of community caused by construction of Route 2C will be immense and unmitigable.<sup>295</sup>

<sup>292</sup> Submission 133, Ms Matthes, p8

<sup>293</sup> Submission 133, Ms Matthes, p2

<sup>294</sup> Submission 84, Mr Robert Graham, p1

<sup>295</sup> Submission 78, Blackwall Highway Action Group, p21

- 3.73** In recognition of the potential impact of an upgrade on towns in the area, the RTA proposed that the Highway upgrade should bypass these towns:

The social impacts of upgrading existing highway through Woodburn, Broadwater and Wardell, if we went through the existing towns, would be severe. All options displayed in May to July 2005 include bypasses of these townships.<sup>296</sup>

- 3.74** But the Committee heard from many people who argue that bypassing these towns will not avoid the negative impacts. According to the Blackwall Highway Action Group:

Options 2A-C of the Woodburn to Ballina Pacific Highway Upgrade will have massive adverse social impacts upon the communities of Laws Point, Bagotville, Meerschaum Vale, Meridian Heights and Coolgardie. These areas are at present completely unaffected by any impacts from the Pacific Highway.<sup>297</sup>

### **Pollution**

- 3.75** Many Inquiry participants expressed concern about various forms of pollution that would stem from the Highway upgrade in the study area, including noise, air and water and visual pollution.

- 3.76** The RTA's consultants, Hyder Consulting, identified a wide range of possible pollution effects on the local communities and the difficulties of minimising the impacts.<sup>298</sup>

- 3.77** The significance of potential noise pollution was previously recognised by the NSW Government when it commissioned the Northern Pacific Highway Noise Taskforce to assess traffic noise on the Pacific Highway. The role of the taskforce was to assess the impact of increased traffic on noise levels for Highway residents and possible measures that could be introduced to address any related concerns. A key recommendation of the taskforce was that the RTA give greater consideration to road traffic noise in route selection.<sup>299</sup>

- 3.78** The RTA also recognised the impact that any increase in noise levels would have on communities that are currently unaffected by noise:

Noise level change will be greater than the existing impact on all options due to the reaction of newly affected populations.<sup>300</sup>

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<sup>296</sup> Mr Wielinga, Evidence, 26 September 2005, p37

<sup>297</sup> Submission 78, Blackwall Highway Action Group, p21

<sup>298</sup> *Route Options Development Report - Stage 1, June 200*, pp133-134

[www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

<sup>299</sup> Answers to questions on notice taken during evidence 26 September 2005, Mr Paul Forward, Chief Executive, RTA, Question 3, Attachment A3: *Northern Pacific Highway Noise Taskforce Report*, August 2003, p35

<sup>300</sup> *Route Options Development Report - Stage 1, June 200*, pxiv

[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

**3.79** The Hyder Report included noise impact studies that recognised the increase in noise levels for particular routes. It contains little information as to how the ensuing problems may be mitigated other than by the construction of noise walls in some instances. However, the Committee notes that Hyder was not asked to consider noise mitigation measures. These are determined once the preferred route has been determined. The Committee believes that consideration of noise mitigation matters should be part of the selection of a preferred route.

**3.80** Richmond Valley Council expressed concern about potential noise impacts. In the opinion of the Council, the areas of Woodburn – Trustrums Hill and Broadwater – Rileys Hill were of particular concern as the proposed Highway alignments pass close to existing residential areas.<sup>301</sup>

**3.81** The Committee heard of similar concerns during its visit to the property of Ms Mary-Anne Sheverton at Wardell on 28 October 2005. The Committee inspected the alignment of one of the short-listed route options which passed in close proximity to Ms Sheverton's property.

**3.82** According to Peter and Maria Byrne:

The noise pollution from such a large development will impact upon the ambience of our daily lives destroying our quality of life.<sup>302</sup>

**3.83** Mr Robert Graham, who already experiences significant noise pollution, feared this would be exacerbated by the upgrade:

My home is 4 kilometres west of the current highway and I can hear the traffic quite clearly on any night and often during the day if prevailing winds are in my direction. Again, the Blackwall Range acts as an acoustic barrier and in fact amplifies echoes of noise. Traffic noise from the volume of traffic using the highway would create an intolerable amount of noise.<sup>303</sup>

**3.84** Some residents whose quality of life was already affected by the noise levels wanted to see the Highway re-routed. According to Mr Raymond Collyer:

The increase in recent years of traffic volume and in particular the size and number of heavy transport, in particular B doubles has eroded the quality of life of all residents who live within the current Pacific Highway corridor. The relocation of the highway to by pass these communities is imperative and with the forecast doubling of highway traffic in coming years the case becomes more urgent.<sup>304</sup>

**3.85** Unlike Mr Robert Graham, Mr Michael Meszaros was currently unaffected by noise. He voiced his concern about this dramatic change:

... going from a totally peaceful existence to one of levels greater than 50dB 24 hours a day, 7 days a week!<sup>305</sup>

<sup>301</sup> Submission 73, Richmond Valley Council, pp1 & 2

<sup>302</sup> Submission 43, Mr and Mrs Byrne, p3

<sup>303</sup> Submission 84, Mr Robert Graham, p2

<sup>304</sup> Submission 19, Mr Collyer, p2

<sup>305</sup> Submission 118, Mr Meszaros, p3

- 3.86** Inquiry participants told the Committee that the landforms of the area are such that noise is amplified. They claimed that this issue has not been properly assessed by the RTA. The Blackwall Highway Action Group told the Committee:

The nature of the terrain of the Blackwall Range is one of a series of natural “amphitheatres”. The acoustic impacts on residences adjacent to Routes 2A-2C along the edge of the Blackwall Range has not been assessed during studies for the Woodburn to Ballina Pacific Highway Upgrade ...

Sixty residences are located in close proximity to Route Option 2C, many of them located along the escarpment of the Blackwall Range, the acoustic impacts upon these presently unaffected by highway acoustic impacts is unacceptable. Acoustic mitigation measures will not be feasible in this area due to the coastal escarpment being positioned over the proposed highway route.<sup>306</sup>

- 3.87** The RTA advises that noise was assessed in both the route option developed and the preferred route selection. Noise is assessed using a community noise burden approach which identifies the overall noise change for each of the route options and the preferred route. This is done by assessing the noise change from the current situation at every dwelling along the route options.

- 3.88** Noise pollution was not the only type of pollution about which participants were anxious. According to Mr Michael Meszaros:

Noise pollution is only one of the issues ... What about air & water pollution? What studies have been done in this regard? What are the facts relating to diesel emissions? How do they affect the quality of our drinking water, & the environment in general?<sup>307</sup>

- 3.89** Mr Robert Graham also related his additional concerns about air and water pollution and the consequent harmful effects on residents as well as flora and fauna:

At night an air inversion layer some 30 to 50 metres high traps air from rising and would allow most pollutants to settle on roofs, vegetation and soil. The greasy substance that settles is water soluble and would wash not only into household tanks but groundwater, polluting both with extremely toxic chemicals that would ultimately have harmful effects on residents, flora and fauna ...<sup>308</sup>

- 3.90** Similarly, Mr and Mrs Byrne expressed concerns about the pollution of waterways and damage to drainage systems:

The proposed upgrade will pollute the natural waterways on our family farm and affect the underground springs that are necessary during times of insufficient rain. Drainage systems will be irreversibly damaged.<sup>309</sup>

- 3.91** Dr Milton Easton believed an upgrade could have a detrimental effect on the water quality of those reliant on tank water:

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<sup>306</sup> Submission 78, Blackwall Highway Action Group, p21

<sup>307</sup> Submission 118, Mr Meszaros, p3

<sup>308</sup> Submission 84, Mr Robert Graham, p2

<sup>309</sup> Submission 43, Mr and Mrs Byrne, p3

The projected increase in heavy traffic on the highway will inevitably result in increased diesel emissions. ... the production of mutagenic and carcinogenic dioxins and polycyclic aromatic hydrocarbons will **pollute the drinking water of people reliant on tank water**. This does not apply to those using town water.<sup>310</sup>

- 3.92** Long term residents such as Mr and Mrs Byrne, whose family has been in the area since 1860, provided the Committee an overview of community concern in relation to visual impacts and the loss of amenity:

Our farming property enjoys panoramic rural views. The proposed Pacific Highway upgrade will be passing through the centre of this view and will create visual pollution as far as the eye can see, totally ruining our outlook. The values of our heritage landscape lie in the significant views that it offers; therefore, a road development will potentially materially affect the views of our property.<sup>311</sup>

- 3.93** Ms Matthes was also troubled about the loss of amenity from the visual impact of the Highway upgrade:

Most people who live in this area do so because of the amenity it provides ... We all have something beautiful and special to look at. No-one wants to look at a 4-6 lane highway...<sup>312</sup>

### **Accessibility**

- 3.94** Inquiry participants informed the Committee of their concerns that the Highway upgrade may compromise safe access to their properties, businesses and basic services. Under the current options access to the Highway for all these small communities would be at Broadwater. This includes Woodburn, Wardell and Riley's Hill residents. Under the RTA's short-listed route options, small individual towns would no longer be directly connected to each other. According to Ms Maria Matthes, some towns would be cut off from services currently provided in Broadwater:

It appears that the towns will be isolated from each other eg community of Riley's Hill will be isolated from the township of Broadwater, the town that provides local support to community of Riley's Hill, eg postal services, fuel, supplies, mechanic etc.<sup>313</sup>

- 3.95** Annette Coghill and Denis Fullarton were concerned that one of the possible impacts of reduced access to and from smaller towns could be the loss of services in such towns.<sup>314</sup>
- 3.96** Mr Hugh McMaster, Corporate Relations Manager of the NSW Road Transport Association reiterated the importance of vehicular access to and from the towns that were to be bypassed:

<sup>310</sup> Submission 162, Dr Easton, p4, emphasis as per original

<sup>311</sup> Submission 43, Mr and Mrs Byrne, p3

<sup>312</sup> Submission 133, Ms Matthes, p13

<sup>313</sup> Submission 133, Ms Matthes, p13

<sup>314</sup> Submission 24, Ms Coghill and Mr Fullarton, p2

We also believe that it is very important to take into account access for vehicles to and from the towns that are being bypassed, both for freight traffic and for cars and other vehicles.<sup>315</sup>

- 3.97** The Hyder Report recognised that not only may the bypass disconnect towns it may also potentially isolate properties from each other, with the possibility that residents will have to travel long distances to access their own and each others property:

The proposed restricted access highway through mainly rural farmland between Broadwater and Wardell would sever regional and local access to property unless alternative access is provided. ...The provision of alternative access arrangements may create longer trips for residents to access their properties.<sup>316</sup>

### **Future growth of townships**

- 3.98** An important aspect of the role of local councils is to provide for future expansion of residential areas.

- 3.99** There is a limited amount of land within the Ballina - Woodburn area that is suitable for urban expansion due to factors such as flooding and soil quality. Several of the proposed route options traverse land suitable for residential development, thus limiting the scope for such expansion in the area.

- 3.100** Greg and Lynn Cronan were concerned that the Highway upgrade would take up all the potential residential land:

... it will impact on the joint community of Broadwater and Riley's Hill in such a negative way that any future residential development west of Broadwater along Riley's Hill Road and Chester Street will be taken up by a super 110km Hwy that is one of the largest infrastruct[ure] projects carried out on the region.<sup>317</sup>

- 3.101** According to Richmond Valley Council:

An area at Trustrums Hill, just south of Woodburn, has been zoned as Rural 1(d) – Urban Investigation under the Richmond River LEP. This same area also has suitability for rural residential. Trustrums Hill is the only flood free vacant land at Woodburn and all route options should be designed to ensure it remains a viable future growth option.<sup>318</sup>

- 3.102** Mr Stephen Barnier, Executive Strategic Planner at Ballina Shire Council stated:

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

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<sup>315</sup> Mr McMaster, Evidence, 26 September 2005, p6

<sup>316</sup> *Route Options Development Report - Stage 1, June 200*, pp151-152

[www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

<sup>317</sup> Submission 195, Mr and Mrs Cronan, p1

<sup>318</sup> Submission 73, Richmond Valley Council, p1

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 ...<sup>319</sup>

### **Business/economic impacts**

**3.103** While some residents fear that local businesses and the economy will be disadvantaged by the bypassing of local towns others see it as an opportunity to take a new direction.

**3.104** Dr Milton Easton expressed community fears about the possible impacts of the Highway upgrades on local businesses:

Personal communications from owner/operators of garages and pubs in Woodburn, Broadwater and Wardell have raised fears of business loss if the minimal divert and duplicate option is not taken.<sup>320</sup>

**3.105** McGeary Bros Earthmoving contractors were very concerned that the chosen route may pass along the boundary of a large shale quarry and through a licensed sand pit operated by the company. They state that both of these resources would be lost should that route be approved:

Loss of these natural resources is significant to the district particularly for Ballina as existing sand supplies are nearing depletion. The overall result would be devastating to this Company's long term planning programme.<sup>321</sup>

**3.106** Richmond Valley Council also noted the possible impact of the upgrade on quarry resources. They said that Option 2E was located directly in line with Gittoes Quarry, a major extractive resource for the area. This quarry is an important source of road material with about 15 years capacity.<sup>322</sup>

**3.107** The Department of Primary Industries also believes the upgrade could compromise access to construction materials:

The impact of the various route options on access to current and potential sources of construction materials needs to be considered ... I understand one proposed route for the upgrade of the Pacific Highway between Ballina and Woodburn would take the highway through or close to a number of operating construction material quarries in the Cooks Hill (Broadwater) and Bagotville areas. This could result in significant loss of construction material resources and supply ...<sup>323</sup>

**3.108** There are also a number of eco-tourism ventures operating in the area that may be affected by the Highway upgrades. The Blackwall Highway Action Group claimed that there was no

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<sup>319</sup> Mr Barnier, Evidence, Hearing, 27 October 2005, p5

<sup>320</sup> Submission 162, Dr Easton, p5

<sup>321</sup> Submission 18, McGeary Bros Earthmoving Contractors, p1

<sup>322</sup> Submission 73, Richmond Valley Council, p3

<sup>323</sup> Submission 196, Department of Primary Industries, p2

evidence that the effect of the proposed routes on these industries has been assessed by the RTA:

Nature based tourism opportunities abound in the area through which Option 2C is proposed. At present substantial income is derived from nature based tourism including activities such as bird watching and bush walking. An industry has emerged around the presence of the most diverse orchid habitats in the north of NSW with orchid and wildflower tours in the areas being increasingly recognised nationwide. These burgeoning industries will be destroyed with the construction of Option 2C.<sup>324</sup>

**3.109** Conversely, some Inquiry participants suggested an upgrade would have a positive impact on the local economy. The Minister for Regional Development, the Hon David Campbell MP stated in his submission:

... over the long term, evidence suggests by-passed towns economically benefit from an increase in trade as local residents and visitors return to town centres due to improved amenity and safety resulting from reduced through-traffic, particularly road freight transport. This is consistent with RTA studies over the last decade which have dispelled the notion that highway by-passes have an adverse economic impact.<sup>325</sup>

**3.110** There was also some support for this at a community level, including from Mr Raymond Collyer:

There may be some impact on local business owners, in particular petrol stations with the loss of highway through traffic, but as has been noted in other communities the loss of through traffic has given the towns a new identity and the potential to bloom in another direction and attract travellers to a more peaceful tranquil setting without the constant roar of vehicles metres away.<sup>326</sup>

### **Compensation**

**3.111** An additional issue raised by residents during the Inquiry was the possible impact of the Highway upgrades on property values and their entitlement to compensation, as Mr Michael Meszaros noted:

What does a highway adjacent to people's homes do to property prices & how do they get compensated for their loss? How do they get compensated for the loss of life-style – the reason that most of us came here in the first place?<sup>327</sup>

**3.112** Dr Milton Easton expressed concern that people who bought land well away from the Highway will experience property devaluation rather than those who knowingly bought on the existing Highway:

The property of people previously well away from the highway will be devalued as a result of decisions over which they have no control. They have no legal recourse.

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<sup>324</sup> Submission 78, Blackwall Highway Action Group, p23

<sup>325</sup> Submission 193, Minister for Regional Development, p1

<sup>326</sup> Submission 19, Mr Collyer, p3

<sup>327</sup> Submission 118, Mr Meszaros, p2



People who bought property close to the highway did so accepting its proximity and the resultant lower prices.<sup>328</sup>

- 3.113** There was also community concern that if the routes have an adverse effect on agricultural endeavours there would be a flow on effect to the local economy. Dr Milton Easton pointed out that it would be difficult for the RTA to compensate residents:

How does the compensation, which might be offered, for the loss of agricultural land, replace the contribution that primary production makes to the local economy?<sup>329</sup>

- 3.114** Compensation is discussed in Recommendations 5 and 6.

### **Committee view: Impact on communities**

- 3.115** The Committee recognises the depth of community feeling regarding the negative impact of an upgrade on the fabric of community life. Residents were fearful that their sense of connectivity and social cohesion could be eroded. The Committee also heard that the area's attractions including its natural environment, quietness, and scenic location could be diminished or lost. The Committee understands that the loss of these attractions may threaten the sustainability of the local community. In addition, the Committee recognises that while the loss of such amenity may impact significantly on local residents, this would not attract monetary compensation from the RTA. Inquiry participants also expressed concern for the loss of access to services, townships and properties as well as limiting the capacity for future growth of towns and businesses.

### **Impact on agriculture**

- 3.116** Agriculture, notably sugar cane production, is a key element of the local economy and the Ballina – Woodburn area includes farmland deemed to be Regionally Significant.

### **Value of agriculture**

- 3.117** The RTA acknowledged the importance of agriculture in the Ballina – Woodburn region:

It is recognised that agriculture is an essential economic driver for communities along this section of the highway. The route options for the Woodburn to Ballina project are all being assessed for their impact on agricultural land. One of the key project objectives seeks to “minimise adverse economic effects on the local community and maximise socio-economic benefits...” To that end, all routes have been compared against this criteria and a range of issues including business, land and social impacts have been looked at closely.<sup>330</sup>

<sup>328</sup> Submission 162, Dr Easton, p5

<sup>329</sup> Submission162, Dr Easton, p3

<sup>330</sup> Submission 203, RTA, p8

- 3.118** As noted in Chapter 2, the Department of Planning ‘has been active in the last two years in identifying and developing policy to protect the best agricultural land that remains in the Far North Coast.’<sup>331</sup>
- 3.119** The Farmland Protection Project identifies farmland that is State Significant (the highest value) and Regionally Significant. The Farmland Protection Project Report acknowledges that this mapped farmland may be impacted on by public infrastructure projects, but recommends that it be permitted in circumstances where ‘no feasible alternative is available.’<sup>332</sup> That is, the existence of State Significant farmland should be a high constraint factor when developing public infrastructure. Regional Significant farmland should be considered a medium constraint.
- 3.120** The Department of Planning noted that while there were no areas of State Significant farmland in the Woodburn to Ballina study area, there were considerable areas of Regionally Significant farmland. The Department recommended that, should the Highway traverse State or Regionally Significant farmland, it should as far as possible not disrupt or fragment individual properties.<sup>333</sup>
- 3.121** Whilst land on which sugar cane was grown was classified as Regionally Significant within the area, some believe such land to be agriculturally inferior. According to Mr Garry Owers, prime agricultural land was therefore unlikely to be greatly affected in this section of the upgrade:

Prime agricultural land is defined by NSW soil conservation service as being class 1 and 2. Class 1 and 2 prime agricultural land only occurs in this locality on the Alstonville plateau to the north-west. Land used for sugar cane production is classified as either class 4c or class 6c. Class 4 agricultural land is regarded as only suitable for poor grazing and unsuited to continual cultivation. The only possible agricultural use of this land is sugar cane which is regarded as a specialist crop (c) and is maintainable only with the addition of large amounts of artificial fertilisers and toxic chemicals. Sugar cane is therefore regarded as [unsustainable] and the sugar produced has a negative effect on community health and the environment ... The highway upgrade through sugarcane land therefore would have no effect on prime agricultural land ...<sup>334</sup>

### **Sugar cane**

- 3.122** The sugar industry has been the key agricultural industry in the Ballina – Woodburn area for many decades. It generally provides significant employment and income for the region. According to the NSW Sugar Milling Co-operative and Richmond River Cane Growers’ Association:

The sugar industry has made a major contribution to economic development and employment to the Northern Rivers region for over 120 years. The industry continues to grow and has strong prospects for future expansion in the Broadwater Mill area.

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<sup>331</sup> Submission 202, Department of Planning, p1

<sup>332</sup> Submission 202, Department of Planning, p1

<sup>333</sup> Submission 202, Department of Planning, p1

<sup>334</sup> Submission 47, Mr Owers, p2

The New South Wales sugar industry generates over \$200 million of direct and indirect economic input to the region each year. Direct and indirect employment is estimated at over 2,000 full-time equivalent (FTE) jobs and the industry is an important component in the fabric of many regional communities.<sup>335</sup>

- 3.123** The NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association were concerned that in developing the route options not enough importance has been placed on the value of the industry and the role that it plays within the region:

Little weighting appears to have been given to the economic contribution to the local Ballina – Lismore economy of which our Broadwater industry has been a cornerstone for 125 years providing over 2,000 direct and indirect jobs.<sup>336</sup>

- 3.124** The Department of Primary Industries indicated that land that supports sugar and other agricultural industries was at risk from the negative impacts of the Highway upgrade. These impacts include the alienation of agricultural land and fragmentation of properties, changes to property access affecting production procedures as well as changes to drainage patterns, flooding and the loss of productive farmland to buffer zones.<sup>337</sup>

- 3.125** Ms Maria Matthes informed the Committee that all the proposed routes have the potential to make the cane industry unviable due to the loss of agricultural land:

Routes have been developed that have unnecessarily impacted on prime agricultural land. The cane farming community has made it clear that they [can] afford, with compensation, to lose the edges of some cane farms, but they cannot afford to lose the viability of the farms, as would result with all options.<sup>338</sup>

- 3.126** Mr Raymond Collyer, a CLG member for the Ballina - Woodburn area, was similarly concerned at the potential impacts of the upgrades on the sugar growers:

Several possible routes have been identified within the study area that bisect vast amounts of this prime [agricultural] land with the potential impact on the smaller holdings in the area to render them unviable. This would have a major detrimental impact on the Sugar industry in general and devastate individual property holders in particular.<sup>339</sup>

- 3.127** The NSW Sugar Milling Co-operative identified the likely loss of cane growing lands and sugar cane tonnage that would occur from each of the proposed routes. They claim that the combination of routes with the least impact on sugarcane production would still result in a reduction of 'total mill production by 9,000 tonnes and productive land by 122 hectares,' while

<sup>335</sup> Submission 20, NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association, Attachment 1, p1

<sup>336</sup> Submission 20, NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association, Attachment 1, p1

<sup>337</sup> Submission 196, Department of Primary Industries, pp1-2

<sup>338</sup> Submission 133, Ms Matthes, p7

<sup>339</sup> Submission 19, Mr Collyer, p2

the industry's preferred route 'would only see the loss of some 1,500 tonnes or 13 hectares of productive cane land.'<sup>340</sup>

- 3.128** Individual sugar farmers were also concerned about the impact of the Highway upgrade on the future viability of their business enterprises. For example, Peter and Maria Byrnes are the owners of a property that may be dissected by some of the current route options:

Dissecting our cane farming property would render it useless, economically. The cane farming area is approximately 140 acres and in its present state, with its excellent soils, the farm has the capacity of high yields of sugar cane despite its size (mill records reflect this). As outlined in the sugar milling submission, the Byrne family farm would be rendered useless and unworkable because a significant portion will be excised for the highway causing major severance of the property. It would be necessary to construct another cane pad, accounting for further loss of land for agriculture. Major drains would need to be re-routed and major farm reshaping would need to occur together with levelling.<sup>341</sup>

- 3.129** The current route options provide few access points to the Highway for the cane growers who currently transport produce along the Highway. According to Richmond Valley Council this would increase traffic on the secondary roads, creating problems for both farmers and other members of the community:

The nearest interchanges to Broadwater are proposed at Woodburn and Wardell. This arrangement would be inadequate as it would increase traffic along local roads that are not designed for large volumes of trucks.<sup>342</sup>

- 3.130** Cane farmers such as Ron and Pam Gittoes believe that the RTA failed to give adequate weighting to the protection of Regionally Significant farmland:

Consideration should be given to farmland under the Northern Rivers Farmland Protection project, our farm and our neighbours properties are considered to be Regionally Significant.<sup>343</sup>

- 3.131** Farmers also believe that environmental concerns have been prioritised at the expense of the sugar industry. According to NSW Sugar Milling Co-operative and NSW Cane Growers' Association:

We feel that RTA and the consultants have viewed the sugar industry as the path of least resistance and have given undue weighting to environmental issues relating to what we regard as degraded heathland on the western side of the Richmond River between Broadwater and Pimlico and a degraded Broadwater National Park.<sup>344</sup>

- 3.132** However, other residents such as Dr Milton Easton suggested that the RTA should not be working to protect an unviable industry:

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<sup>340</sup> Submission 20, NSW Sugar Milling Co-operative, pp 14 & 15

<sup>341</sup> Submission 43, Mr and Mrs Byrne, p3

<sup>342</sup> Submission 73, Richmond Valley Council, p3

<sup>343</sup> Submission 102, Ron and Pam Gittoes, p1

<sup>344</sup> Submission 20, NSW Sugar Milling Co-operative and NSW Cane Growers' Association, p1

Recent federal government statements concerning the sugar industry suggest that its long-term viability is doubtful. The economic losses suffered by the cane industry if route 2F were selected ... could be compensated for by the existing Federal government industry package, or by the RTA for existing value. The same is not true for those whose home equity, amenity and environment will be lost with the selection of routes other than 1A, 2F, 3B.<sup>345</sup>

**3.133** The Committee understands that to have the maximum restructuring opportunities provided by the Federal Government's Sugar Industry Program 2004 a cane grower had to lodge a claim by 30 June 2005.<sup>346</sup>

**3.134** M Gray also had reservations as to the viability of the sugar industry:

Unfortunately for the cane farmers, world sugar prices, rising fuel prices and rising fertilizer costs are all signifying a near future breakdown of their industry which cannot be ignored.

From what has been written in the local press, the Cane Farmer's Association seems to be pressing for much of the highway to go through National Park. This is obviously an arbitrary knee-jerk reaction to the possible loss of their land although logic dictates it will occur in the not too distant future as their industry becomes less viable.<sup>347</sup>

**3.135** The RTA has assured cane growers they will offer support once a decision has been made:

No decision has been made on the preferred route at this stage. However, once a decision is made, the project team will work closely with individual property owners and the sugar industry to help reduce impacts (eg. adjustment of alignment, width of route, access etc)<sup>348</sup>

### **Impact on agriculture-related industries**

**3.136** In addition to the impact on agricultural land, and the sugar cane industry in particular, the upgrade project may also affect agriculture-related industries. For example, Sunshine Electricity Co-generation Project is a joint venture between Sunshine Renewable Energy Pty Ltd and Delta Electricity Australia to construct two co-generation plants at Broadwater and Condong Mills. It would use as its fuel source sugar cane by-products and aims to produce around one third of the electricity needs of the Richmond Valley. The NSW Sugar Mills Co-operative (the parent company of Sunshine Renewable Energy) expressed concerns that this venture was at risk:

The volume of sugar cane production in the Broadwater Mill area will be a key determinant of the project's viability, as cane-based fuels are the lowest cost renewable

<sup>345</sup> Submission 162, Dr Easton, p5

<sup>346</sup> Centrelink, *Sugar Industry Reform Program 2004 – Restructuring Grants to cane grower sugar industry enterprises*, [www.centrelink.gov.au/internet/internet.nsf/filestores/se056\\_0411/\\$file/se056\\_0411en.pdf](http://www.centrelink.gov.au/internet/internet.nsf/filestores/se056_0411/$file/se056_0411en.pdf) (accessed 15 December 2005)

<sup>347</sup> Submission 194, Mr Gray, p1

<sup>348</sup> Submission 203, RTA, p8

fuel. It is vital therefore that the Co-operative achieves the projected production volumes on which the finance was justified, over the life of the project (and importantly, over the 15-year life of the project finance).

Available cane area and cane production therefore must be maximised to ensure the project's success. Any significant loss of cane growing lands must therefore be avoided in planning for the Pacific Highway Upgrade.<sup>349</sup>

**3.137** The NSW Sugar Mills Co-operative indicated that:

A significant loss of cane growing lands, ie greater than 50 hectares, will have a direct impact on the viability of the project as well as an indirect 'knock on' effect on morale and productivity of other New South Wales cane growers.<sup>350</sup>

**3.138** Richmond Valley Council advises in their submission that:

Part of the proposal involves the construction of a conveyor belt between the mill and generation facility ... and the bagasse fuel storage facility ... This conveyor belt will be intercepted by route options 2C, 2D, 2E & 2F. Provision will be required to accommodate this conveyor belt into any future design encompassing these options.<sup>351</sup>

### **Committee view: Impact on agriculture**

**3.139** The sugar cane industry makes a significant economic contribution to the Ballina –Woodburn area. The Committee heard that the industry's contribution to the local economy could be drastically reduced if a large amount of agricultural land is lost. Given the importance of the industry to the area, it is not surprising that many Inquiry participants nominated the preservation of agricultural land as a key community value.

**3.140** The Committee is particularly concerned about the prospective loss of Regionally Significant farmland in the area. As noted in Chapter 2, the Committee supports the preservation of State and Regionally Significant farmland. Recommendation 6 discusses the preservation of agricultural land.

**3.141** In addition to concerns about loss of agricultural land, residents noted that the Highway upgrade could impact on the viability of the planned electricity co-generation plant, as well as the viability of individual farms; concerns that are also shared by the Committee.

### **Flooding in the mid-Richmond area**

**3.142** The Woodburn to Ballina study area traverses an area affected by flooding of the Richmond River on a regular basis. Flooding of the Richmond River regularly disrupts traffic flow in the

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<sup>349</sup> Submission 20, NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association, Attachment A, pp4-5

<sup>350</sup> Submission 20, NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association, Attachment A, p5

<sup>351</sup> Submission 73, Richmond Valley Council, p3

area as well as local economic and community activity. The flooding issue was acknowledged by the RTA as a ‘significant existing consideration throughout the study area for Woodburn to Ballina.’<sup>352</sup> Flooding was also an issue of significant community concern.

### **Potential impact of upgrade on flooding**

- 3.143** During the Committee’s first public hearing, Mr Les Wielinga, the RTA’s Director of Motorways, explained that the RTA takes the issue of flooding seriously:

If we look at a one-in-100-year flood there is an assessment made of the different depths of water over different areas of the study area. The RTA appreciates that flooding is a major community issue ... The committee consultation activities include a community liaison group and a flooding focus group. Extensive technical studies have been undertaken to assess possible flooding impacts. After the preferred route is selected further investigations will be undertaken, including traditional and more detailed flood monitoring.<sup>353</sup>

- 3.144** Many Inquiry participants expressed concerns about the potential for flooding of increased height and longevity as a result of the upgrades to the Highway. Local resident Mr Garry Owers explained that the new highway would create a barrier, preventing floodwaters from receding:

Whilst the freeway will be built above the level of most floods, a large amount of fill will be required. This fill will then form a barrier to the exit of floodwater, prolonging flooding in areas and concentrating flows through narrow channels leading to flood scour with possible suspension of Monosulfidic Black Ooze. Poned floodwater on the floodplain to the west will drop its sediment load whilst areas on the eastern side will be denied sediment and will instead erode.<sup>354</sup>

- 3.145** Mr Raymond Collyer, a longstanding member of the State Emergency Service with experience in flood events in the area over 30 years, observed that:

All the routes that have been identified to date with the exception of “The Flood Free Route” will have varying impact on flooding and water retention, diversion on a vast area of the Mid and Lower Richmond river communities. In major flooding events the water from Lismore, Kyogle, Casino converge on the lower river area in the Woodburn area flooding literally thousands of hectares of land for up to two weeks, with the closure of local roads and for shorter periods the current Pacific highway. To construct a new highway (which is effectively a levee bank) anywhere on the vast flood plain is courting a disaster with the water retention possibilities extending and increasing flood heights isolating communities for a longer period and placing a greater strain on emergency services to service these communities.<sup>355</sup>

- 3.146** Ron and Pam Gittoes presented a similar argument:

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<sup>352</sup> Submission 203, RTA, p8

<sup>353</sup> Mr Wielinga, Evidence, 26 September 2005, p37

<sup>354</sup> Submission 47, Mr Owers, p2

<sup>355</sup> Submission 19, Mr Collyer, p2

... we are concerned that flooding levels at Broadwater will be increased by a large amount due to the levying effect the proposed highway will create when the natural ground level will be raised some 4 metres on the flood plain between Woodburn and Riley's Hill ...<sup>356</sup>

**3.147** The Committee notes information from members of the CLG who advised that there was a population of 3,600 people living on the mid-Richmond Flood Plain, including at Coraki, Woodburn, Rileys Hill and Broadwater, who will be affected if there is any increase in flooding.<sup>357</sup>

**3.148** Annette Coghill and Denis Fullarton also noted problems with the route options in section 1:

In Section 1, the three proposed routes indicate that at least 75% of their length are in the 1 in 100 year flood plain ... It appears that this section would consist of a series of viaducts and levee type banks to raise the highway out of the flood zone & in the case of a flood, stop the spread of water to the east (coast) & force the rising waters back to the west (Woodburn), increasing the flood level.<sup>358</sup>

**3.149** Local resident Mr Russel Burtenshaw saw particular problems with routes 2A and 2B:

Local farmers, long term SES members and flood experienced locals all agree that to bridge the Richmond River at the 2A or 2B crossings could have a serious negative impact on flood heights and duration. The Rileys Hill section of the river is well known as a **bottleneck** during flood times. To add bridge pylons in this area could cause a build up of flotsam against the pylons, possibly causing floodwaters to back up, increasing flood heights and duration at Rileys Hill and upstream towns and villages.<sup>359</sup>

**3.150** Local resident, Mr Mark Byrne, whose property falls within the corridors of routes 2C, 2D, 2E, claimed that these routes would:

... create a man made dam across the natural flow of enormous amounts of flood water from the Broadwater and Richmond Rivers ... Our farm, the Byrne Farm is the lowest point in Broadwater ... All the floodwaters that come from Kyogle, Lismore, Woodburn, which don't go out by Tuckombil Canal, floods our farms as it is a natural flood plain ... The bridge abutment, with these routes will hold back floodwaters that will cause flooding that Broadwater has never seen before.<sup>360</sup>

**3.151** Whytes Lane West Action Group also mentioned localised flooding as a problem (rather than 1 in 100 year flood), particularly in relation to run off from the Blackwall range:

- A characteristic of the range is the forming of temporary waterfalls during heavy rainfall which culminate in flooding of the properties that border the escarpment.

<sup>356</sup> Submission 102, Ron and Pam Gittoes, p2

<sup>357</sup> Submission 53, Mr Jack Matthes and Mr Bert Plenkovich, p2

<sup>358</sup> Submission 24, Ms Coghill and Mr Fullarton, pp1-2

<sup>359</sup> Submission 131, Mr Burtenshaw, p1, emphasis as per original

<sup>360</sup> Submission 49, Mr Byrne, pp1-2



- The flooding causes soil erosion and shifts significant quantities of topsoil including large rocks and forest debris onto the properties. **This localized flooding does not impact on the existing highway (Option 3B) as it is diverted through the established cane drainage system.** The RTA/Hyder Study does not indicate flooding of this nature and only mentions the 1 in 100 year flood.<sup>361</sup>

**3.152** The effect of longer and deeper flooding on local communities was outlined by a number of Inquiry participants. Mr Jack Matthes and Mr Bert Plenkovich, members of the CLG, noted that businesses would be closed longer, the communities at Riley's Hill and Broadwater would be isolated, and income would be lost.<sup>362</sup>

**3.153** Mr Burtenshaw observed that in the past some homes have been flood-bound for up to two weeks, and noted:

To potentially increase the flood height and inundation time on these properties would place an extra burden on local emergency service volunteers, who would be financially and physically strained by their farms and jobs being left idle with extended volunteer time during flooding. **Prolonged property inundation** can cause hardship for local farmers due to souring of the ground destroying crops and pastures.<sup>363</sup>

#### **Is there a 'flood free' route?**

**3.154** A submission from Mr Jack Matthes and Mr Bert Plenkovich on behalf of 21 of the 30 members of the CLG submitted that routes 1A, 1B, 1C, 2A, 2B, and 2F would have serious impacts on flooding by delaying the release of flood water. They argued in favour of a 'Flood Free Route' option, which takes a significantly different path to that of the RTA's short-listed route options. It was claimed that the 'Flood Free Route' had significant benefits over the routes proposed by the RTA:

- The route would not adversely impact on flooding in the area
- The route would be 98% flood free
- Minimum of fill required
- Would be cheaper to construct and maintain
- Would not dissect the only cane farm affected
- Would not affect any vehicular movements and access on local roads
- Big savings on reduced land acquisition
- Only seven hectares of sugar cane land affected

<sup>361</sup> Submission 112, Whytes Lane West Action Group, p 17, emphasis as per original

<sup>362</sup> Submission 53, Mr Matthes and Mr Plenkovich, p2

<sup>363</sup> Submission 131, Mr Burtenshaw, p1, emphasis as per original

- It has the least negative impact on our communities ...<sup>364</sup>

**3.155** In a visit to the Broadwater property of Mr Plenkovich, the Committee met with Mr Plenkovich's neighbours and other concerned local residents, all of whom were in favour of the 'Flood Free Route' option. They emphasised to the Committee the advantages of the route, and their frustration that in their opinion, it had not been given reasonable consideration by the RTA.

**3.156** This proposal was also supported by the NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association:

A strong majority (70% - 80%) of the Ballina – Woodburn Community Liaison Group has been pressing RTA to properly consider an alternative route in the Woodburn to Broadwater section. This alternative route known as the "flood-free route" would avoid the risk of severe increased flooding in the up-river areas of the Richmond River from Broadwater through Woodburn to Coraki created by the construction of 1 in 100 flood embankments and bridging across the Mid-Richmond floodplains under Route Options 1A, 1B, 1C, 2A and 2B.<sup>365</sup>

**3.157** The NSW Sugar Milling Co-operative and the Richmond River Cane Growers' Association expressed frustration that, in their view, the RTA refused to consider the flood-free option:

The majority of the Community Liaison Group doesn't believe that the RTA is willing to extend the study area to fully consider the flood-free route. The CLG finds this hard to accept given that the Tintenbar – Ewingsdale study area was extended to allow consideration of all possible routes.<sup>366</sup>

**3.158** A number of local residents, including Ms Coghill and Mr Fullarton, also advocated consideration of the 'Flood Free Route':

We request that the 'Flood Free Route' be put to the residents for consideration as the preferred route and & that all residents have reasonable access to the information available on the RTA CD. This request is made to you as we consider the reasons provided for the non inclusion of this route by the RTA to be not valid, that the Woodburn flood plain will not be affected by road construction, that there is minimal effect on property & that this route would play an important role in minimising fires in the National Park spreading to the surrounding townships.<sup>367</sup>

**3.159** However, the 'Flood Free Route' generated contention among community members who did not agree with the CLG proposal. Broadwater resident, Ms Geraldine Bigelow advised:

I attended a meeting in Broadwater last night held by the community liaison group who informed us of an alternate route they had settled on submitting to the RTA called 'The Flood-Free Route'. No-one in the community was consulted by this

<sup>364</sup> Submission 53, Mr Matthes and Mr Plenkovich, p3

<sup>365</sup> Submission 20, NSW Sugar Milling Cooperative and Richmond River Cane Growers' Association, p2

<sup>366</sup> Submission 20, NSW Sugar Milling Co-operative and Richmond River Cane Growers' Association, p2

<sup>367</sup> Submission 24, Ms Coghill and Mr Fullarton, pp2-3

committee in the design of this route and they do not represent the values of the whole community in any way.<sup>368</sup>

- 3.160** There were also concerns that the ‘Flood Free Route’ passes through Broadwater National Park, with repercussions for future generations and for wildlife. For example Mr Michael Ward disagreed that the ‘Flood Free Route’ would not impact on residents:

This newly proposed route, according to our preliminary research, will also adversely affect many properties, livelihoods and households.

The fact that it proposes to go through substantial parts of Broadwater National Park is also concerning. This National Park represents a highly significant example of heath vegetation and the adjoining properties (also affected), share similar qualities that are also worth preserving.<sup>369</sup>

- 3.161** Advocates of the ‘Flood Free Route’ commented that the part of the Broadwater National Park that would need to be used for the route ‘is a very barren strip up the middle.’<sup>370</sup> Others such as Mr David McDonald agreed that the land in the National Park was ‘only unique for its degradedness’ after having been ‘sand mined since the 1960s.’<sup>371</sup>

- 3.162** Similarly, the NSW Sugar Milling Co-operative claimed that:

Whilst the flood-free route runs through the Broadwater National Park, the recommended route largely follows a high denuded sandy ridge currently used as a fire trail. The flood-free route would be beneficial in providing an effective fire break and the construction of fauna underpasses would protect fauna much more effectively than the present situation where the existing Pacific Highway runs through the National Park south of Broadwater.<sup>372</sup>

- 3.163** Mr Matthes and Mr Plenkovich alleged that the ‘Flood Free Route’ had not been given the level of consideration necessary for the route’s proposal to pass through the National Park to be seriously considered:

The only way the highway could be built in the National Park is to have an Act of Parliament revoked. For that to happen the RTA would be required to demonstrate that no other possible option was available. Unless the Flood Free Route is properly assessed and it is given a points rating to compare it with the other options, it would be impossible to argue the case.<sup>373</sup>

- 3.164** Others such as Ms Carmel Byrne disagreed with the ‘Flood Free Route’ option as they do not believe it would be ‘flood-free:’

<sup>368</sup> Submission 17, Ms Bigelow, p1

<sup>369</sup> Submission 111, Mr Ward, p2

<sup>370</sup> Mr Matthes, Evidence, Hearing, 27 October 2005, p49

<sup>371</sup> Mr McDonald, Evidence, Hearing, 27 October 2005, p36

<sup>372</sup> Submission 20, NSW Sugar Milling Cooperative and Richmond River Cane Growers’ Association, p2

<sup>373</sup> Correspondence from Mr Jack Matthes and Mr Bert Plenkovich, to Chair, 8 November 2005, p1

As the abutment of a bridge North of Broadwater Village would dam up flood waters at the lowest point of the village therefore making flooding higher and last longer than ever before in the history of Broadwater.<sup>374</sup>

**3.165** Noting that the ‘Flood Free Route’ involves bisecting the Byrne Farm, Mr Mark Byrne commented:

The Byrne Farm runs along the Pacific Highway and the Richmond River from Rattle Creek to Eversons Creek. It is also downriver from the Broadwater River. The farm is the lowest point in Broadwater for flooding.<sup>375</sup>

**3.166** The RTA’s Route Options Development Report (the Hyder Report) for the Woodburn-Ballina section contained some consideration of the ‘Flood Free Route’ and concluded that there were a number of disadvantages to the option:

- The option has 7.7km more new highway than a combination with the shortlist options and the existing highway to the south.
- Preliminary advice is that the Evans River is of very high ecological value and that a crossing over the Tuckombil Canal is preferable to disturbing the Evans River.
- This option also impacts on the Bundjalung National Park as well as the Broadwater National Park. In order to resume a section of a National Park an Act of Parliament is required. For this approach to be successful the RTA would be required to demonstrate that no other feasible option was available for a new Highway alignment. At present it is clear that existing sections of the Highway could be retained as part of the upgrade which would reduce potential impacts on National Parks.
- This option does not retain 7.7 km of the Pacific Highway that would otherwise be reused.<sup>376</sup>

**3.167** The RTA told the Committee in September 2005 that:

The RTA is reviewing this route outside the existing study process. While it has some localised flooding benefits, it is not a flood-free route and it has other major associated environmental constraints, including impacts on two National Parks. However, this route is being investigated as part of the ongoing evaluation of route options in the study area.<sup>377</sup>

**3.168** At the hearing held on 18 November 2005, Mr Bob Higgins of the RTA told the Committee that, while the Woodburn-Ballina study area has not been expanded, information from ‘a

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<sup>374</sup> Submission 104, Partially Confidential, Ms Byrne, p1

<sup>375</sup> Submission 49a, Mr Byrne, p2

<sup>376</sup> *Route Options Development Report - Stage 1, June 2005*, p xi

[www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

<sup>377</sup> Submission 203, RTA, p9

detailed investigation<sup>378</sup> of the 'Flood Free Route' would be included in the RTA's report on the preferred route, which would be publicly available:

Where we are now at is that we have a number of route options, all with their own particular issues associated with them. We also have another route that has been put forward by sections of the community. We have investigated that now and we have got that altogether where we are looking at making a recommendation in regard to where the preferred route is.<sup>379</sup>

**3.169** The Committee notes that the Preferred Route Report was released on 30 November 2005.

### **Committee view: Flooding in the mid-Richmond area**

**3.170** The evidence demonstrates considerable community concern over the potential impact of the Highway upgrade on flooding patterns and levels in the area, which led to the 'Flood Free Route' being advocated by some local residents.

**3.171** The Committee recognises that there are conflicting opinions over the potential impact of the 'Flood Free Route.' While the majority of CLG members and some residents strongly support the 'Flood Free Route,' the Committee heard from a number of other residents who believe that the 'Flood Free Route' would have a deleterious impact, particularly on the natural environment.

**3.172** The content of the Preferred Route Report on the Ballina – Woodburn upgrade demonstrates that the RTA considered the 'Flood Free Route' in selecting a preferred route option. However, the timing of the RTA's announcement of the preferred route is problematic, given the Committee's consideration of community concerns regarding the 'Flood Free Route.'

**3.173** The Committee is disappointed that the RTA announced the preferred route on 30 November 2005, three weeks prior to the release of the Committee's Interim Report. The date for the release of the Committee's Interim Report has been published on the Committee's website since 10 November 2005. Given that a preferred route has already been announced, it is now more difficult for the RTA to consider the significant section in the Committee's Interim Report discussing community concerns over the RTA's consideration of the 'Flood Free Route.' However, the Committee believes that there are precedents where the RTA has determined its preferred route and subsequently made major changes or dropped the route altogether.

**3.174** The Committee is doubly disappointed, as the Committee attempted to procure from the RTA an indication of the timing for the announcement of the preferred route, one month prior to release of the Committee's Interim Report. In response to a question taken on notice during the hearing of 18 November 2005, regarding the timing of the announcement for the preferred route for the Ballina – Woodburn upgrade, the RTA stated that 'When planning commenced in October 2004 for the remaining undeveloped two-lane sections of the

<sup>378</sup> Mr Bob Higgins, Evidence, 18 November 2005, p17

<sup>379</sup> Mr Bob Higgins, Evidence, 18 November 2005, p18

Highway, RTA envisaged finalising a preferred route for the whole highway by mid 2006.<sup>380</sup> Despite this statement, the preferred route was announced less than two weeks later.

- 3.175** The Committee notes the similarities to a situation that arose in relation to the Ewingsdale – Tintenbar upgrade. At the Committee’s hearing of 26 September 2005, the RTA claimed to be unable to provide any indication of the timing for the announcement of short-listed route options for Ewingsdale – Tintenbar. However, the short-listed route options were announced on 21 October 2005, a week before the Inquiry heard evidence in Ballina.
- 3.176** The Committee again expresses its disappointment with the RTA’s lack of candour with a parliamentary committee, and again reiterates the unavoidable inference that this is indicative of the RTA’s approach to community consultation.

### **Impact on the environment**

- 3.177** The Ballina Woodburn study area includes the Broadwater National Park and a number of areas of high value habitat, identified in the Hyder Report and highlighted in much of the evidence received by the Committee. The environmental impact of the upgrade, and the reliability of studies on the environmental impact, emerged as a key issue during the Inquiry.

#### **Environmental issues in the study area**

- 3.178** At the public hearing on 18 November 2005, Mr Bob Higgins of the RTA acknowledged that ‘there are some very sensitive environmental issues<sup>381</sup> related to the project.
- 3.179** Field assessments of the study area from both Geolyse, the sub-consultants tasked with conducting ecological surveys of the study area, and from community members identified many species that would potentially be impacted upon by the upgrades. The Blackwall Highway Action Group, for example, listed the following endangered, vulnerable and threatened species found in their independent field assessments:
- Green-leaved Rose Walnut
  - Swamp Orchid
  - White Laceflower
  - Red Lilly Pilly
  - Palm Orchid
  - Rough Leaved Bush Nut
  - Albert’s Lyrebird
  - Red Legged Pademelon

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<sup>380</sup> Answers to questions on notice taken during evidence 18 November 2005, Mr Mike Hannon, A/Chief Executive, RTA, Question 14, p5

<sup>381</sup> Mr Bob Higgins, Evidence, 18 November 2005, p18

- Koala
- Long Nosed Potoroo
- Grey Crowned Babbler
- Ground Parrot
- Bush Hen
- Grass Owl
- Mangrove Honeyeater
- Squirrel Glider
- Eastern Chestnut Mouse
- Grey-headed Flying-fox
- Wallum Sedge Frog
- Wallum Froglet
- Oxleyan Pygmy Perch.<sup>382</sup>

**3.180** At the public hearing held on 27 October 2005, Mr Mark Graham of the Blackwall Highway Action Group commented that:

... 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 highway through their habitat will lead to their extinction.<sup>383</sup>

**3.181** Ms Christine Fira supported this position, particularly in relation to the area around the Blackwall Range:

The building of a motorway between the significant habitat areas of the Blackwall range and the significant habitat areas of Wardell would reduce the habitat of, destroy a movement corridor and effectively isolate breeding populations of wildlife to the extent that it may result in reduced numbers or extinction of existing species.<sup>384</sup>

**3.182** In response to criticisms of the measures taken by the RTA to minimise the impact of upgraded roads on wildlife, Mr Bob Higgins advised about the nature of mitigation measures undertaken in other areas:

I have one person in my office, the manager for environment, who is very keen on ensuring we get a very cost-effective environmental design in terms of working. If you take the Karuah example, the mitigation measures put in place were fencing, koala-proof fencing, and we go through and monitor road kill on those sections. We did the same thing at Yelgun to Chinderah. We also put sand traps where the tunnels go across to track animals, so we can see what is going on...

<sup>382</sup> Submission 78, Blackwall Highway Action Group, pp5-9

<sup>383</sup> Mr Mark Graham, Evidence, 27 October 2005, p33

<sup>384</sup> Submission 4, Ms Fira, p4

The other part that goes with the measures put in place for mitigation is that we provide significant compensatory habitat where we impact upon the habitats. We have built parcels of land at Yelgun to Chinderah, at Cudgen Lake, for protection. There is another at Mount Karuah, which was earmarked for a major quarrying operation. About 500 hectares of land was purchased, which has now been handed over to the National Parks to form part of its total system. That land is being protected. They are some of the measures put in place in the highway program – but we are always willing to learn.<sup>385</sup>

**3.183** Ms Fira noted that the Tuckean Swamp Management Committee had been having some success in reversing the ecological damage to the Tuckean Broadwater, including:

... mitigating the onsite impacts of acid on water quality, agricultural productivity and aquatic terrestrial flora and fauna; reducing the production of acid sulfate soils by addressing the process of oxidation and mitigating the downstream impacts of oxidation products on water quality and aquatic ecosystems.<sup>386</sup>

**3.184** However, Ms Fira warned that:

By disturbing the acid sulfate soil through roadworks and affecting water flow once again in the Broadwater area particularly with bridge building on proposed routes 2A and 2B; this would once again present the environmental, agricultural and fisheries problems listed above.<sup>387</sup>

**3.185** Ms Fira also identified the Blackwall Range as an important ecological site:

The Blackwall Range (abutting proposed route 2A and 2B) supports a large area of eucalypt forest as well as patches of rainforest in the gullies with diverse and abundant fauna including Albert's Lyrebird and the rose crowned fruit dove. The range also supports significant populations of gliders, possums, pademelons and wallabies. There are many records of breeding female koalas which are under threat from expanding urban development.<sup>388</sup>

**3.186** Richmond Valley Council noted that the oxlyean pygmy perch, an endangered species, is found in habitat in wet heath "Wallum" habitat in and around Evans Head and Broadwater National Park.<sup>389</sup>

**3.187** In relation to route 2C, Mr and Mrs Ralph and Sue Keys noted:

This will **go through** the **only remaining scrub left in Ballina Shire**. The area is **predominantly wet** with water table at best about 300/400mm below ground level. The drainage required to form the Freeway **will kill off the remaining Wetlands not already wiped out by the road** ... This is a beautiful and peaceful valley

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<sup>385</sup> Mr Bob Higgins, Evidence, 18 November 2005, p21

<sup>386</sup> Submission 4, Ms Fira, p3

<sup>387</sup> Submission 4, Ms Fira, p3

<sup>388</sup> Submission 4, Ms Fira, p3

<sup>389</sup> Submission 73, Richmond Valley Council, p4



encompassing high value wetlands and the Blackwall Scrub, much of which is subject to 7L environmental protection by local Council.<sup>390</sup>

- 3.188** Many submissions highlighted the importance of the wetlands in the area. The Melino family's properties would be affected by routes 2A, 2B and 2C. This land was the subject of a Wetland Care Australia grant to fence and protect the area:

This area ... is in the direct path of route 2B. Route 2C cuts across the eastern edge of this extensive wetland and would have a significant effect on this valuable wetland area.<sup>391</sup>

### **Adequacy of environmental assessments**

- 3.189** An issue of particular concern for many of those people and organisations that provided evidence to the Committee was the quality and accuracy of the flora and fauna surveys conducted for the RTA and the accuracy of the resultant environmental information provided to residents. Many expressed concern that the ecological information provided did not reflect the diversity and importance of the ecology of the region.

- 3.190** The Blackwall Highway Action Group was extremely vocal in its criticism of the project's surveys:

The flaws and omissions within project assessment methodologies, documentation and conclusions are of such magnitude that the report can not be used as a reliable depiction of ecological significance of the study area or the likelihood of significant impact, and hence decisions cannot be made on this flawed basis.<sup>392</sup>

- 3.191** At the public hearing held on 27 October 2005, Mr Stephen Barnier, Executive Strategic Planner with the Ballina Shire Council, commented that:

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.<sup>393</sup>

- 3.192** The Blackwall Highway Action Group alleged that there were flaws with the environmental assessment process, causing it to fail to meet Department of Environment and Conservation survey guidelines. Alleged problems included inappropriate vegetation community mapping techniques, inappropriate seasonality of surveys, lack of adequate level of stratification of fauna survey sites, and lack of consideration of impacts beyond the footprint of the route options. The owl, bat, reptile and frog surveys were also singled out as inadequate.<sup>394</sup>

- 3.193** Further, the Blackwall Highway Action Group pointed to a lack of mapping of Endangered Ecological Communities (EECs) within the route options, and an understatement of the

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<sup>390</sup> Submission 42, Mr and Mrs Keys, p1

<sup>391</sup> Submission 127, Mr Con Melino, p1

<sup>392</sup> Submission 78, Blackwall Highway Action Group, p4

<sup>393</sup> Mr Barnier, Evidence, Hearing, 27 October 2005, p5

<sup>394</sup> Submission 78, pp9-10

number of EECs. The authors were also critical of the lack of consideration of bioregionally significant corridors and key habitats within Lower Richmond Catchment, and miscalculation of potential impact scores.<sup>395</sup>

**3.194** Mr Garry Owers also criticised aspects of the survey process:

The flora and fauna surveys conducted by RTA consultants used sites on or adjacent to roads even though the biodiversity of roads and road verges is already known to be low. This appears a planned strategy to show low biodiversity therefore low environmental constraints. We are meant to trust RTA consultants, however the flora and fauna assessment of route options of June 2005 incorrectly describes mistflower (*Ageratina riparia*) ... and princes feathers (*Persicaria orientalis*) ... as natives. Mistflower is commonly known as a declared noxious weed while princes feather is an introduced environmental weed, therefore what trust can be placed in their assessments.<sup>396</sup>

**3.195** Ms Maria Matthes asserted incorrect mapping by RTA in relation to areas on her property:

For example, an area on my land that is clearly Swamp Oak Forest (an endangered ecological community) and is also mapped by Department of planning as a SEPP 14 Wetland has been mapped by the RTA as “ridge scherophyll forest”. This has resulted in a diminished ecological value being allocated to the land by the RTA and an inaccurate reflection of the associated cost to mitigate.<sup>397</sup>

**3.196** The Melino family were critical of the consultants’ environmental survey of the area near their property, which they argued took place during a period of ‘unseasonable drought,’ and therefore resulted in an inaccurate record of wildlife. They noted that the report:

... suggests that option 2C will travel through cleared land ... but fails to recognize the large stands of eucalypts including Tallowoods (which are known koala food trees), Blackbutts and Ironbark trees which are up to 60 years old. The area has not been logged since the property was purchased in the early 1960s.

These trees are important habitat trees for a variety of wildlife and despite the fact that cattle graze underneath these trees on parts of the property, these areas should not be classified as cleared.<sup>398</sup>

**3.197** Peter and Maria Byrne family also believe their property has not been accurately mapped:

The environmental worth of the timbered section at the rear of our property with its blackbutt timbers has not been highlighted. In the RTA’s ‘Route options development report – Stage 1’ the natural bushland at the rear of our property has been ignored with maps not identifying its existence.<sup>399</sup>

**3.198** Some inaccuracies, while relatively trivial, pose questions about the overall quality of the survey. For example, the Melino family observed:

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<sup>395</sup> Submission 78, p9

<sup>396</sup> Submission 47, Mr Owers, p3

<sup>397</sup> Submission 133, Ms Matthes, p9

<sup>398</sup> Submission 127, Mr Con Melino, ppi & 2

<sup>399</sup> Submission 43, Mr and Mrs Byrne, p2

It is interesting to note that the Hyder Report (page 166) states that there are Scarred trees at the base of a ridge north of Back Channel Road at Bagotville. There is some confusion as to the whereabouts of these trees, as Back Channel Road does not go to Bagotville.<sup>400</sup>

- 3.199** The consulting firm involved in the flora and fauna assessment of the study area, Geolyse Pty Ltd, countered that:

... the ecological investigations and studies conducted to date on the Woodburn to Ballina Pacific Highway Upgrade project are of the highest intensity ever undertaken for Phase 2 of a Pacific Highway Upgrade project. This high level of detail in field survey, investigations and reporting reflects our understanding of the high ecological significance of the area ...<sup>401</sup>

- 3.200** Geolyse Pty Ltd further maintained that the Blackwall Highway Action Group's submission failed to acknowledge the conflict of interest resulting from the fact that the author of the comments relating to ecology 'currently resides on the Blackwall Range extremely close to Route Option 2C.'<sup>402</sup>

- 3.201** Geolyse Pty Ltd declined to address the issues raised by the Blackwall Highway Action Group in detail 'as there is enough in the BHAG submission to demonstrate vested interest and we do not believe that we need to justify our professional integrity and standards ...'<sup>403</sup>

- 3.202** At the hearing on 18 November 2005 the RTA tabled documents including further information on these matters. The RTA advised the Committee that:

The ecological survey and assessment undertaken by Geolyse involved an assessment of major ecological constraints of the study area based on desktop and literature review, background research, consultation with representatives of relevant government agencies and field surveys. The level of survey and assessment is considered appropriate for the route development stage ...

The project team considered the comments by members of the EFG and the working reports were updated to address the issues raised ...

In addition, an independent review of the updated ecological assessment has been carried out by Dr Andrew Benwell, a well-known botanist who has undertaken many ecological surveys in the North Coast region. Dr Benwell reviewed the flora components of the ecology report and concluded that the updated assessment is adequate for the route development phase ...<sup>404</sup>

- 3.203** In response to the strong criticism received from some community members that the information collected in relation to ecological surveys was erroneous, Mr Higgins commented

<sup>400</sup> Submission 127, Mr Con Melino, p2

<sup>401</sup> Submission 204, Geolyse Pty Ltd, pp1-2

<sup>402</sup> Submission 204, Geolyse Pty Ltd, p2

<sup>403</sup> Submission 204, Geolyse Pty Ltd, p1

<sup>404</sup> Tabled Document No. 47, *Response from the RTA to indicative questions*, p3

that the role of the Ballina Woodburn Ecological Focus Group was to review the reports prepared by the RTA's consultants:

They have come back with specific comments – where we have got errors, where we have got mistakes. We actually go through a process of correcting that because we are all about trying to get the best information so that we can actually make an informed decision ...

We believe that we value input from the community and specialists in that regard and we do take them into consideration as we arrive at route options, preferred route and so forth.<sup>405</sup>

**3.204** Information tabled at the 18 November hearing by the RTA included a summary of the RTA project team's response to the specific criticisms provided to the Ecology Focus Group (established in March 2005) by one of its members. Many of these criticisms reflect those detailed above. The accompanying letter to the summary of responses noted:

It is not practical or a sensible use of public funds to conduct a detailed ecological assessment of the entire study area at the broad assessment phase of the project ... Once a preferred route is selected a rigorous and robust ecological assessment will be undertaken to identify likely impacts and mitigation measures.<sup>406</sup>

**3.205** The letter went on to state that:

...the Project Team welcomed the reviews that were undertaken on the draft Phase 2 report by the members of the EFG and undertook extensive work to address the comments and provide a revised draft Phase 2 Report to the group.<sup>407</sup>

### Koalas

**3.206** The impact of the Highway upgrade on the koala population in the Ballina – Woodburn study area was a frequently-cited issue which many Inquiry participants felt was not adequately addressed in the environmental assessment studies.

**3.207** The potential impact of the Highway upgrade on the koala population was a major concern for many local residents including Ms Francine Hitchens, who told the Committee that she and 'the residents of Rileys Hill value and cherish our koala population,' taking 'great pride in having them among us ...'<sup>408</sup>

**3.208** Friends of the Koala told the Committee that:

The study area for the Ballina to Woodburn Upgrade provides habitat for the largest koala populations in the Lower Richmond Valley ... Friends of the Koala's records

<sup>405</sup> Mr Bob Higgins, Evidence, 18 November 2005, pp18-19

<sup>406</sup> Tabled Document No 47, *Response from the RTA to indicative questions*, Attachment E: 'Letter recently forwarded to Mr Mark Graham', 18 November 2005, p1

<sup>407</sup> Tabled Document No 47, *Response from the RTA to indicative questions*, Attachment E: 'Letter recently forwarded to Mr Mark Graham', 18 November 2005, p1

<sup>408</sup> Submission 7, Ms Hitchens, p2

show some 134 callouts within and in close proximity to the study area. We know this only represents a fraction of the total koala population ...<sup>409</sup>

- 3.209** The health of the koala populations in the study area was another concern for Inquiry participants. Friends of the Koala noted that the koala populations within the Broadwater – Woodburn study area were ‘amongst the healthiest across the Northern Rivers.’<sup>410</sup> Similarly Mr Robert Graham said that:

There are something like 500 koalas in that area [Blackwall range and Wardell] ... These koalas are disease free. Most koalas in stressed areas have chlamydia. Their days are numbered. Ours are very good.<sup>411</sup>

- 3.210** The Committee was informed that koalas in New South Wales are listed as a vulnerable species under Schedule 2 of the *Threatened Species Conservation Act (NSW) 1995*. Ms Hitchens claimed that:

To contemplate destroying these areas under threat ... is environmental vandalism, and must on the issue of koalas and their habitats contravene the *Threatened Species Conservation Act (NSW) 1995*.<sup>412</sup>

- 3.211** The information available to the Committee from the RTA in relation to koalas in the Woodburn to Ballina region was scarce. The Route Options Development Report- Stage 1, June 2005, prepared by Hyder Consultants, referred only briefly to koalas, noting three areas at which koalas were located during their field studies in the study area.<sup>413</sup>

- 3.212** Inquiry participants were critical of the manner in which the current route options were determined, and questioned the credibility of the studies undertaken by the RTA and their consultants on the impact on the koala population. For example, Friends of the Koala told the Committee that:

Very limited field surveys undertaken for the assessment of route options have failed to locate any koalas in areas known to support high density (core) populations. A far greater effort is required to assess the presence, density and habitat utilisation patterns of koalas in the study area, before any sound decisions can be made in relation to impacts upon koala populations.<sup>414</sup>

- 3.213** A number of Inquiry participants, such as Mr Garry Owers, were concerned about the impact that the Highway upgrade would have on koala populations in the area due to the destruction of their habitat and movement corridors. Mr Owers claimed that the RTA should put in mitigation measures:

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<sup>409</sup> Submission 48, Friends on the Koala, p1

<sup>410</sup> Submission 48, Friends on the Koala, p3

<sup>411</sup> Mr Robert Graham, Evidence, Public Forum, 27 October 2005, p18

<sup>412</sup> Submission 7, Ms Hitchens, p 2

<sup>413</sup> *Route Options Development Report - Stage 1, June 2005*, p76

[www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

<sup>414</sup> Submission 48, Friends of the Koala, p3

The positioning of a six lane freeway across this major corridor will effectively isolate and kill any koalas attempting to cross. This will cut off their food sources and cause genetic isolation resulting in the decline of the local koala population ... provision will have to be made of suitable koala friendly overpasses and underpasses.<sup>415</sup>

**3.214** However Ms Gwenaelle Seznec questioned the effectiveness of such mitigation measures:

Mitigation measures have not been proven to be efficient, and it is unlikely that they will be useful. They are effective for only limited species and serve mostly as a Public Relations exercise.<sup>416</sup>

**3.215** Mr Bob Higgins of the RTA argued that such measures being used in previously upgraded sections of the Pacific Highway are working:

Preliminary indications are that it seems to be starting to work. We are reasonably confident about the work we have been doing ... where we have monitoring programs in place through infra-red cameras, sand traps and all that ... Animals are using the facilities.<sup>417</sup>

### **Committee view: Impact on the environment**

**3.216** The Committee believes that the large number of criticisms of the flora and fauna surveys commissioned by the RTA in relation to the Ballina – Woodburn upgrade is a cause for concern. It is crucial that selection of a preferred route is based on the best possible data, and that the community is confident that this is the case.

**3.217** However, the Committee is also mindful of the RTA's response to the criticisms raised and the explanation for the level of survey intensity. Perhaps if the various levels of survey at differing stages of the planning process was more clearly explained and identified to the community in the initial stages of consultation then the community's lack of confidence in the survey process may have been less marked. Environmental issues are addressed in Recommendation 8.

## **Heritage**

**3.218** The study area contains a number of sites of cultural heritage, both indigenous cultural heritage and non-indigenous cultural heritage. Evidence to the Committee highlighted the Importance of preserving cultural heritage in the selection and development of route options.

### **Indigenous heritage**

**3.219** The RTA established an indigenous focus group during the consultation process, and consultants working for Hyder Consulting conducted a survey of sites in the study area.

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<sup>415</sup> Submission 47, Mr Owers, p6

<sup>416</sup> Submission 158, Ms Seznec, p5

<sup>417</sup> Mr Bob Higgins, Evidence, 18 November 2005, p21

**3.220** At the public forum held in Ballina on 27 October 2005, Mr Gavin Brown, a representative of the Jali Local Aboriginal Land Council said, in relation to routes 2D and 2E, that:

These routes impacted substantially on the Jali land council acquired in the Wardell land, much of which is of high cultural and heritage significance, and high conservation value.<sup>418</sup>

**3.221** The Hyder Report identifies many of the heritage sites and indicates that other sites might exist in other, as yet unknown, areas:

A number of culturally-significant and previously unrecorded sites were revealed to the consultant both prior to (in the initial options identification stage) and during the course of the Aboriginal consultation undertaken in conjunction with this assessment.<sup>419</sup>

**3.222** Several submissions identified indigenous cultural sites, confirming the Hyder report statement. The Blackwall Highway Action Group submission, for example, notes particular Indigenous cultural heritage issues for route 2C:

Of particular note is the presence of the highest density and largest number of scar trees in the Lower Richmond Valley. At least twenty scar trees have now been recorded along Route 2C – studies undertaken for the RTA only found two sites with scar trees present – Laws Point and Thurgates Lane ...

As the forests within and adjacent to route 2C are the largest areas of old growth and mature forest in the Lower Richmond Valley, the highest densities and numbers of scar trees occur in this area. The loss of a single scar tree is unacceptable in an area where so few exist and so much indigenous cultural heritage value has already been lost.<sup>420</sup>

**3.223** According to the Melino family, routes 2C and 2D:

... both go through areas of significant Aboriginal heritage. There is evidence of long term occupation by Aboriginal communities which include:

- Scar trees
- Flint stones
- Middens
- Corroboree grounds.<sup>421</sup>

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<sup>418</sup> Mr Brown, Evidence, Public Forum, 27 October 2005, p18

<sup>419</sup> *Route Options Development Report - Stage 1, June 200*, p 91

[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)

<sup>420</sup> Submission 78, Blackwall Highway Action Group, p24

<sup>421</sup> Submission 127, Mr Con Melino, p2

- 3.224** In relation to options 2D and 2E, the Hyder report found a ‘high level of Aboriginal cultural and archaeological sensitivity’ and noted a ‘very real risk of intercepting the reported burial ground in the vicinity of Wardell’<sup>422</sup>.
- 3.225** Mr Gavin Brown noted that under section 42 of the Aboriginal Land Rights Act 1983, an Act of Parliament would be required to resume land vested in an Aboriginal Land Council. He encouraged the RTA to ‘consider their engagement with Aboriginal communities in more depth.’<sup>423</sup>

### Non-indigenous heritage

- 3.226** The Hyder Report identified a number of sites of non-Indigenous heritage in the study area.
- 3.227** For example, Options 1A, 1B and 1C have the potential to impact on the Langs Brick Quarry, a site considered to have archaeological potential and listed in the Richmond Valley Draft Heritage Study<sup>424</sup>.
- 3.228** The Tuckombil Canal was also identified as being in need of ‘an assessment of its heritage significance’<sup>425</sup> as all three options in Section 1 involved crossing the 1900 built canal.
- 3.229** Section 2 contains a number of sites that were considered by the consultants to have ‘local heritage significance.’<sup>426</sup> These include possible cemetery sites, maritime and built heritage such as the remains of a derrick wharf, an agricultural property known as ‘Stonehenge’, mill sites and tramlines used for sugar cane haulage.
- 3.230** In many cases, the Hyder Report recommended further physical survey work to investigate the potential impact of the proposed upgrade once the preferred route was selected.
- 3.231** Peter and Maria Byrne highlighted the significant heritage value of their farm, established in the 1860s:

Remnants of the pioneering days can be found on the property today... Ours is one of the oldest cane farms in the district. ... relics on our property are over 50 years old

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- <sup>422</sup> *Route Options Development Report - Stage 1, June 200*, p167  
[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)
- <sup>423</sup> Mr Brown, Evidence, Public Forum, 27 October 2005, p18
- <sup>424</sup> *Route Options Development Report - Stage 1, June 200*, pp140-141  
[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)
- <sup>425</sup> *Route Options Development Report - Stage 1, June 200*, p141  
[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)
- <sup>426</sup> *Route Options Development Report - Stage 1, June 200*, p167  
[http://www.woodburntoballina.com.au/pdfs/00\\_RODR\\_Complete\\_Report.pdf](http://www.woodburntoballina.com.au/pdfs/00_RODR_Complete_Report.pdf) (accessed 13 September 2005)



providing an irreplaceable archaeological resource. Our farm was known as a 'promotion' farm as it was the first to trial sugarcane on the river flats. Our property in its present state has enormous potential to provide information that is unavailable from other sources, thus contributing to the knowledge of our history. Heritage is important as it provides a wealth of information about the Broadwater community that lived there in the past. Yet to be discovered sites could be destroyed by this highway bypass construction.<sup>427</sup>

**3.232** Mr and Mrs Byrne also commented that:

... the heritage value of the quarry situated on the property is also significant, as it provided stone to build local roads and the Evans Head aerodrome. Workers camped near the quarry during WWII ensuring a continuous supply of shale.<sup>428</sup>

### **Committee view: Heritage**

**3.233** The evidence showed that cultural heritage is an important contributor to community identity in the Ballina – Woodburn area, providing as it does a link to the history of the area. The Committee is of the view that the RTA should endeavour to preserve cultural heritage in the development and selection of route options.

## **Conclusion**

**3.234** The evidence in this Chapter shows that local residents were critical of many aspects of the Ballina – Woodburn upgrade. The issues of most concern were the:

- consultation process, including the establishment and operation of the CLG
- consideration of the 'Flood Free Route'
- potential damage to community connectivity and cohesion
- potential loss of agricultural land
- potential environmental damage.

**3.235** Inquiry participants told the Committee that the consultation process did not allow the community to influence the route development process. The Committee heard complaints that the process was marred by the late and inaccurate provision of information, information which was not distributed to all affected residents. Residents criticised the perceived secrecy surrounding the workings of the CLG, and its lack of influence in the route selection process.

**3.236** Criticisms of the CLG's lack of influence relate to the proposal for a 'Flood Free Route' put forward by a majority of CLG members. Its supporters claimed that the RTA did not consider the Route in enough detail for it to be presented as a short-listed route option. Conversely, the Committee heard that the Route was strongly opposed by other community members on environmental grounds.

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<sup>427</sup> Submission 43, Mr and Mrs Byrne, pp1-2

<sup>428</sup> Submission 43, Mr and Mrs Byrne, pp1-2

- 3.237** Local residents were also concerned about possible damage to community connectivity and cohesion from a lack of connections between the small villages and the larger service towns. It was also suggested that the area's loss of amenity could seriously impact on quality of life for local residents, and could lead to the area losing its ability to attract new residents.
- 3.238** Another theme was the loss of agricultural land. The sugar industry is a major economic contributor to the area, and the Committee heard that the proposed loss of such a substantial area of land could affect the industry's viability. In addition, farmers expected the loss of agricultural land to impact on the viability of their individual farms, and the viability of agriculture-related enterprises, such as electricity generation.
- 3.239** The Committee was told of concerns that an upgrade could result in irreparable damage to this area of environmental sensitivity. These concerns were amplified by the perceived inadequacies of the RTA's environmental surveys. It was evident to the Committee that the flawed consultation process heightened residents' concerns about the quality of the environmental surveys.

## Chapter 4 Recommendations

This Chapter contains the Committee's recommendations relating to the upgrades of the Pacific Highway between Ewingsdale and Tintenbar, and Ballina and Woodburn. The recommendations are addressed in a separate chapter, as the majority are applicable to both Pacific Highway upgrades.

### Ewingsdale – Tintenbar and Ballina – Woodburn recommendations

- 4.1 There are 9 recommendations in this Interim Report. All recommendations relate to both upgrades, unless otherwise identified.

#### Consultation

- 4.2 Best practice government administration requires a commitment to ensuring community members have a genuine input into decision-making processes. With a key function being the construction of major infrastructure projects, many of which will have a particular impact on local communities, there is a demonstrable need for the Roads and Traffic Authority of New South Wales (RTA) to develop exemplary consultative processes.
- 4.3 Throughout the Inquiry, local residents expressed strong criticism of the RTA's approach to community consultation. Their specific concerns included that information was provided in an untimely manner and was at times inaccurate, and that the RTA and its consultants did not demonstrate requisite transparency and openness in their dealings with the community.
- 4.4 The RTA was also criticised for the timing of important announcements, such as the announcement of short-listed and preferred routes. As the RTA repeatedly refused to give any indication of the timing of such announcements, residents were taken by surprise, which increased their distress regarding the announced routes, and increased the difficulty of comprehending the implications of the routes within the limited timeframes for public comment.
- 4.5 The RTA's failure to give forewarning of important decisions was demonstrated to the Committee in relation to the announcement of the preferred route for the Ballina – Woodburn upgrade. This unexpected announcement partly pre-empted this Interim Report, and has made it more difficult for the RTA to address the concerns of the Ballina – Woodburn community raised in this Report, particularly in relation to the proposed 'Flood Free Route.' The lack of notice was also demonstrated in relation to the Ewingsdale – Tintenbar upgrade, when the RTA, with no prior warning, announced the short-listed route options, one week before the Committee took evidence in Ballina.
- 4.6 The Committee concludes that the RTA should substantially improve its community consultation process to ensure that it is transparent, representative, timely and influential.

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**Recommendation 1**

Based on the experience of the Ewingsdale – Tintenbar and Ballina – Woodburn Highway upgrades, that the RTA substantially improve its community consultation process and its stated objectives of open and transparent consultation in relation to Highway upgrades by:

- advising all residents in a timely manner of planned information sessions
  - regularly updating the RTA website
  - providing a comprehensive and detailed information package to all affected residents on the day that route options are announced
  - forewarning residents of the timing for the announcement of short-listed and preferred routes
  - liaising with property owners in advance to explain their rights and the purpose of any proposed site visits to or tests on their property; to request permission to conduct such site visits or tests, and provide property owners with any reports on their properties.
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- 4.7** The RTA's Community Liaison Groups (CLGs) were a particular focus for criticism. The Committee was told that the perceived lack of transparency regarding the CLGs was fuelled by the RTA's requirement for CLG members to keep confidential information relating to 'lines on maps' (that is, the proposed location of route options). CLG members felt that this prevented them from consulting with the communities and groups that they were appointed to the CLG to represent. Non-members of the CLGs felt that the confidentiality requirement diminished their ability to participate in the development and selection of route options.
- 4.8** The Committee is of the opinion that the RTA should consider ending the requirement for CLGs to keep confidential information relating to the location of proposed routes and the timeframes for the announcement of route options. The Committee has come to this conclusion given that, first, the confidentiality requirement was ineffective and did not prevent some non-CLG members becoming aware of confidential information, and second, that the confidentiality requirement increased the anxiety of local residents, rather than avoided unnecessary angst.
- 4.9** If the RTA does not abolish the confidentiality requirement, the Committee considers that the RTA should ensure that detailed information is provided to all residents and prospective CLG members on the type of information that must be kept confidential, and the reasons why. This would ensure that the whole community is fully briefed on the confidentiality requirements applying to 'lines on maps' information.

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## Recommendation 2

That the RTA substantially reform the way in which CLGs are established and operate by:

- publicising the selection criteria and appointment process for CLG members
  - publicising the CLG Charter, outlining the role of CLGs and members' rights and responsibilities
  - producing detailed minutes of CLG meetings and ensuring they are placed on the RTA's website within one week of the meeting date
  - responding in full to all minuted CLG action items
  - considering the ending of the requirement for CLG members keep information relating to proposed routes and the timeframes attached to the announcement of short-listed route options and preferred routes confidential
  - if the RTA refuses to end the requirement for such information to be kept confidential, it should ensure that prospective CLG members and the broader community are fully briefed on the type of information to be kept confidential, and the reasons why.
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**4.10** In regard to the RTA's stated commitment to public consultation, the Committee was particularly surprised by the lack of detailed information provided to affected residents explaining the route development and selection process. The Committee considers the up-front provision of information to be an important step towards genuine engagement with the local community, and a means of ensuring the transparency of the route development and selection process.

**4.11** The Committee is of the view that the RTA should develop a comprehensive Policy and Procedures Manual for proposed Highway upgrades.<sup>429</sup> Residents affected by Highway upgrades should be advised that the Manual will be made available to them on request, at the beginning of the upgrade process.

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<sup>429</sup> St Helena resident Mrs Pam Brook recommended the development of a Policy and Procedures Manual. Tabled Document No. 43, Mrs Pam Brook, *List of Recommendations*, p1

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### Recommendation 3

That the RTA develop a Policy and Procedures Manual for all future Highway upgrades. At the beginning of the upgrade process, affected residents should be advised that the Manual will be made available to them on request. The Manual should include information on:

- steps in the upgrade process, with clear indications of timing for the specific upgrade
  - landowners' rights, including procedures for visiting consultants
  - the RTA's policy on property acquisition and financial compensation
  - explanation of the role of CLGs and the process for selecting and appointing members.
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#### Process for expanding the Ewingsdale – Tintenbar study area

- 4.12** An example of the RTA's problematic community consultation process was its decision to expand the study area for the Ewingsdale – Tintenbar upgrade. The RTA cited 'community support' as a major rationale for expanding the study area, yet residents told the Committee that the RTA only consulted residents in the original study area, who reside near the current Highway. These residents supported the expansion of the study area, in an attempt to move the Highway upgrade away from their homes and businesses.
- 4.13** The Committee is of the opinion that if the RTA is to cite community support as a justification for expanding a study area, the RTA must ensure that they institute a thorough and inclusive consultation process to gauge community opinion.
- 4.14** The Committee is not satisfied by the explanation given to date by the RTA as to why the study area was expanded. The Committee concludes that in order to demonstrate public accountability, the RTA should review its decision to expand the study area, and make public the reasoning and documentation it relied upon in making the expansion decision.
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### Recommendation 4

That the RTA review its process for expanding the Ewingsdale – Tintenbar study area, and publicise both the rationale for expanding the study area, and the documentation relied upon in making the decision.

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#### Compensation

- 4.15** The Committee considers it unacceptable that under the current *Land Acquisition (Just Terms Compensation) Act 1991*, the RTA may wait years before compensating residents whose properties are to be acquired for Highway upgrades. The Committee is of the opinion that compensation should be provided earlier to allow such blighted landholders to get on with their lives.
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- 4.16** The Committee notes that the existing legislation provides for affected people in certain restricted circumstances to apply for early compensation.
- 4.17** The Committee is also concerned at the potential financial losses faced by property owners who live very close to the new Highway, who will not be entitled to compensation under the current *Act*. The Committee considers that these landholders should be entitled to compensation.

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### **Recommendation 5**

That the NSW Government establish a Working Party to explore ways to expedite the payment of financial compensation to people whose properties are to be acquired by the RTA. The Working Party should include representatives of the RTA, Department of Planning, NSW Treasury and other relevant stakeholders.

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### **Recommendation 6**

That the NSW Government consider establishing a Property Value Guarantee Scheme to assist people whose properties are very close to a preferred route identified by the RTA, but who are not eligible for financial compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

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### **Impact on agriculture**

- 4.18** The Committee repeatedly heard evidence concerning the value of agricultural land in the Ewingsdale – Tintenbar and Ballina – Woodburn areas. Residents described this value not only in economic terms, but also in relation to agriculture's contribution to community identity. The Committee concludes that the preservation of agricultural land is a key community value, and supports the preservation of the best remaining agricultural land, namely farmland mapped as by the Department of Planning as State or Regionally Significant. The Committee believes that the RTA should not have included route options that were directly contrary to the findings of the Department of Planning's Farmland Protection Project.

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### **Recommendation 7**

That as the Department of Planning puts the highest value on State Significant farmland under its Far North Coast Farmland Protection Project, the RTA be required to recognise the significance of such farmland and avoid including it in route options, and that Regionally Significant farmland be a substantial constraint in developing route options.

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### **Impact on the environment**

- 4.19** A high proportion of residents appearing at the Inquiry emphasised the significance of environmental issues in the study areas. They told the Committee that environmental protection should be a key consideration of any route development and selection process.
- 4.20** The Committee was concerned that residents in the Ballina – Woodburn area perceived significant flaws in the environmental impact studies conducted by the RTA and its consultants. While the RTA asserted that detailed environmental studies are not conducted as part of an initial stage of an upgrade, the Committee is concerned that the RTA failed to convey this crucial point to members of the affected communities.

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### **Recommendation 8**

That the RTA ensure that the various levels of survey undertaken at differing stages of the planning process, including environmental impact studies, are clearly explained and identified to the community in the initial stages of an Highway upgrade process.

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### **Future directions**

- 4.21** The Committee's Final Report will examine the critical matter of heavy transport on the Pacific Highway, and the RTA's strategic planning for the Pacific Highway Upgrade Program. In evidence to the Committee, local residents repeatedly claimed that integral to these issues is consideration of the Summerland Way as an alternative inland route, and that the concept needs analysis before other options are 'locked in.'
- 4.22** It was submitted to the Committee on 24 November by the Member for Ballina, Mr Don Page, on behalf of himself and the Member for Clarence, Mr Steve Cansdell and the Member for Lismore, Mr Thomas George,<sup>430</sup> as well as by the NSW Sugar Milling Co-operative,<sup>431</sup> that before locking in the preferred routes for the Ewingsdale – Tintenbar and Ballina – Woodburn upgrades, the RTA should examine the upgrading of the Summerland Way. This upgraded route would run from Tyagarah/Ewingsdale to Grafton.
- 4.23** The proposed route has not been surveyed, costed or subjected to any of the studies that would be required to determine if it is a viable alternative.
- 4.24** The submission's rationale for considering such an option included:
- the land away from the coast is cheaper and the NSW Government owns most of that inland corridor
  - construction costs would be cheaper on the inland route

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<sup>430</sup> Submission 206, Mr Page

<sup>431</sup> Mr Walker, Sugar Operations Manager, NSW Sugar Milling Co-operative, Evidence, Hearing, 27 October 2005, pp48-49



- because it would be less expensive, it could be completed in a third of the time it would take to do the Pacific Highway upgrade between Tyagarah/Ewingsdale and Grafton, thus saving lives
- this inland option would separate interstate through traffic (which is forecast to double by 2020) from local traffic (which is also forecast to increase due to strong coastal population growth)
- the inland route may have less environmental impact because it would not traverse wetlands, high conservation value and prime agricultural land
- it would bypass all villages and towns
- it would provide a much-needed upgrade of the Bangalow – Lismore road
- in the longer term, this route would be part of an inland freight corridor linking North East New South Wales with Beaudesert in Queensland where a major road and rail freight terminal is proposed.

**4.25** The submission pointed out that there are ‘black spots’ along the existing Pacific Highway that need to be eliminated regardless of which option is selected. For example, the Ballina Bypass is required so as to eliminate the dangerous Tintenbar Hill section and remove through traffic from Ballina.

**4.26** The four-lane divided carriageway between Brisbane and Tyagarah/Ewingsdale is either completed or under construction. The submission from Mr Page noted that:

It is unlikely any Government would duplicate a four-lane road further to the west of this corridor in the foreseeable future. The inland option recognises this and that’s why the inland diversion commences around the Ewingsdale/Tyagarah area. The section between Ewingsdale and Grafton has not yet been upgraded to dual carriageway so now is the time to compare these two options from a benefit/cost perspective.<sup>432</sup>

**4.27** The Committee notes recent comments from the Minister for Roads, Hon Joseph Tripodi MP, reported in the *Northern Star*, ‘... that despite the announcement (of the preferred Woodburn – Ballina route) his Government would continue to do preliminary assessment work on the inland proposal.’<sup>433</sup> Mr Tripodi was quoted as pointing to a number of potential environmental constraints on the inland option but is then reported to have said:

Despite these constraints, I agree to consider looking at the Summerland Way proposal. However, this will not stop planning for the upgrade of the Pacific Highway.<sup>434</sup>

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<sup>432</sup> Submission 206, Mr Page, p2

<sup>433</sup> ‘Highway route chosen,’ *The Northern Star*, 1 December 2005, [www.northernstar.com.au/storydisplay.cfm?storyID=3663047&thesection=localnews&thesubsection](http://www.northernstar.com.au/storydisplay.cfm?storyID=3663047&thesection=localnews&thesubsection) (accessed 8 December 2005)

<sup>434</sup> ‘Highway route chosen,’ *The Northern Star*, 1 December 2005, [www.northernstar.com.au/storydisplay.cfm?storyID=3663047&thesection=localnews&thesubsection](http://www.northernstar.com.au/storydisplay.cfm?storyID=3663047&thesection=localnews&thesubsection) (accessed 8 December 2005)

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**Recommendation 9**

That the NSW Government urgently commission a cost/benefit study of upgrading an alternative route incorporating the Summerland Way between Tyagarah/Ewingsdale and Grafton. This study should be conducted independently of the RTA, and provide a basis for comparison with the RTA's current options for upgrading the Pacific Highway.

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## Appendix 1 Maps

Note: All maps are sourced from the RTA website [www.rta.gov.au/](http://www.rta.gov.au/).

**Figure 1** Pacific Highway – Tweed Heads to Newcastle



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**Figure 2** Ewingsdale to Tintenbar – Expanded Study Area

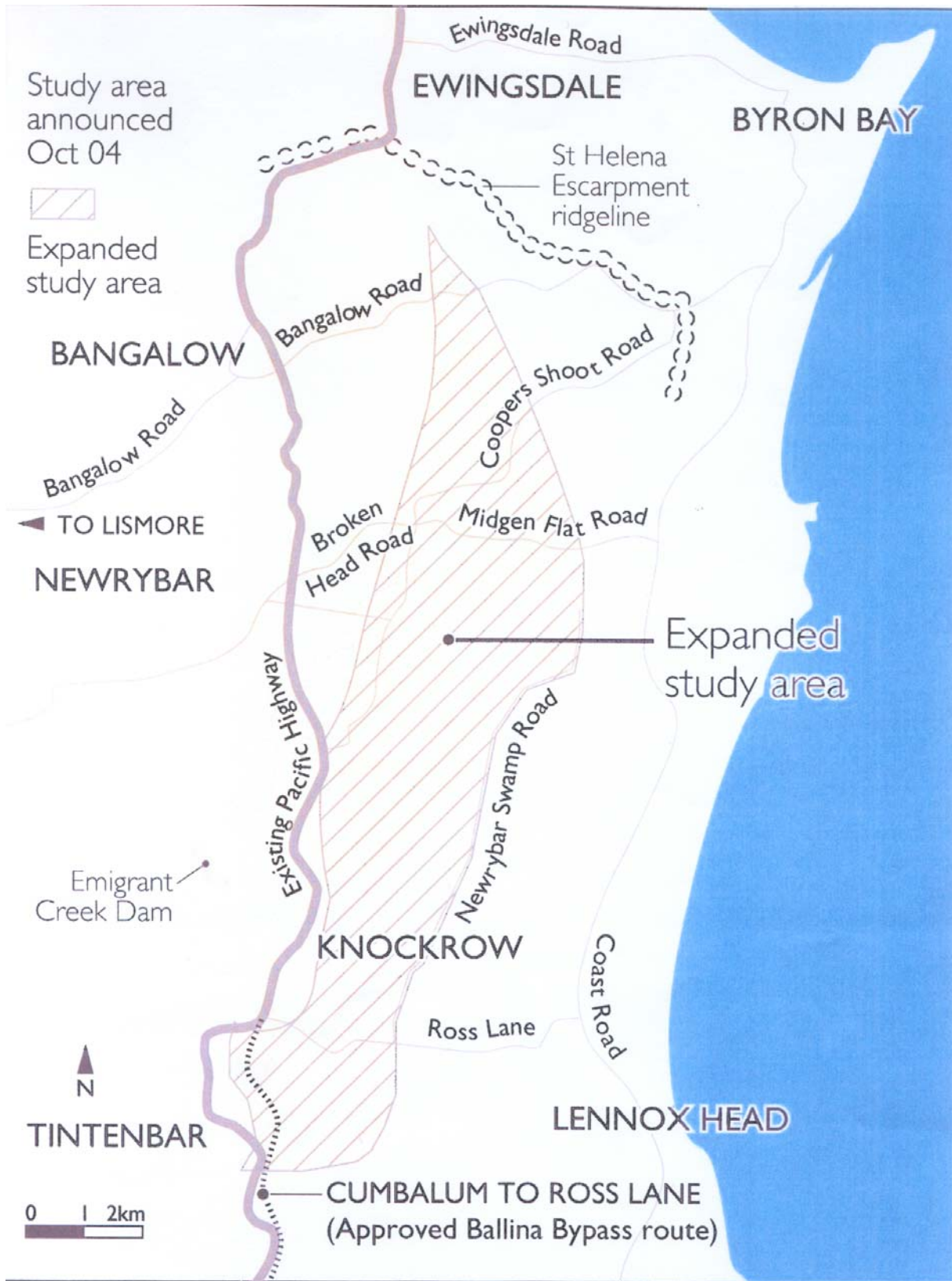


Figure 3 Ewingsdale to Tintenbar – Short-listed Route Options

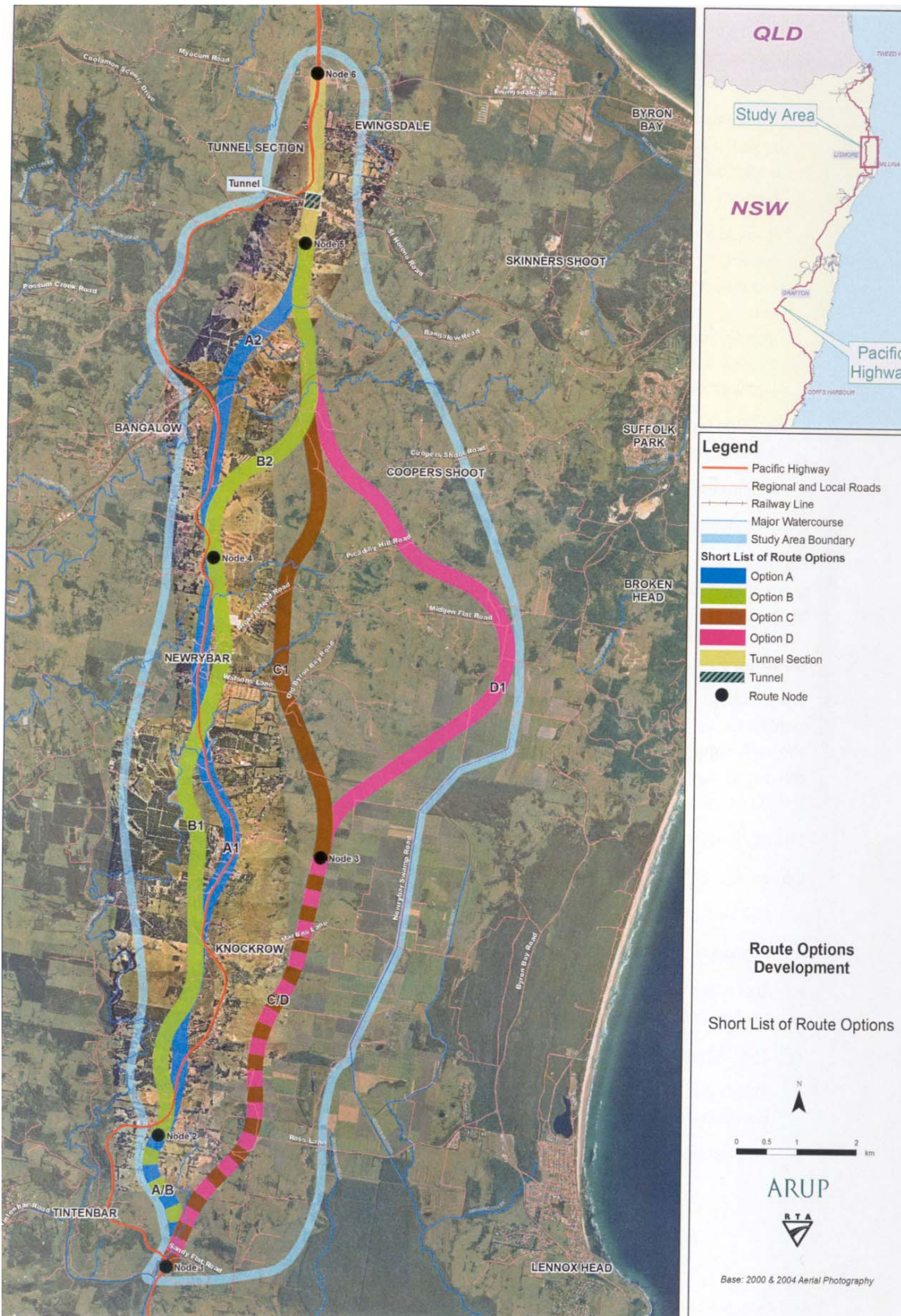


Figure 4 Ballina to Woodburn – Short-listed Route Options

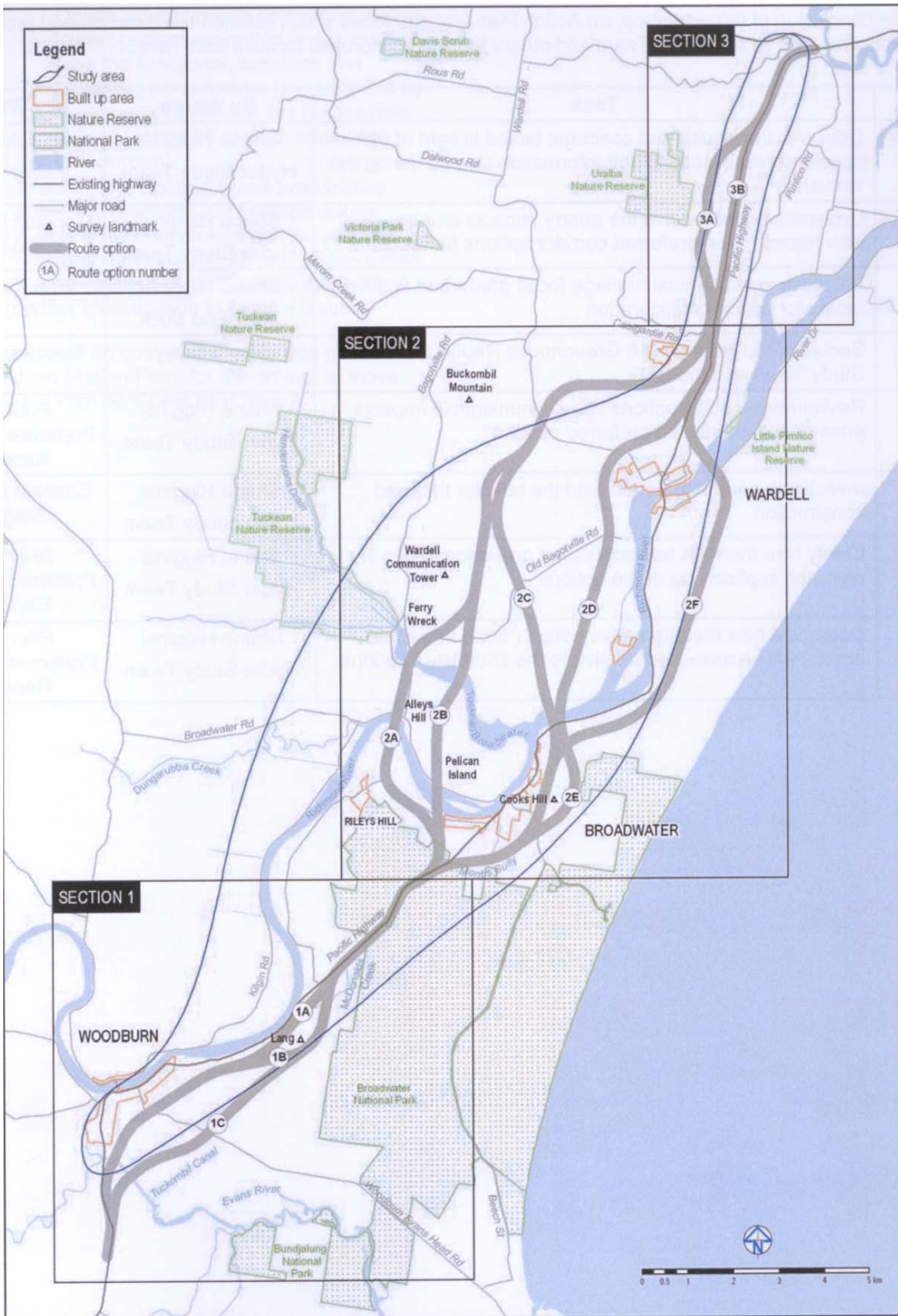
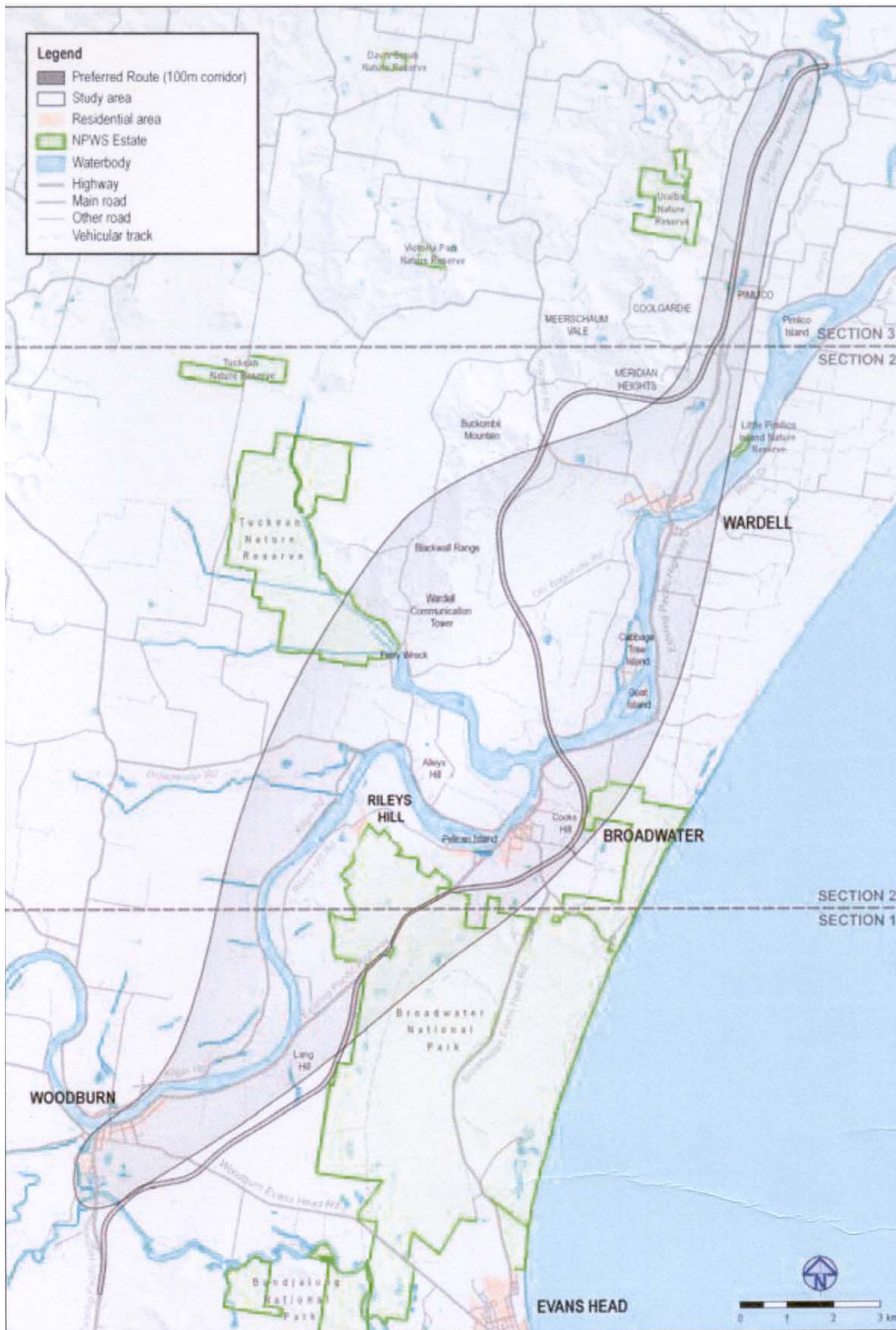


Figure 5 Ballina to Woodburn – Preferred Route



## Appendix 2 Ewingsdale to Tintenbar Chronology

Date	Event
6-8 Nov 04	Distribution of Community Update 1 to study area and 500m beyond. Included calls for people interested in participating in the Community Liaison Group.
12 Nov 04	Community Information Session held at Bangalow. Discussed project announcement and introduction, project objectives and constraints workshops.
15 Nov 04	Community Information Session held at Ewingsdale. Discussed project announcement and introduction, project objectives and constraints workshops.
16 Nov 04	Community Information Session held at Newrybar. Discussed project announcement and introduction, project objectives and constraints workshops.
16 Nov 04	Planning Focus Meeting held with representatives from government, regional and local organisations and other stakeholders. <sup>435</sup>
15 Dec 04	First Community Liaison Group meeting. Introduction, draft CLG Charter, project objectives and status update.
13, 20 & 27 Jan 05	Progress Update 1 published in the Byron Echo.
17 & 24 Jan 05	Progress Update 1 published in the Ballina Shire, Advocate and the Northern Rivers Echo.
25, 28 Jan 05 & 1 Feb 05	Progress Update 1 published in the Byron Shire News.
22, 24 Jan 05	Progress Update 1 published in the Northern Star.
18 & 25 Jan & 1 Feb 05	Progress Update 2 published in the Byron Shire Echo.
20 & 27 Jan 05	Progress Update 2 published in the Byron News, the North Coast Advocate and the Northern Rivers Echo.
22 & 26 Jan 05	Progress Update 2 published in the Northern Star.
26 Jan 05	Progress Update 2 published in the Bangalow Heartbeat
24 Jan 05	Community Liaison Group meeting. Discussion about independent facilitator, access to property for field investigations, Draft Community Information Session report tabled and draft CLG Charter reviewed.
7 Feb 05	Community Liaison Group meeting. Discussion about independent facilitator and Community Information Session report, project objectives, meeting procedure issues, and update on project milestones.

<sup>435</sup> The following groups were invited to attend both Planning Focus Meetings:

Ambulance Service of NSW, Australian Heritage Council, Australian Rail Track Corporation, Ballina Shire Council, Bangalow Public School, Bundjalung Elders Council, Burabi Aboriginal Corporation, Byron Shire Council, Byron Tweed Local Aboriginal Land Council, CLG members, Country Energy, Departments of Commerce, Education, Environment and Conservation, Environment and Heritage, Infrastructure, Planning and Natural Resources and Primary Industries, Jali Local Aboriginal Land Council, Kirklands Coaches, National Parks and Wildlife Service, Newrybar Public School, Northern Rivers Catchment Management Board, Northern Rivers Regional Development Board, NSW Police Force, NSW Rural Fire Service, NSW Sugar Mill Cooperative, Optus, Rail Infrastructure Corporation, Rous Water, Rural Lands Protection Board, State Emergency Service, Telstra, Transgrid, Tweed and the Byron Local Aboriginal Council.



21 Feb 05	First Agricultural Focus Group meeting. Introductions and discussion about agricultural constraints and opportunities.
15 Feb 05	Planning Focus Meeting held with representatives from government, regional and local organisations and other stakeholders.
7 Mar 05	Community Liaison Group meeting. Discussion about independent facilitator, noise presentation, design criteria presentation, project progress and project objectives.
23 Mar 05	Agricultural Focus Group meeting. Representative from the Department of Infrastructure, Planning and Natural Resources presented an overview of the Farmland Protection Project and representative from the Department of Primary Industries presented on agricultural land classification.
9 April 05	Progress Update 3 published in the Northern Star.
12 April 05	Expanded study area announced.
12 April 05	Progress Update 3 published in the Byron Echo.
14 April 05	Progress Update 3 published in the Byron Shire News, the North Coast Advocate, and the Northern Rivers Echo.
18 Apr 05	Community Liaison Group meeting. Discussed announcement of expanded study area and process for re-forming CLG.
20 April 05	Community Information Session held at Bangalow. Meeting covered Expanded study area announcement, project status and constraints workshops.
21 April 06	Community Information Session held at Broken Head. Meeting covered expanded study area announcement, project status and constraints workshops.
26 April 05	Agricultural Focus Group meeting. Presentation on major agricultural industries.
27 April 05	Progress Update 3 published in the Bangalow Heartbeat.
16 May 05	Community Liaison Group meeting. Briefing for new members of re-formed CLG, including study process and review of past meetings and outcomes.
30 May 05	Community Liaison Group meeting. Review of expanded study area, information about Ballina Bypass and revised CLG Charter and project objectives.
31 May 05	Community Liaison Group meeting. Overview of evaluation process, constraints mapping, pairwise process and discussion on evaluation criteria.
2 June 05	Progress Update 4 published in the Byron Shire Echo
4 June 05	Progress Update 4 published in the Lismore Northern Star
4 & 8 June 05	Progress Update 4 published in the Lismore Northern Rivers Echo.
9 June 05	Progress Update 4 published in the Ballina Advocate and the Byron Shire News
14 June 05	Agricultural Focus Group meeting. Discussion about Farmland Protection project, presentation by Pam Brook (re: Jarrett's) and Col Dorey (re: Newrybar Swamp). Further discussion on her agricultural industries presentation.
21 June 05	Community Liaison Group meeting. Noise presentation by Arup Acoustics, questions and answers.
27 June 05	Community Liaison Group meeting. Overview of constraints identification and classification process and constraints presentations from each of the subconsultants.

28 June 05	Community Liaison Group meeting. Finished constraints presentation and information provided about the Corridor Assessment Workshop.
14 July 05	Progress Update 5 published in the Bryon Shire News, the Byron Shire Echo, and the Northern Rivers Echo.
16 & 20 July 05	Progress Update 5 published in the Northern Star.
18 July 05	Community Liaison Group meeting. Presented final draft evaluation criteria and reviewed the confidentiality commitments prior to displaying the long list of options at next CLG meeting.
20 July 05	Community Liaison Group meeting. Presented long list of options and nominated Corridor Assessment Workshop attendees.
1 Aug 05	Agricultural Focus Group meeting. Presentation of agricultural evaluation criteria.
4 Aug 05	Progress Update 5 published in the Lennox Wave.
2 & 3 Aug 05	Corridor Assessment Workshop was held with representatives from government, regional and local organisations and other stakeholders. <sup>436</sup>
22 Aug 05	Community Liaison Group meeting. Discussion about confidentiality, route options display preparation, and CLG representative's summaries from the Corridor Assessment Workshop.
19 Sept 05	Community Liaison Group meeting. Presentation of geotechnical, noise and route options assessment draft working papers.
20 Sept 05	Agricultural Focus Group meeting. Discussion about value added business and presentation by Mr Surrey Bogg about valuing agricultural land.
21 Oct 05	Route Options announced. On display for public comment by 18 November 2005.
27 Oct 05	Advertisement about route options display and calls for public comment published in the Ballina North Coast Advocate.
27 Oct, 3 & 10 Nov 05	Advertisement about route options display and calls for public comment published in the Byron Shire News.
27 Oct & 3 Nov 05	Advertisement about route options display and calls for public comment published in the Lismore Echo.
27 & 28 Oct 05	Radio advertising on ABC North Coast 738 FM, 720 FM, and 94.5 FM.
2 Nov 05	Community Liaison Group meeting. Discussion about the route options display and shortlisting process, introduced the Value Management Session in Dec 05.
1 & 8 Nov 05	Advertisement about route options display and calls for public comment published in the Byron Shire Echo.

<sup>436</sup> The following groups were invited to attend the Corridor Assessment Workshop: Ambulance Service of NSW, Australian Heritage Council, Australian Rail Track Corporation, Ballina Shire Council, Bangalow Public School, Bundjalung Elders Council, Burabi Aboriginal Corporation, Byron Shire Council, Byron Tweed Local Aboriginal Land Council, CLG members, Country Energy, Departments of Commerce, Education, Environment and Conservation, Environment and Heritage, Infrastructure, Planning and Natural Resources and Primary Industries, Jali Local Aboriginal Land Council, Kirklands Coaches, National Parks and Wildlife Service, Newrybar Public School, Northern Rivers Catchment Management Board, Northern Rivers Regional Development Board, NSW Police Force, NSW Rural Fire Service, NSW Sugar Mill Cooperative, Optus, Rail Infrastructure Corporation, Rous Water, Rural Lands Protection Board, State Emergency Service, Telstra, Transgrid, Tweed and the Byron Local Aboriginal Council.

8 Nov 05	Advertisement about route options display and calls for public comment published in the Lismore Northern Star.
8 Nov 05	Agricultural Focus Group meeting. Presentation of assessment process from long route list to shortlist, nomination for Value Management Session and proposed agriculture assessment process methodology.
9 Nov 05	Closing date for submissions on the route options extended to 2 December.
9-11 & 16-17 Nov 05	Radio advertising on BAY FM 99.9 FM.
14 Nov 05	Community Liaison Group meeting. Value Management Session overview presentation, presentation on assessment process for long route list to short list and workshop to identify advantages and disadvantages of shortlist for Value Management Session.
14 Nov 05	First meeting of the Aboriginal Focus Group. Project update for Aboriginal stakeholders, including discussion of the methodology and outcomes of Aboriginal heritage investigations, route options display, and Value Management Session.
24 Nov 05	Advertisement about extension of time for submissions on the route options published in the Ballina North Coast Advocate and the Byron Shire Echo.
16 & 25 Nov 05	Advertisement about extension of time for submissions on the route options published in the Lismore Northern Star.
17 Nov 05	Advertisement about extension of time for submissions on the route options published in the Ballina North Coast Advocate and the Lismore Northern Star Echo.

## Appendix 3 Ballina to Woodburn Chronology

Date	Event
25 Oct 04	Minister for Roads announces investigations have commenced into a proposed upgrade of the Pacific Highway between Woodburn and Ballina.
11 Nov 04	Advertisement for the first Community Information Session placed in the Rivertown Times inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
11 & 18 Nov 04	Advertisements for the first Community Information Session placed in the North Coast Advocate inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
13 & 20 Nov 04	Advertisements for the first Community Information Session placed in the Northern Star inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
15 Nov 04	Progress Update No. 1 distributed via letterbox outlining the Pacific Highway Upgrading Program, identifying the study area, inviting nominations to participate in the Community Liaison Group and inviting community comment.
22 Nov 04	Planning Focus Meeting held. Included representatives from State Government agencies, Lismore City Council, Ballina Shire Council, Richmond Valley Council, and Richmond River County Council.
22 Nov 04	Community Information Session held at Wardell.
23 Nov 04	Community Information Session held at Broadwater.
24 Nov 04	Community Information Session held at Woodburn.
30 Nov 04	Meetings held with Lismore City, Ballina Shire and Richmond Valley Councils.
14 Dec 04	Community Liaison Group formed and first meeting held. The meeting outlined the background to the project, the information sharing, advisory and consultative role of the CLG in the overall consultation process, the project objectives, the study process and program, and issues for discussion at subsequent meetings.
18 & 19 Jan 05	Community Liaison Group meeting held over two evenings. The meetings outlined and reviewed the project objectives, the identification of constraints and opportunities, the identification of potential route options and the establishment of Focus Groups.
18 Jan 05	Government Agency Forum held. <sup>437</sup> The meeting outlined the project objectives, the identification of constraints and opportunities, the issues and risks as well as the opportunities presented by the identified constraints.
25 Jan 05	Flooding Focus Group formed to discuss flooding issues. First meeting held.
25 Jan 05	Sugar Focus Group formed to discuss sugar cane industry issues, and first meeting held.

<sup>437</sup> The following groups were invited to attend: Australian Heritage Council, Ballina Shire Council, NSW Sugar Milling Cooperative Ltd, Country Energy, Department of Commerce, Department of Employment, Education and Training, Department of Environment and Conservation, Department of Infrastructure Planning and Natural Resources, Department of Primary Industries, Department of Environment and Heritage, Department of School Education, Lismore City Council, Northern Rivers Catchment Management Board, NSW Fire Brigade, NSW Police, Richmond Valley Council, Rural Lands protection Board, State Emergency Service, Telstra and Rous Water.

27 Jan 05	Progress Update 2 distributed to the study area.
27 Jan 05	Progress Update 2 published in the North Coast Advocate.
27 & 29 Jan 05	Progress Update 2 published in the Northern Star.
8 & 9 Feb 05	Community Liaison Group meeting held over two evenings. The meetings provided an update on constraints and opportunities and an update on the development of possible route options. The meetings reviewed the strengths and weaknesses of possible route options, the Corridor Mapping Workshop and CLG representation at that workshop.
16 & 17 Feb 05	Corridor Mapping Workshop held. <sup>438</sup> Participants included nominated CLG representatives, State Government agencies, local Councils, representatives of community groups and the study team.
8 Mar 05	Ecology Focus Group formed to discuss ecological issues and first meeting held.
8 Mar 05	Sugar Focus Group meeting held.
8 Mar 05	Flooding Focus Group meeting held.
2 Mar 05	Meeting held with Lismore City Council.
3 Mar 05	Meeting held with Ballina Shire Council.
3 Mar 05	Meeting held with Richmond Valley Council.
22 Mar 05	Community Liaison Group meeting held. The meeting outlined the outcomes from the Corridor Mapping Workshop, the methodology for assessing the long list of route options, the assessment criteria and performance measures, and the noise assessment methodology and results of monitoring.
19 Apr 05	Community Liaison Group meeting held. The meeting discussed a submission relating to a community alternative route, received a presentation on the Iluka Road to Woodburn upgrade, received an overview of traffic and transport studies, and an overview of noise studies, was provided with information on the value management process. CLG members provided with an opportunity to provide feedback on the CLG process.
5 Apr 05	Ecology Focus Group meeting held.
14 Apr 05	Progress Update 3 published in the North Coast Advocate and the Rivertown times.
14 & 16 Apr 05	Progress Update 3 published in the Northern Star.
18 Apr 05	Progress Update 3 distributed to the study area.
4 May 05	Sugar Focus Group meeting held.
4 May 05	Flooding Focus Group meeting held.
4 May 05	Ecology Focus Group meeting held.
18 May 05	Community Liaison Group meeting held. The meeting reviewed the CLG comments on the long list of options, reviewed the comments on the CLG processes and discussed CLG representation at the Value Management Workshop.
23 May 05	Route options announced.

<sup>438</sup> The following groups were invited to attend:

Department of Infrastructure, Planning and Natural Resources, Lismore City Council, Rous Water, Department of Primary Industries, Country Energy, NSW Fire Brigade, Richmond City Council, Department of Environment and Conservation, Ballina Shire Council, Friends of the Koala, Department of School Education, Richmond Valley Council and representatives of the Community Liaison Group.

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23 May 05	Letters sent to owners of properties potentially directly affected by the route options inviting them to meet with the study team (letters dated 20 May 05).
23 May 05	Community Update No. 2 distributed. The Short list of route options was identified, locations and times of staffed and un-staffed displays was notified and community submissions were invited.
23 May 05	Route Options information packs sent to all contacts on the community consultation database.
23 May 05	Route options displayed at various locations within the study area to 20 June (Note: period extended to 4 July during June – refer below).
24 May & 4 & 11 June 05	Route Options release for public comment advertised in the Northern Star.
26 May & 2 & 9 Jun 05	Route Options release for public comment advertised in the Ballina Shire Advocate.
9 Jun 05	Route Options release for public comment advertised in the Rivertown Times.
17 Jun 05	Extended route options display and time for public comment announced via media release. (Extended from 20 June to 4 July).
9 Jun 05	Staffed display held at Wardell to answer specific questions regarding the route options being considered for the upgrade.
10 Jun 05	Staffed display held at Broadwater to answer specific questions regarding the route options being considered for the upgrade.
11 Jun 05	Staffed display held at Woodburn to answer specific questions regarding the route options being considered for the upgrade.
14 Jun 05	Further Meeting held with Lismore City Council and Richmond Valley Council.
21 Jun 05	Further Meeting held with Ballina Shire Council.
7 Jun 05	Community Liaison Group meeting held. The meeting reviewed the CLG member opinions on the displayed route options.
15 Jun 05	Sugar Focus Group held.
15 Jun 05	Flooding Focus Group meeting held.
15 Jun 05	Ecology Focus Group meeting held.
12 Jul 05	Meeting held with representatives of the Jali Aboriginal Land Council and Elder groups to discuss the short list of route options.
12 Jul 05	Sugar Focus Group held.
12 Jul 05	Flooding Focus Group meeting held.
19 Jul 05	Ecology Focus Group meeting held.

19 Jul 05	Community Liaison Group meeting held. The meeting reviewed the initial assessment of the community alternate route, the CLG issues to be raised by the CLG representatives at the Value Management Workshop and the initial feedback on issues raised in community submissions.
21 & 22 Jul 05	Value Management Workshop held. <sup>439</sup> Participants included nominated CLG representatives, State Government agencies, local Councils, representatives of the indigenous community, representatives of community groups and the study team.
17 Aug 05	Meeting held with representatives of the Jali Aboriginal Land Councils and the Elder groups to discuss the short list of route options. Formation of an Aboriginal Focus Group.
6 Sep 05	Aboriginal Focus Group held.
13 Sep 05	Aboriginal Focus Group held.
13 Sep 05	Community Liaison Group meeting held. The meeting received an update on the assessment on the community alternate route, an overview of the Value Management Workshop and presentations from each of the CLG representatives, as well as an overview of the process for selecting a preferred route.
25 Oct 05	Aboriginal Focus Group meeting held.
1 Nov 05	Ecology Focus Group meeting held.
30 Nov 05	Preferred route announced. On public display for further comment and submissions until 31 January 2006.
30 Nov 05	Preferred Route information packs sent to community liaison members, focus group members, project database, councils and government agencies, and display locations.
1 Dec 05	Flyers with information on the Preferred Route Options release placed on public noticeboards.
1 & 2 Dec 05	Radio advertising on the preferred route and staffed display times on North Coast 900 (2LM) AM & FM, Bay FM and ABC North Coast.
5, 8 & 15 Dec 05 & 12 Jan 06	Preferred route release for public comment advertised or booked for advertising in the Northern Star.
8 & 15 Dec 5, & 12 Jan 06	Preferred route options release for public comment advertised or booked for advertising the North Coast Advocate.

<sup>439</sup> The following groups were invited to attend:

Ballina Shire Council, Country Energy, Department of Environment and Heritage, Department of Environment and Conservation, Department of Primary Industries, Department of School Education, Department of Infrastructure Planning and Natural Resources, Friends of the Koala, NRMA, NSW Fire Brigade, NSW Road Transport Association, Richmond County Council, Richmond Valley Council, Rous Water, representatives of the Community Liaison Group, representatives of local aboriginal councils and elders, and representatives from the RTA and Hyder project teams

## Appendix 4 Submissions

### Pacific Highway Upgrades

No	Author
1	Ms Lois Hunt
2	Mr David Kanaley
3	Mr Alastair Annandale
4	Ms Christine Fira
5	Mr Chris Shevellar
6	Ms Deborah Sharp
7	Ms Francine Hitchens
8	Mr Chris Venn-Brown (Railway Technical Society of Australasia)
9	Mr Dave Morrow
10	Mr Isaac Shapiro
11	Mrs Louise Sheehan
12	Mrs & Mr Yvonne & Jack Harper
12a	Mrs & Mr Yvonne & Jack Harper
12b	Mrs & Mr Yvonne & Jack Harper
13	Mr Peter Hawkins
14	Mr Max Bolte
15	Mr Olivier Chaussemiche
16	Mr & Mrs Gordon & Colleen Lowrey
17	Ms Geraldine Bigelow
18	Mr W.O. McGeary (McGeary Bros Earthmoving Contractors)
19	Mr Raymond Collyer
20	Mr G.M. Messiter (NSW Sugar Milling Co-Operative Limited), and Mr R.R. Greentree (Richmond River Cane Growers Association)
21	Mr Colin Cook
22	Mr Geoff Williamson & Ms Vicki Curnow
23	Ms Aileen Cole (Bangalow Chamber of Commerce)
23a	Ms Aileen Cole (Bangalow Chamber of Commerce)
24	Ms Annette Coghill & Mr Denis Fullarton
25	Ms Gail Greig-Morrison
25a	Ms Gail Greig-Morrison
26	Mr & Mrs Alan & Marianne Logan



<b>No</b>	<b>Author</b>
27	Mrs Debbie Watsford
28	Mr Paul Gannon
28a	Mr Paul Gannon
29	Mrs & Mr Helen & Alan Craig
30	Mr Peter Barnett
31	Mr Samuel John Crump
32	Mrs Rosemary Barnett
33	Mr & Mrs Keith & Robyn Bauer
34	Mr & Mrs Michael & Judy Mellowes
35	Ms Ruth Gotterson
36	Dr Ian Falson
37	Mr Herb Jefferson
38	Mr Darren McAllister
39	Mr & Mrs John & Debra Pick
40	Mr Jeff Schneider
41	Ms Rhonda Kay
42	Mr & Mrs Ralph & Sue Keys
43	Mr & Mrs Peter & Maria Byrne
44	Mr Cliff James
45	Mr Ray Tate (Banora Point Residents Association)
46	Mrs & Mr Laurel & Richard Dumbrell
47	Mr Garry Owers
48	Mrs Lorraine Vass (Friends of the Koala, Inc)
49	Mr Mark Byrne
49a	Mr Mark Byrne
49b	Mr Mark Byrne
50	Ms Robyn Hornery
51	Ms Carol Darroch
52	Mr David McDonald (Woodburn to Broadwater Community Group)
53	Mr J.C. Matthes & Mr B.M Plenkovich (The Community Liaison Group)
54	Mrs & Mr Lois & Jeff East
55	Mr Colin Dorey (TW Dorey and Sons)
55a	Mr Colin Dorey (TW Dorey and Sons)
56	Mrs Margaret Gannon
56a	Mrs Margaret Gannon

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<b>No</b>	<b>Author</b>
57	Cr Sharon Cadwallader (Australian Business Limited)
58	Mr Jerome Hensen (Macadamia Castle)
59	Ms Angela Davison
59a	Ms Angela Davison
60	Mr & Mrs Paul & Lyn Johnstone
61	Ms Jocelyn Hollis & Mr Jim Fiford
62	Mr Tony Stuart (NRMA)
63	Mr Andrew Fraser MP (State Member for Coffs Harbour)
64	Mr Andrew Stoner MP (State Member for Oxley)
65	Dr Lyn Walker (Ballina Environment Society)
66	Ms Leia Mancini
67	Ms Rebecca Zentveld
68	Ms Christine Bain
69	Mrs Blanche Brown
70	Mr Ian Duncan & Mr Bernard Grinberg (Knockrow Newrybar Residents Group & Ewingsdale Community Association)
71	Mr Maurice Spatt
72	Mr & Mrs Alan & Anja Morton
73	Mr Brian Wilkinson (Richmond Valley Council)
74	Mr Darryl Mellish (Bus and Coach Association (NSW))
75	Mr Colin Lewis
76	Ronni Hoskisson (Tweed Residents & Ratepayers Association)
77	Ms Judy Baker & Mr Brian Sundstrom
78	Mr Mark Graham (Blackwall Highway Action Group)
79	Mr & Mrs Greg & Lyn Plummer
80	Mr Keith Hammond
81	Mr Nick Casmirri
82	Ms Carol Will
83	Ms Christine Roberts
84	Mr Robert Graham
85	Ms Judy Baker
86	Mr Neil Denison (National Parks Association, Far North Coast Branch)
87	Mrs & Mr Claire & Steve Bedford
88	Ms Carly Rose Bedford
89	Mrs Donna Jarrett

<b>No</b>	<b>Author</b>
89a	Partially Confidential
90	Ms Margaret Oldham
91	Mr & Mrs Tony & Rie Gilding
92	Mr Ian McIntosh
92a	Mr Ian McIntosh
93	Ms Christine Fenech
94	Mr Alan Brown (Ballina Bypass Action Group)
95	Ms Margaret Murphy
96	Dr Philip Laird (University of Wollongong)
97	Mr & Mrs Terry & Kay Sandon
98	Mrs Elizabeth Bellinger
99	Ms Sandra Shepherd & Mr Geoff Whitehouse
100	Mrs June Zentveld (Newrybar Landcare Group)
101	Mrs June Zentveld (Zenvestments Pty Ltd)
102	Mr & Mrs Ron & Pam Gittoes
103	Mr & Mrs Mark & Roxine Gittoes
104	Ms Carmel Byrne
105	Ms Kerry Kelly
106	Mr Paul McLisky
107	Ms Anne Hicks
108	Ms Jan Fidelli (New South Wales Coffee Growers Association Inc)
109	Ms Leyla Roberts
110	Mr Steve Moody (Bypass Action Network)
111	Mr Michael Ward
111a	Mr Michael Ward
112	Ms Elizabeth Paton (Whytes Lane West Action Group)
113	Ms Kay Froehling
114	Mr Julian Goodwin
115	Ms Karen Hagley
116	Mr & Mrs Alan & Daphne Catchpoole
117	Partially Confidential
118	Mr Michael Meszaros
119	Mrs & Mr Odile & Andrew Priestley
120	Mr Dayne Mearns
121	Ms Margaret Howes

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<b>No</b>	<b>Author</b>
122	Mr & Mrs Geoff & Gloria Radburn
123	Mrs & Mr Catherine & Shane Byrnes
124	Ms Dolores Kilpin
125	Mr & Mrs Ian & Julie Ritchie
126	Ms Lucy Clark & Mr Guntis Sics
127	Mr & Mr Con & Mick Melino
128	Mr Matthew Jamieson
129	Confidential
130	Ms Veronica Gill & Mr Ian Blume
131	Mr Russel Burtenshaw
132	Ms Catherine Byrnes
133	Ms Maria Matthes
134	Mr Mathew Gannon
135	Mrs Norma McAndrew
136	Mr Jack McAndrew
137	Mr John Christopherson (Ballina Shire Council)
138	Ms Prisca du Ressac
139	Mr Tony Gilding (C.A.R.S (Community Alliance for Road Sustainability))
140	Mr James Armstrong
141	Mrs Jean Armstrong
142	Mr Neil Armstrong
143	Mr Richard Staples
144	Mr I G Fenwick
145	Mr Hugh McMaster (NSW Road Transport Association Inc)
146	Ms Christobel Munson (Bangalow Community Alliance)
147	Mr Stuart Baird
148	Mr Don Blake
149	Mr Surrey Bogg
149a	Mr Surrey Bogg
150	Mrs Betty Bolton
151	Ms Kim Brereton
152	Dr Pamela Brook (Brookfarm)
153	Mr David Brown
154	Dr James and Bronte Carlopio
155	Mrs Janette Casey

<b>No</b>	<b>Author</b>
156	Mr Ian Cooke
157	Mr & Mrs Ian & Kathy Dall
158	Ms Gwenaelle Seznec
159	Ms Sarah Jones & Mr Simon Cusack
160	Ms Alexandra Spyrtos
161	Mrs Ilona Whiley
162	Dr Milton Easton
163	Mrs Denise Morden
164	Miss Suzanne Whiteman
165	Mr Warren Lumley
166	Mr Wayne Evans (Sandy Hearn's Action Group)
167	Confidential
168	Mr George Law
169	Mr Ken Law
170	Dr Dan Ewald
170a	Dr Dan Ewald
171	Mr Anthony Forbes
172	Mr Derek Harper
173	Mr Robert Howard
174	Mr Dwone Jones
175	Ms Tina Lloyd (Summerland Way Action Group)
176	Mr James Mangleson (Ocean Shores Community Association Inc)
177	Mr Markus Pache & Ms Kalyani Newman
178	Mr Craig Simpson
179	Ms Rosaleen Staunton
180	Mr Gerard Swain
181	Mr Neil Thomson (Kempsey Shire Council)
182	Mrs Sandy Van Veluwen (Moonee Action Group)
183	Mrs & Mr Anita & Colin White
184	Mr Owen Johnstone-Donnet (Tourism and Transport Forum Australia Ltd)
185	Mr & Mrs Les & Marcia Einhorn
186	Mr Adam Searle
187	Mr Perry Cornish
187a	Mr Perry Cornish
188	Ms Pamela Westing (Byron Shire Council)

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<b>No</b>	<b>Author</b>
189	Mr John Broomhead
190	Ms Sandra Vincent (Northern Rivers Regional Organisation of Councils Inc)
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191	Ms Cate Faehrmann (Nature Conservation Council of NSW)
192	Ms Katrina Luckie (Northern Rivers Regional Development Board)
193	The Hon David Campbell MP (Minister for Regional Development)
194	Mr M Gray
195	Mr & Mrs Greg & Lynne Cronan
196	Mr Barry Buffier (Department of Primary Industries)
197	Mr Andrew Collins (NSW Farmers' Association)
198	Ms Julie Trevor-Jones (Byron Creek Catchment Landcare Group Inc)
199	Mr & Mrs Owen & Julie Trevor-Jones
200	Mr & Mrs Gary & Rebecca Lock
201	Ms Betty Archer (Broadwater Koala Reserve Trust)
202	Ms Jennifer Westacott (Department of Planning)
203	Mr Paul Forward (Roads and Traffic Authority of NSW)
204	Dr Justin Meleo (Geolyse Pty Ltd)
205	Mrs Heidi Craig
206	Mr Don Page MP (State Member for Ballina)

### **Pacific Highway Upgrades: Coffs Harbour**

<b>No</b>	<b>Author</b>
1	Mr Neil Thomson (Kempsey Shire Council)
2	Mr & Mrs Mark & Lynne Beiers
3	Mrs & Mr Louise & John Barselarr
4	Mr D Nurcombe
5	Mr John Hampton
6	Mr William Bagnall
7	Mr Gerry Rossi
8	Mr Trevor Pike
9	Mr Steve Clemesha (Ulitarra Conservation Society)
10	Mr H Lange
11	Mr Neville Neal (Southern Cross University Coffs Harbour Students' Association)

<b>No</b>	<b>Author</b>
12	Mr R.J. Christopher
13	Mr & Mrs Rodney & Carol Betland
14	Ms Voni Bruce
15	Mrs & Mr Shirley & Ken Medhurst
16	Mrs & Mr Janette & Wolfgang Schulze
17	Mrs Beverley Miles
18	Mrs Sandy Van Veluwen (Moonee Action Group)
19	Mr Jim Brennan
20	Mr Phillip Gall (Sapphire Convenience Store)
21	Mr R. James Browne (Owners Corporation, Sapphire Beachfront Apartments)
22	Mr Bawa Singh Jagdev (Sikh Council Of Australia)
23	Mr John Langhorn
24	Mr & Mrs Alan & Valerie Griffiths
25	Mr Eddie Kendell
26	Mr & Mrs S & G Radford
27	Ms Margaret Murphy
28	Mr John Bruce
29	Mrs & Mr Tracey & Hugh Heading
30	Mrs Barbara Furze
31	Confidential
31a	Confidential
32	Mr Roger Allen
33	Ms Helen Jordan
34	Ms Loren Redwood
35	Mrs Shirley Rankin
36	Mr Brett Connolly
37	Mr Tony Brindley
38	Mr Stephen Cook & Ms Lorraine Wood
39	Mr Doug Prendergast
40	Mr Robert Moore
41	Mr John Ledger
42	Ms Cathy Jarrett (Urunga Public School P & C Association)
43	Mr Stephen Sawtell (Coffs Harbour City Council)
44	Mr Steven Moody (Coffs Harbour Bypass Action Network & Woolgoolga Area Resident's group)

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<b>No</b>	<b>Author</b>
45	Mr Luke Hartsuyker MP (Federal Member for Cowper)
46	Mr Michael Burt (NSW Farmers Association)
47	Mr Wayne Evans (Bypass Action Network)
48	Mr Robert Forrest (Woolgoolga Chamber of Commerce)
49	Mrs Chris Scott (Premier Motor Inn)
50	Ms Rashmere Bhatti (Woolgoolga Punjabi Sikh Community)
50a	Confidential
51	Mr John Latham
52	Mr Richard Casey
52a	Mr Richard Casey
53	Mr John Fielding OAM
54	Ms Marlene Jacobs (Boambee West Residents Association)
55	Mr & Mrs Paul & Anne Commerford
56	Mrs & Mr Kay & Kurt Froehling
57	Mr J Jeayes (North Coast Environment Council)
58	Mr E.J. Armstrong
58a	Mr E.J. Armstrong
59	Mr Mike Hannon (Roads and Traffic Authority of NSW)
60	Mr Bruce Scanlon (Woolgoolga to Sapphire Community Focus Group) Decision regarding publication pending.
61	Mr Warren Williams
62	Mr Tony Stuart (NRMA)
63	Mr Alex McCartney



## Appendix 5 Witnesses

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
Monday 26 September 2005 Public Hearing, Sydney	Mr Hugh McMaster	Corporate Relations Manager, NSW Road Transport Association Inc.
	Mr Mark Crosdale	Northern Secretary, Newcastle, Transport Workers' Union
	Mr Andrew Collins	Economist/Analyst – Business, Economics and Trade, NSW Farmers' Association
	Dr Pam Brook	Local resident
	Mr Col Dorey	Local resident
	Mr Paul Forward	Chief Executive, Roads and Traffic Authority of NSW
	Mr Les Wielinga	Director, Motorways, Roads and Traffic Authority of NSW
	Mr Bob Higgins	General Manager, Pacific Highway, Roads and Traffic Authority of NSW
	Ms Hilary Wise	Manager, Motorists' Advocacy, NRMA
	Ms Lisa McGill	Policy Specialist, Traffic & Roads, NRMA
Thursday 27 October 2005 Public Hearing, Ballina	Cr Jan Barham	Mayor, Byron Shire Council
	Mr Steve Barnier	Strategic Planner, Ballina Shire Council
	Mr Ian Gaskell	Environmental Scientist, Ballina Shire Council
	Mr Tony Gilding	C.A.R.S (Community Alliance for Road Sustainability)
	Dr Robert Lodge	C.A.R.S (Community Alliance for Road Sustainability)
	Mr Ian Oelrichs	C.A.R.S (Community Alliance for Road Sustainability)
	Ms Christobel Munson	Bangalow Community Alliance
	Mr Ian Duncan	Knockrow Newrybar Residents Group
	Mr Bernard Grinberg	Ewingsdale Progress Association
	Mr Mark Graham	Blackwall Highway Action Group
	Mr David McDonald	Woodburn to Broadwater Community Group
	Mr Richard Paton	Whytes Lane West Action Group
	Mr Brent Leete	Whytes Lane West Action Group
	Mr Michael Archer	Whytes Lane West Action Group
	Mr Jack Matthes	Community Liaison Group Woodburn - Ballina
	Mr Bill Walker	Community Liaison Group Woodburn - Ballina (Representing the NSW Sugar Milling Cooperative)
Mr Bert Plenkovich	Community Liaison Group Woodburn - Ballina	

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Mr Barry Jamieson	Community Liaison Group Woodburn - Ballina (Representing the Jali Local Aboriginal Land Council)
	Ms Emma Walke	Community Liaison Group Woodburn - Ballina
	Mr Jack Harper	Community Liaison Group Ewingsdale - Tintenbar
	Ms Gail Greig-Morrison	Community Liaison Group Ewingsdale - Tintenbar
	Mr Craig Simpson	Community Liaison Group Ewingsdale - Tintenbar
	Mr Paul McLisky	Community Liaison Group Ewingsdale - Tintenbar
	Mr Chris Shevellar	Community Liaison Group Ewingsdale - Tintenbar
	Mr David Kanaley	Community Liaison Group Ewingsdale - Tintenbar
	Mr Samuel John Crump	Agricultural Focus Group Ewingsdale - Tintenbar
	Mr Matthew Jamieson	Agricultural Focus Group Ewingsdale - Tintenbar
	Mr Rex Harris	Agricultural Focus Group Ewingsdale - Tintenbar
	Mr Surrey Bogg	Agricultural Focus Group Ewingsdale - Tintenbar
	Ms Katrina Luckie	Agricultural Focus Group Ewingsdale - Tintenbar (Representing the Northern Rivers Regional Development Board)
Thursday 27 October 2005 Public Forum, Ballina	Ms June Zentveld	Local Resident
	Mr Dayne Mearns	Local Resident
	Mr Paul Gannon	Local Resident
	Mr Gerry Swain	Local Resident
	Mr Terry Sandon	Local Resident
	Mr Ian Dall	Local Resident
	Mr Les Einhorn	Local Resident
	Ms Robyn Hornery	Local Resident
	Mr James Mangelson	Local Resident
	Mr Mark Gittoes	Local Resident
	Mr Richard Grzegorzulka	Local Resident
	Mr Robert Deard	Local Resident
	Mr Marianne Logan	Local Resident
	Mr Heather Lloyd	Local Resident
	Mr Alistair Annandale	Local Resident
	Mr Gavin Brown	Local Resident
	Mr Robert Graham	Local Resident

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
Friday 18 November 2005 Public Hearing, Sydney	Mr Mike Hannon	Acting Chief Executive, Roads and Traffic Authority of NSW
	Mr Bob Higgins	General Manager, Pacific Highway, Roads and Traffic Authority of NSW
	Mr Soames Job	General Manager, Road Safety Strategy, Roads and Traffic Authority of NSW
	Mr Brian Watters	Acting Director, Road Network Infrastructure, Roads and Traffic Authority of NSW
Monday 21 November 2005 Public Hearing, Coffs Harbour	Mr Stephen Sawtell	General Manager, Coffs Harbour City Council
	Mayor Keith Rhoades	Mayor, Coffs Harbour City Council
	Mr Andrew Fraser MP	State Member for Coffs Harbour
	Mr Luke Hartsuyker MP	Federal Member for Cowper
	Mr Michael Burt	Regional Service Manager, NSW Farmers Association
	Mr Kasmir Singh Gill	Woolgoolga Punjabi Sikh Community
	Ms Rashmere Bhatti	Woolgoolga Punjabi Sikh Community
	Mr Bawa Jagdev	Secretary, Sikh Council of Australia
	Mr Gerry Rossi	Local farmer
	Mr Steven Moody	Coffs Harbour Bypass Action Network & Woolgoolga Area Resident's Group
	Mr Bruce Scanlon	Community Representative, Woolgoolga to Sapphire Community Focus Group
	Mr Hugh Heading	Resident of Bonville
	Ms Lorraine Wood	Resident of Bonville
	Mrs Beverley Miles	Resident of Raleigh
	Ms Loren Redwood	Resident of Woolgoolga
	Mr Neville Neal	Southern Cross University Coffs Harbour Student's Association
Mr Robert Forrest	Woolgoolga Chamber of Commerce	
Mr Phillip Gall	Sapphire Convenience Store	
Mr Roger Allen	Waterside Garden Nursery	

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## Appendix 6 Site Visits

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<b>Date</b>	<b>Location</b>
<b>Friday 28 October 2005</b>	Pacific Highway, between St Helena & Broadwater
	Jarretts' Farm, St Helena
	Zentvelds' Coffee, Newrybar
	Dorey Farms, Newrybar & Newrybar Swamp
	Plenkovich Farm, Broadwater
	Sheverton house, Wardell
<b>Monday 21 November 2005</b>	Pacific Highway, between Bonville & Woolgoolga
	Guru Nanak Sikh Gurdwara, Woolgoolga

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## Appendix 7 Tabled Documents

### Monday 26 September 2005

#### Public Hearing, Parliament House, Sydney

1. CD copy of powerpoint presentation by Dr Brook - *tabled by Dr Pam Brook.*
2. Hardcopy of powerpoint presentation slides- *tabled by Dr Pam Brook.*
3. A4 and A3 copies of photos of flooding of Newrybar Swamp on 30 July 2005 taken from Dorey property- *tabled by Mr Col Dorey.*

### Thursday 27 October 2005

#### Public Hearing, Ballina RSL

4. Copy of Byron Shire Sustainable Agriculture Strategy, June 2004- *tabled by Cr Jan Barham.*
5. Opening statement by Mr Steve Barnier, Strategic Planner, Ballina Shire Council- *tabled by Mr Steve Barnier.*
6. 'The Northern Star', Thursday, October 27, 2005- *tabled by Mr Tony Gilding.*
7. Copy of C.A.R.S. DVD about St Helena Hill, July 2005- *tabled by Mr Tony Gilding.*
8. 'A Strategic Approach to Regional Transport Planning'- *tabled by Mr Ian Oelrichs.*
9. 'The National Conservation Significance of the Wardell Wetlands, Tuckean Swamp and the Blackwall Range', October 2005- *tabled by Mr Mark Graham.*
10. Opening statement by Mr David McDonald, Woodburn to Broadwater Community Group- *tabled by Mr David McDonald.*
11. Map of route favoured by Woodburn to Broadwater Community Group- *tabled by Mr David McDonald.*
12. Photo's of 'Phil & Lynne's Place' and 'Looking South on the Highway'- *tabled by Mr Brent Leete.*
13. Copy of aerial map showing where the above photo's were taken at Pimlico- *tabled by Mr Brent Leete.*
14. Copy of 'Map 5 issued by RTA as part of their Woodburn to Ballina Pacific Highway Upgrade Route Selection Study'- *tabled by Mr Brent Leete.*
15. Letter from Harry Batt, Project Manager, Hyder Consulting to residents in the Woodburn to Ballina study area, dated 11 August 2005, re: the display of the route options in Woodburn and the studies being undertaken- *tabled by Mr Michael Archer.*
16. Copy of page 2 of the Notes of Meeting No.1, Tuesday 14 December 2004, of the Woodburn to Ballina Community Liaison Group- *tabled by Mr Michael Archer.*
17. Opening statement by Mr Bill Walker, Sugar Operations Manager, NSW Sugar Milling Co-operative representative- *tabled by Mr Bill Walker.*
18. Notes regarding 'the Flood free Route' proposed in the Woodburn to Ballina study area- *tabled by Mr Bert Plenkovich.*

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19. CD copy of powerpoint presentation by Mr Plenkovich - *tabled by Mr Bert Plenkovich.*
20. Hardcopy of powerpoint presentation by Mr Plenkovich- *tabled by Mr Bert Plenkovich.*
21. Opening statement by Mr Jack Harper- *tabled by Mr Jack Harper.*
22. Poem 'The RTA Extends the Study Area' by Yvonne Harper- *tabled by Mr Jack Harper.*
23. Traffic Count taken on the Pacific Highway at McLeods Shoot on Thursday 27th October 2005 from 10:15am to 11:15am- *tabled by Mr Chris Shevellar.*
24. Opening statement by Mr Matthew Jamieson- *tabled by Mr Matthew Jamieson.*
25. Booklet entitled 'Piccadilly Park' Pacific Highway Bangalow- *tabled by Mr Rex Harris.*
26. Synopsis of discussion paper presented to Agricultural Focus Group in September 2005- *tabled by Mr Surrey Bogg.*
27. Notes on tabled documents and additional comments, dated Thursday 27 October 2005- *tabled by Ms Katrina Luckie.*
28. Draft Regional Industry and Economic Plan (V3) for the Northern Rivers, June 2005- *tabled by Ms Katrina Luckie.*
29. Working Paper for the Regional Industry and Economic Plan, November 2003- *tabled by Ms Katrina Luckie.*
30. An Economic Model for the Tweed and Northern Rivers: An Overview, June 2005- *tabled by Ms Katrina Luckie.*
31. North Coast Agriculture, 2000- *tabled by Ms Katrina Luckie.*
32. Northern Rivers Regional Development Board Transport Policy Statement, August 2005- *tabled by Ms Katrina Luckie.*
33. Letter from Katrina Luckie, Northern Rivers Regional Development Board to ARUP and the RTA, dated 24 October 2005, clarifying NRRDB recommendations on Upgrade of Pacific Highway for Tintenbar to Ewingsdale- *tabled by Ms Katrina Luckie.*

**Thursday 27 October 2005****Public Forum, Ballina RSL**

34. Copy of presentation to Committee- *tabled by Mr Les Einborn.*
35. Photo of fog over proposed tunnel exit at Ewingsdale- *tabled by Mr Les Einborn.*
36. Photo of fog over proposed route C & D between Ewingsdale & Tintenbar- *tabled by Mr Les Einborn.*
37. Photo taken looking down from 305 Coopers Shoot Road looking towards Lennox Head & Ballina- *tabled by Mr Les Einborn.*
38. Photo taken from 305 Coopers Shoot Road of all route options in the Ewingsdale to Tintenbar study area- *tabled by Mr Les Einborn.*
39. DVD copy of film 'Paradise Lost?' produced by Robert Deards- *tabled by Mr Robert Deards.*
40. Letter & Media Release regarding the above film, 'Paradise Lost?'- *tabled by Mr Robert Deards.*
41. Copy of presentation to Committee- *tabled by Mrs Marianne Logan.*

42. Photo of Marianne & Alan Logan's property- *tabled by Mrs Marianne Logan.*

### **Friday 28 October 2005**

#### **Site Visits, Ballina region**

43. List of recommendations- *tabled by Mrs Pam Brook.*
44. Copies of letters distributed dropped in letterboxes of local residents in the Tintenbar to Ewingsdale region- *tabled by Mrs Donna Jarrett.*
45. Presentation to the Parliamentary Inquiry – On Farm Visit to the Jarrett Property, St Helena and Coopers Shoot - *tabled by Mrs Donna Jarrett.*
46. Various photos of the Dorey properties and surrounds- *tabled by Mr Col Dorey.*

### **Friday 18 November 2005**

#### **Public Hearing, Parliament House, Sydney**

47. Response from the RTA to indicative questions - *tabled by Mr Mike Hannon.*

### **Monday 21 November 2005**

#### **Public Hearing, Coffs Harbour Ex-Services Club**

48. Opening statement by Mr Bawa Jagdev, Secretary of the Sikh Council of Australia- *tabled by Mr Bawa Jagden.*
49. Various newspaper articles relating to the highway in and around Coffs Harbour- *tabled by Ms Rashmere Bhatti.*
50. Letter from Mr Ray Kearney, Associate Professor, Department of Infectious Diseases and Immunology, University of Sydney, to the Hon John Howard, Prime Minister, dated 5 July 2004 - *tabled by Mr Gerry Rossi.*
51. Article 'Call to protect local bananas'- *tabled by Mr Gerry Rossi.*
52. Copy of the 'Revised Charter' of the Sapphire to Woolgoolga Community Focus Groups, as at 11/12/01- *tabled by Mr Bruce Scanlon.*
53. Newspaper article 'Another truck crash at Moonee turnoff'- *tabled by Mr Roger Allen.*
54. Documents relating to acquisition of Mr Allen's property- *tabled by Mr Roger Allen.*

## Appendix 8 Form Letters

Author	Author
Anderson, Allan	Gannon, Margaret
Anderson, P	Gannon, Matthew
Anderson, Warren	Gilding, Tony
Batson, Dianne	Gotterson, Ruth
Batson, Peter	Greenwood, Malcolm
Batson, Russell	Hagley, Karen
Battersby, Beverly	Harper, Jack & Yvonne
Bedford, Stephen	Heaney, Keith
Bell, Heather	Heaney, Sylvia
Bodman, Drewin	Irwin, Col
Boyes, Audrey	Irwin, June
Boyes, R	Ivosevae, Rudi
Brook, Martin	James, Alan
Brook, Pam	Jarrett, Donna
Campbell, S	Jarrett, Gary
Catchpoole, A.D. & D.J.	Jefferson, Herb
Chegwyn, David	Kanaley, David
Clarke, Raymond	Kay, Rhonda
Coles, Tessa	Keith, C
Collins, Jason	Keith, Chris
Coulthurst, Roger	Keith, Ian
Dorey, Colin	Le Sueur, Lyle
Dorey, Geoffrey	Lewis, Marie
Dorey, Ron	Logan, Alan
Dorey, William	Mancini, Leila
Doyle, Charles	Martin, Steve
Doyle, Stephen	McAndrew, Jack
East, Lois	McAndrew, Norma
Einhorn, Les	McIlveen, K
Farrand, Peter	McIntosh, Ian
Ferns, Edith	McIntosh, Jasmine
Ferns, Tom	Molles, Robin
Gale, Marie	Molyneux, Maxine



Author	Author
Monthule, Nadia	Spear, Noel
Monthule-McIntosh, Olivier	Stewart, Wendy
Newland, Maxine	Touzel, Greta
Oelrichs, Claire	Touzel, Jamie
Oldham, D	Toynbee, Arnold & Rosemarie
Oldham, Margaret	Turnbull, P.B.
Orkin, Jamie	Wallen, Jonathan
Overington, A	Yin, Max
Overington, Tim	There were 3 form letters from which the authors could not be identified.
Pache, Markus	
Pick, Debra	
Power, Chais	
Radburn, G.M	
Ritchie, Ian	
Ritchie, Julie	
Roel, Frances	
Russell, Marilyn	
Russell, R.I.	
Ryan, Mark	
Sandon, T & K	
Scanlan, Paul	
Skennar, Colin	
Skennar, Colin	
Skyring, Nigel	

## Appendix 9 Minutes

### Minutes No. 64

Friday 10 June 2005

Members Lounge, Parliament House at 3.35 pm

#### 1. Members Present

Ms Jenny Gardiner (*Chair*)  
Ms Sylvia Hale (*Deputy Chair*)  
Ms Jan Burnswoods  
Mr Ian Cohen (Oldfield)  
Mr David Clarke  
Mr Greg Donnelly  
Ms Kayee Griffin

#### 2. Substitute arrangements

The Chair advised that Mr Cohen was substituting for Mr Oldfield for the meeting.

#### 3. Confirmation of minutes

Resolved, on the motion of Ms Hale, that Minutes No. 63 be confirmed.

#### 4. Deliberative Meeting

##### *Consideration of draft terms of reference*

Correspondence to the Clerk of the Committee from Ms Gardiner, Ms Hale and Mr Clarke dated 6 June 2005, requesting that a meeting of the committee be convened to consider the proposed terms of reference for an inquiry issues relating to the upgrades of the Pacific Highway, having been previously circulated, were taken as being read.

Ms Hale moved that: The following draft terms of reference be adopted:

*That the General Purpose Standing Committee No 4 conduct an inquiry into and report on the impact of the proposed upgrades of the Pacific Highway between:*

- 1) *Ewingsdale and Tintenbar, with particular regard to the following issues:*
  - a) *Reasons for expanding the highway upgrade study area on the St Helena to Tintenbar section;*
  - b) *The level of upgrade proposed for this section and the remainder of the Pacific Highway;*
  - c) *The impact of the highway upgrade on prime agricultural land;*
  - d) *The potential impact of the upgraded highway on prime agricultural land in the expanded study area;*
  - e) *The impacts of B-doubles on the Pacific Highway;*
  - f) *The impacts of interstate heavy transport on the Pacific Highway and of the mixing of interstate and local transport;*
  - g) *The impacts of interstate truck transport on the New England Highway;*
  - h) *The significance of the New England Highway as a designated national transport route;*
  - i) *Existing or proposed strategic transport plans that seek to deal with the forecast doubling by 2025 of the NSW freight task;*
  - j) *The significance of statements by the Minister for Infrastructure Planning and Natural Resources that the Pacific Highway is dedicated as a regional road; and*
- 2) *Ballina and Woodburn, with particular regard to the following issues:*
  - a) *Impact on prime agricultural land;*
  - b) *Impact on flooding in the mid-Richmond area;*
  - c) *Impact on communities at Broadwater and Woodburn; and*

3) *Any other related matters*

The Committee divided.

Ayes: Ms Hale, Mr Cohen, Mr Clarke, Ms Gardiner

Noes: Ms Griffin, Ms Burnswoods, Mr Donnelly

Question resolved in the affirmative.

Resolved on the motion of Mr Cohen: That the inquiry be advertised in local and regional newspapers in the areas relevant to the terms of reference.

Resolved on the motion of Mr Cohen: That closing date for submissions be Friday 19 August 2005.

**5. Adjournment**

The Committee adjourned at 3:48 pm until 20 June (SHFA).

Steven Reynolds

**Clerk to the Committee**

**Minutes No. 66**

Wednesday 14 September 2005

Room 1108, Parliament House at 1:10pm

**2. Members Present**

Ms Jenny Gardiner (*Chair*)

Ms Lee Rhiannon (Hale)

Ms Jan Burnswoods

Mr David Clarke

Mr Ian Cohen (Oldfield)

Mr Greg Donnelly

Ms Amanda Fazio (Griffin)

**3. Substitute arrangements**

The Committee noted advice from Mr Oldfield that he would be substituted by Mr Cohen for the duration of the Inquiry into Pacific Highway Upgrades.

The Committee noted advice from Ms Hale that she would be substituted by Ms Rhiannon for the duration of the Inquiry into Pacific Highway Upgrades.

The Committee noted advice from the Government Whip that Ms Fazio would substitute for Ms Griffin for the duration of the Inquiry into Pacific Highway Upgrades.

**4. Confirmation of minutes**

Resolved, on the motion of Mr Donnelly: That Minutes No. 65 be confirmed.

**5. Correspondence**

The Committee noted the following items of correspondence.

*Sent*

- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Commerce advising of inquiry and inviting submission.

- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Environment advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Transport advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Roads advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for State Development advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Infrastructure and Planning advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Primary Industries advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Regional Development advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Rural Affairs advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Minister for Tourism, Sport and Recreation advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Director to Chief Executive Officer of Rail Corporation NSW advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of Department of Infrastructure, Planning and Natural Resources advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to President of Unions NSW advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Branch Secretary of Transport Workers' Union of Australia NSW Branch advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of Department of Commerce advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to General Manager of Motor Accidents Authority advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of Department of Environment and Conservation advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of the Ministry of Transport advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of the Transport Co-ordination Authority advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Chief Executive Officer of the Roads and Traffic Authority advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of State and Regional Development advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of the Department of Primary Industry advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of Department of Lands advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to Director General of the Department of Tourism Sport and Recreation advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Director of the Institute of Transport and Logistics Studies advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Mayor of Richmond Shire Council advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the General Manger of Tweed Shire Council advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Executive Director of the Bus and Coach Association of NSW advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the General Manager Ballina Shire Council advising of inquiry and inviting submission.

- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the General Manager Byron Shire Council advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the General Manager Lismore City Council advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the A/General Manager Clarence Valley Council advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the President of the Shires Association advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Regional Manager of Australian Business Limited - Northern Rivers advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Chief Executive of the Australian Trucking Association advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Chief Executive Officer of NRMA advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Executive Director NSW Roads Transport Association Limited advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the Chief Executive Officer of the State Council of rural Lands Protection Board advising of inquiry and inviting submission.
- Letter dated 8 July 2005 from Committee Director on behalf of Committee Chair to the President of the Local Government Association of NSW advising of inquiry and inviting submission.

#### ***Received***

- Letter received 20 July from Mr Max Bolte requesting that his submission to the inquiry be published. *(attached)*
- Letter received 7 August from Acting Director, North East Branch, Department of Environment and Conservation (NSW) declining the invitation to make submission to the inquiry on the basis of the opinion of the Department that the matters raised in the terms of reference are outside the statutory responsibilities of the Department *(attached)*.
- Letter received 12 August 2005 from Mr Steve Orr, Chief Executive Officer, Rural Lands Protection Board, advising that the State Council of Rural Lands Protection Board declining the invitation to make a submission to the inquiry *(attached)*.
- E-mail received 19 August 2005 from Ms Heidi Craig, enclosing a document entitled: Sharing the environment: Counting the cost of wildlife mortality on roads *(attached)*.
- Letter received 24 August 2005 from Mr Vince Graham, Chief Executive Officer, RailCorp, declining the invitation to make a submission to the inquiry on the basis that the North Coast Rail Corridor is leased by the NSW Government to the Australian Rail Track Corporation which is responsible for the development of interstate rail freight *(attached)*.

Resolved, on the motion of Ms Burnswoods: That in future routine correspondence to potential witnesses and other Inquiry participants be summarised in the agenda and minutes.

## **6. Inquiry into Pacific Highway upgrades**

### ***Publication of submissions***

Resolved, on the motion of Mr Clarke: That the Committee publish submissions 9, 11, 12, 12a, 52, 54, 61, 84, 90, 91, 92, 102, 103, 104, 105, 109, 112, 115, 128, 138 with the exception of the following sections of each submission that shall remain confidential to the Committee:

- Submission 9, last three sentences.
- Submission 11, Names of RTA consultant (paragraph two) and RTA officer (paragraph 5).
- Submission 12, Pages 3-5 contains copy of letter written by a third party on behalf of another party.
- Submission Nos 12a, 54, 115 contain the name of an FOI officer from the RTA.
- Submission 52. Page 1, first paragraph in section 2 ascribes a comment to a named RTA officer.
- Submission 61 page 4 ascribes a comment to a Ballina Shire Councillor.
- Submission 84. Name of RTA officer in second last line of page 3 and name of consultant on first line of page 4
- Submission 90. Person named on page one, fourth-last line and page 2, line 5.

- Submission 91, name of individual on page 1, para 5, line 3. Names on page 1, para 6, lines 7 and 8, and para 7, line 1.
- Submission 92, name of RTA officer, page 1, para 3, line 2. Name of RTA officer on last page, para 1, lines 7 and 11.
- Submission 102, name of RTA officer, page 2, part c) para 2, line 1 and last para, line 1
- Submission 103, name of RTA officer, page 2, part c) para 2, line 1 and last para, line 1
- Submission 104, all names (except author's) in submission. Entire attachment (as it is not clear the author of the attachment authorised it being sent)
- Submission 105, RTA officer's name, page 1, para 3 and 4
- Submission 109, name of RTA representative, page 1, para 4 and 6
- Submission 112, name of consultant, letter from M & T Archer, p 2 para 2, line 1 and p 3 para 1, name of RTA officers; letter from M & T Archer, Attachment Two, name of author of letter;
- Submission 128 Page seven, first sentence. Second paragraph, second sentence – name of driver.
- Submission 138 Third sentence – name of passenger killed in accident.

Resolved, on the motion of Ms Fazio: That the Committee publish submission 100, with the exception of certain sections that shall remain confidential to the Committee.

Resolved, on the motion of Mr Cohen: That the Committee keep submissions 129 and 167 confidential to the Committee.

Resolved, on the motion of Mr Clarke: That the Committee publish all submissions up to and including submission 201 with the exception of those that the Committee has resolved should remain confidential, in full or part, to the Committee, but that authors' private addresses, phone numbers and emails not be published on the website.

#### ***Form letters***

Resolved, on the motion of Ms Rhiannon: That the Committee accept as correspondence the form letters relating to the Inquiry into Pacific Highway Upgrades, but that they not be accepted as formal submissions, and that a sample of each type of form letter be included on the website.

#### ***Supplementary terms of reference***

The Committee considered the proposal for supplementary terms of reference relating to the Coffs Harbour area.

Resolved, on the motion of Mr Clarke: That supplementary terms of reference that include the Pine Creek deviation and the RTA's proposed route for the Coffs Harbour by-pass be drafted by the Clerks and circulated to Committee members for consideration at the meeting of Wednesday 21 September.

#### ***Inquiry schedule***

Resolved, on the motion of Mr Cohen: That the Committee hold a full-day hearing in Sydney on Monday 26 September, with the following organisations invited to attend and give evidence:

- Roads and Traffic Authority (RTA)
- Road Transport Association
- NRMA
- NSW Farmers' Association
- Transport Workers' Union
- Tourism and Transport Forum of Australia Ltd (RESERVE).

Resolved, on the motion of Ms Burnswoods:

That:

- a full-day hearing be held in Ballina on Thursday 27 October
- a two-hour public forum no later than 6–8pm be held in the evening of Thursday 27 October
- site visits to the Ewingsdale–Tintabar and Ballina–Woodburn areas be held on Friday 28 October.

That members examine the previously circulated list of potential witnesses for Thursday 27 October and submit suggestions for witnesses by the meeting to be held on Wednesday 21 September at the rising of the House at lunchtime in the Members' Lounge.

**7. Adjournment**

The Committee adjourned at 2:10pm until Tuesday 20 September.

Madeleine Foley

**Clerk to the Committee**

**Minutes No. 69**

Wednesday 21 September 2005

Members' Lounge, Parliament House at 1:05 pm

**1. Members Present**

Ms Jenny Gardiner (*Chair*)

Ms Jan Burnswoods

Mr Charlie Lynn (Clarke)

Mr Ian Cohen (Oldfield)

Mr Greg Donnelly

Ms Amanda Fazio (Griffin)

Ms Lee Rhiannon (Hale)

**2. Substitute arrangements**

The Committee noted advice from Opposition Whip that Mr Lynn would be substituting for Mr Clarke for the purposes of the meeting.

**3. Confirmation of minutes**

Resolved, on the motion of Ms Fazio: That Minutes No.66 be confirmed.

**4. Correspondence**

The Committee noted the following items of correspondence.

***Sent***

- Letter to Mr Paul Forward, Chief Executive of the Roads and Traffic Authority, from the Committee Director, inviting Mr Forward to give evidence on Monday 26 September 2005, dated Friday 16 September
- Letter to Hon Joseph Tripodi MP, Minister for Roads, from the Committee Director, advising Mr Tripodi that Mr Forward has been invited to give evidence on Monday 26 September 2005, dated Friday 16 September 2005.

**5. Consideration of draft terms of reference for self-referred inquiry**

The Committee considered the draft terms of reference for a self-referred inquiry into *Pacific Highway Upgrades: Coffs Harbour* as follows:

- 1) That General Purpose Standing Committee No. 4 inquire into and report on:
  - a) the proposed upgrade of the Pacific Highway between Coffs Harbour and Woolgoolga as outlined in the Coffs Harbour Highway Planning Strategy, and
  - b) the progress of the proposed Bonville upgrade of the Pacific Highway.
- 2) That the inquiry be in the same terms as, and conducted concurrently with, the inquiry into the Pacific Highway upgrades between Ewingsdale and Tintenbar, and Ballina and Woodburn, as reported to the House on 14 September 2005.

Resolved, on the motion of Ms Rhiannon: That the Committee adopt the proposed terms of reference.

Resolved, on the motion of Ms Burnswoods: That the Committee report on its inquiries into the Pacific Highway upgrades in one report.

**6. Inquiry into Pacific Highway Upgrades: Coffs Harbour**

Resolved, on the motion of Mr Lynn: That the Committee advertise the *Inquiry into Pacific Highway Upgrades: Coffs*

*Harbour* in relevant newspapers in the Coffs Harbour area, with submissions to close six weeks after the date on which the Inquiry is advertised.

Resolved, on the motion of Ms Fazio: That the Committee write to authors of submissions to the *Inquiry into Pacific Highway Upgrades* whose submissions were not specific to the Ewingsdale-Tintenbar and Ballina-Woodburn upgrades, to inform them of the new *Inquiry into Pacific Highway Upgrades: Coffs Harbour*.

**7. Public hearing in Coffs Harbour**

The Committee considered possible activities for the *Inquiry into Pacific Highway Upgrades: Coffs Harbour*.

Resolved, on the motion of Mr Cohen: That the Committee conduct a site visit to Coffs Harbour on 21 November 2005, consisting of a full day of hearings from approximately 10am, in addition to an inspection of relevant sites, and that witnesses be determined following the receipt of submissions

**8. Substitute Members**

The Chair reminded the Committee that, as the *Inquiry into Pacific Highway Upgrades: Coffs Harbour* is a new inquiry, those members who are substitutes for the *Inquiry into Pacific Highway Upgrades* need to again provide the Chair with advice of substitutions.

**9. Inquiry into Pacific Highway Upgrades: Far North Coast**

***Hearing Monday 26 September 2005 at Parliament House***

Members noted the hearing schedule for Monday 26 September, 2005

***Witnesses for hearing at Ballina on Thursday 27 October 2005***

The Committee noted the draft hearing schedule for 27 October 2005.

Resolved, on the motion of Ms Burnswoods: That the following organisations be invited to attend and give evidence before the Committee on Thursday 27 October 2005:

- Northern Rivers Regional Organisation of Councils
- CARS (Community Alliance for Road Sustainability)
- Bangalow Community Alliance
- Knockrow Newrybar Residents Group and Ewingsdale Community Association
- Blackwall Highway Action Group
- Woodburn – Broadwater Community Group
- Whytes Lane West Action Group
- Community Liaison Group Woodburn – Ballina
- Community Liaison Group Ewingsdale – Tintenbar
- Agricultural Focus Group Ewingsdale – Tintenbar.

The Committee discussed the position of potential witnesses who are members of the RTA Community Liaison Groups, who have reportedly entered into confidentiality arrangements with the RTA relating to the information disseminated through the Community Liaison Group process.

Resolved, on the motion of Mr Cohen:

That the Committee Chair write to potential witnesses who are members of the Community Liaison Groups, to advise them of Clerk's and the Crown Solicitor's views on the impact of parliamentary privilege on confidentiality agreements.

That the Committee hear evidence in camera from members of the Community Liaison Groups, and subsequently consider publication of the evidence.

***Public forum at Ballina Thursday 27 October***

The Committee noted the proposed format for the forum, circulated by the Secretariat, as follows:

- Each participant be given five minutes to address the forum.



- Interested parties will be required to call the secretariat in advance with a request to be placed on the list of speakers. As places are limited speaking time will be allocated on a 'first come, first served' basis.
- The Committee advertise the forum in local papers including details on how interested persons can register to address the forum.
- The Committee write to all Inquiry participants to advise them of the forum and how interested persons can register to address the forum.

Resolved, on the motion of Ms Fazio: That the public forum to be held in the Ballina area on the evening of Thursday 27 October 2005 in the format suggested, and that it be advertised in relevant local papers, including details on how interested persons can register to address the forum.

Resolved, on the motion of Ms Rhiannon: That the Committee secretariat, on behalf of the Committee, write to all Inquiry participants to invite them to participate in the public forum on 27 October 2005.

#### 6. **Site visits around Ballina 28 October 2005**

The Committee discussed the planned site visits around Ballina.

Resolved, on the motion of Ms Burnswoods: That the media be excluded from the site visits undertaken on 28 October 2005, with the exception of visits of inspection that do not involve discussions with Inquiry participants.

Resolved, on the motion of Mr Cohen: That the Committee note the suggested list of site visits tabled by the Chair, and that Members consider the proposed list suggest additional site visits.

#### 10. **Adjournment**

The Committee adjourned at 1:35pm until 5:15pm on Wednesday 21 September in the Jubilee Room, Parliament House (Budget Estimates)

Madeleine Foley  
Clerk to the Committee

#### **Minutes No. 72**

Monday 26 September 2005

Jubilee Room, Parliament House at 10:05 am

#### 1. **Members Present**

Ms Jenny Gardiner (*Chair*)  
Ms Jan Burnswoods  
Mr David Clarke  
Mr Ian Cohen (Oldfield)  
Mr Greg Donnelly (10:00am – 12.45pm; 2:50pm until adjournment)  
Ms Lee Rhiannon (Hale)  
Mr Ian West (Fazio) (from 4:00pm)

#### 2. **Public Hearing – Inquiry into Pacific Highway Upgrades**

The witness, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

Mr Hugh McMaster, Corporate Relations Manager, NSW Road Transport Association NSW, sworn and examined. Questioning concluded, the witness withdrew.

Mr Mark Crosdale, Northern Secretary, Newcastle, Transport Workers' Union, affirmed and examined. Questioning concluded, the witness withdrew.

The committee adjourned at 11.35am and resumed at 11.45am.

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Mr Andrew Collins, Economist/Analyst – Business, Economics and Trade, NSW Farmers' Association, Mr Col Dorey and Dr Pamela Brooks sworn and examined.

Mr Dorey tendered two maps of flooding at the Newrybar Swamp, 30 June 2005.

Ms Brook tendered a hard copy and an electronic copy of her presentation, "The doorway to maximum destruction of Agricultural Industry – tunnel at St Helena."

Questioning concluded, the witnesses withdrew.

The Committee adjourned at 12.45pm and resumed at 1:35pm.

**3. Deliberative meeting**

Resolved, on the motion of Ms Burnswoods, that the Committee publish submission 203 from the Roads and Traffic Authority of NSW.

**4. Public Hearing – Inquiry into Pacific Highway Upgrades**

Mr Paul Forward, Chief Executive, Roads and Traffic Authority of NSW (RTA); Mr Les Wielinga, Director, Motorways, RTA; Mr Bob Higgins, General Manager, RTA sworn and examined; Mr Soames Job (RTA) affirmed and examined.

Questioning concluded, the witnesses withdrew.

Ms Hilary Wise, Manager, Motorists Advocacy, NRMA and Ms Lisa McGill, Policy Specialist, Traffic and Roads, NRMA sworn and examined.

Questioning concluded, the witnesses withdrew.

**5. Deliberative meeting**

***Minutes***

Resolved, on the motion of Mr Cohen, that minutes no 69 be confirmed.

***Publication of submissions***

Resolved, on the motion of Mr Cohen, that the Committee publish submissions 111a from Mr Michael Ward, Submission 202 from the Department of Planning and submission 92a from Mr Ian MacIntosh.

***Correspondence sent***

Noted, on the motion of Mr Cohen, the letter from the Chair to people who submitted form letters to the *Inquiry into Pacific Highway Upgrades*, advising that their letter is not considered to be a submission, but that a sample would be placed on the Committee's website and that they would receive a copy of the final report, dated 21 September 2005. The Committee also noted the email from Ms Yvonne Harper to the Principal Council Officer, noting Ms Harper's request for CEPS to appear during the hearing in Ballina, dated 23 September 2005.

***Inquiry into Pacific Highway Upgrades***

**Far North Coast site visit**

The Committee discussed proposed activities for the site visit to the Far North Coast.

Resolved, on the motion of Ms Rhiannon, that the public forum on 27 October 2005 be held in the Richmond Room at Ballina.

Resolved, on the motion of Ms Burnswoods, that in arranging the activities for the site visit to the Far North Coast, the Secretariat ensure that each person only appears once.

Resolved, on the motion of Mr Cohen, that Mr Jack Harper be invited to appear during the CLG Panel's appearance, as both a member of the CLG and of the community group CEPS, and that Ballina and Byron Shire Councils be invited to appear at the same time as NRROC.

The Committee discussed procedures for the appearance of CLG members in light of the confidentiality agreements the CLG members have signed. Resolved, on the motion of Ms Rhiannon, that the witnesses be heard in public, but that the Committee go in camera if it appears that information the subject of confidentiality agreements with the RTA will be provided.

#### **Interim report**

The Committee discussed the timing of the report.

Mr Cohen moved: That the Committee publish an interim report on the Far North Coast section of the inquiry into Pacific Highway Upgrades as soon as practicable.

The Committee divided:

Ayes: Mr Clarke, Mr Cohen, Ms Gardiner, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Mr West.

Question resolved in the affirmative.

#### **6. Adjournment**

The Committee adjourned at 4.55pm *sine die*.

Tanya Bosch

**Clerk to the Committee**

#### **Minutes No. 73**

Thursday 27 October 2005

Ballina RSL Club, Ballina at 10:40am

#### **1. Members Present**

Ms Jenny Gardiner (*Chair*)

Mr Ian Cohen (Oldfield) (*Deputy Chair*)

Ms Jan Burnswoods

Mr Duncan Gay (Clarke)

Mr Greg Donnelly

Ms Amanda Fazio

Ms Lee Rhiannon (Hale)

#### **2. Apologies**

Mr David Clarke

#### **3. Deliberative Meeting – Inquiry into Pacific Highway Upgrades**

Resolved, on the motion of Ms Fazio: That submission 89a from Mrs Donna Jarrett remain confidential to the Committee.

Resolved, on the motion of Ms Fazio: That submission 204 from Geolyse consultants be made public.

Resolved, on the motion of Ms Fazio: That Mr Cohen be elected Deputy Chair of the Committee for the purposes of the public hearing and forum in Ballina 27 October 2005.

#### **4. Public Hearing – Inquiry into Pacific Highway Upgrades**

The witnesses, the public and the media were admitted.

The Chair made an opening statement regarding procedures for the hearing and other matters, including an apology for the late change of venue for the public forum.

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Cr Jan Barham, Mayor, Byron Shire Council, Mr Steve Barnier, Strategic Planner, Ballina Shire Council, and Mr Ian Gaskell, Environmental Scientist, Ballina Shire Council, sworn and examined.

Cr Barham tendered a copy of *Byron Shire Sustainable Agriculture Strategy*, dated June 2004.

Mr Barnier tendered his opening statement.

Questioning concluded, the witnesses withdrew.

Mr Tony Gilding, Dr Robert Lodge, and Mr Ian Oelerichs, members of CARS (Community Alliance for Road Sustainability) sworn and examined. Mr Gilding screened a DVD for the Committee.

Mr Gilding tendered a copy of *The Northern Star*, dated Thursday, 27 October 2005.

Mr Oelerichs tendered a copy of A Strategic Approach to Regional Transport Planning.

Questioning concluded, the witnesses withdrew.

Ms Christobel Munson, Bangalow Community Alliance, sworn and examined. Questioning concluded, the witness withdrew.

Mr Ian Duncan, Knockrow Newrybar Residents Group, and Mr Bernard Grinbery, Ewingsdale Community Association, sworn and examined. Questioning concluded, the witnesses withdrew.

The Committee adjourned at 1:10pm and resumed at 1:30pm.

Mr Mark Graham, Blackwall Highway Action Group, sworn and examined. Mr Graham presented a PowerPoint presentation to the Committee.

Mr Graham tendered The National Conservation Significance of the Wardell Wetlands, Tuckean Swamp and the Blackwall Range, dated October 2005.

Questioning concluded, the witness withdrew.

Mr David McDonald, Woodburn to Broadwater Community Group, sworn and examined.

Mr McDonald tendered his opening statement, and a map of the route favoured by the Woodburn to Broadwater Community Group.

Questioning concluded, the witness withdrew.

Mr Richard Paton, Mr Brent Leete and Mr Michael Archer, members of the Whytes Lane West Action Group, sworn and examined.

Mr Leete tendered photos of *Phil & Lynn's Place* and *Looking South on the Highway*, an aerial map showing where the photos were taken at Pimlico, and 'Map 5' issued by the RTA as part of their Woodburn to Ballina Pacific Highway Upgrade Route Selection Study.

Mr Archer tendered a letter from Harry Batt, Project Manager, Hyder Consulting to residents in the Woodburn to Ballina study area, dated 11 August 2005, re: the display of the route options in Woodburn and the studies being undertaken, and a copy of page 2 of the Notes of Meeting No.1, Tuesday 14 December 2004, of the Woodburn to Ballina Community Liaison Group.

Questioning concluded, the witnesses withdrew.

The Committee adjourned at 2:45 and resumed at 2:55pm.

Mr Jack Matthes, Mr Bill Walker, Mr Bert Plenkovich, Mr Barry Jamieson and Ms Emma Walke, members of the Community Liaison Group for Woodburn – Ballina, sworn and examined.

Mr Walker tendered a copy of his opening statement.

Mr Plenkovich tendered his notes regarding the proposed 'Flood free Route,' and a CD and hard copy of a PowerPoint presentation by himself to the Committee.

Questioning concluded, the witnesses withdrew.

Mr Jack Harper, Ms Gail Greig-Morrison, Mr Craig Simpson, Mr Paul McLisky, Mr Chris Shevellar, and Mr David Kanaley, members of the Community Liaison Group Ewingsdale – Tintenbar, sworn and examined.

Mr Harper tendered a copy of his opening statement and a poem *The RTA Extends the Study Area* by Yvonne Harper.

Mr Shevellar tendered a Traffic Count taken by himself on the Pacific Highway at McLeods Shoot on Thursday 27th October 2005 from 10:15am to 11:15am.

Questioning concluded and the witnesses withdrew.

Mr Samuel John Crump, Mr Matthew Jamieson, Mr Rex Harris, Mr Surrey Bogg and Ms Katrina Luckie, members of the Agricultural Focus Group Ewingsdale – Tintenbar, sworn and examined. Questioning concluded and the witnesses withdrew.

Mr Jamieson tendered a copy of his opening statement.

Mr Harris tendered a booklet entitled 'Piccadilly Park' Pacific Highway Bangalow.

Mr Bogg tendered a synopsis of a discussion paper he presented to Agricultural Focus Group in September 2005.

Ms Luckie tendered notes on tabled documents and additional comments, dated Thursday 27 October 2005, Draft Regional Industry and Economic Plan (V3) for the Northern Rivers, June 2005, Working Paper for the Regional Industry and Economic Plan, November 2003, An Economic Model for the Tweed and Northern Rivers: An Overview, June 2005, North Coast Agriculture, 2000, Northern Rivers Regional Development Board Transport Policy Statement, August 2005, a letter from Ms Luckie to ARUP and the RTA, dated 24 October 2005, clarifying NRRDB recommendations on Upgrade of Pacific Highway for Tintenbar to Ewingsdale.

The Committee adjourned at 5:30pm until 6pm.

## 5. Public Forum – Inquiry into Pacific Highway Upgrades

The forum commenced at 6pm. Speakers, the public and the media were admitted.

The Chair made an opening statement regarding procedures for the forum and other matters, including an apology for the late change of venue.

The Committee heard evidence from the following persons affected by the proposed upgrades to the Pacific Highway between Ewingsdale – Tintenbar and Ballina – Woodburn:

Ms June Zentveld

Mr Dayne Mearns

Mr Paul Gannon

Mr Gerry Swain

Mr Terry Sandon

Mr Ian Dall

Mr Les Einhorn – tendered a copy of his presentation to the Committee and various photos

Ms Robyn Hornery

Mr James Mangelson

Mr Mark Gittoes

: -

Mr Richard Grzegorzulka

Mr Robert Deards – tendered a DVD copy of the film ‘Paradise Lost?’, accompanied by a media release and letter

Ms Marianne Logan – tendered a copy of her opening statement and photos of her property

Ms Heather Lloyd

Mr Alistair Annandale

Mr Gavin Brown

Mr Robert Graham.

The forum concluded. Members of the Committee met informally with speakers and other members of the audience.

## 6. **Adjournment**

The Committee adjourned at 8pm until departing on site visits at 9am Friday 28 October 2005.

### **Madeleine Foley**

Clerk to the Committee

## **Minutes No. 74**

Friday 28 October 2005

Jarrett’s Farm, St Helena, and subsequent locations, 9:30am

### 1. **Members Present**

Ms Jenny Gardiner (*Chair*)

Ms Jan Burnswoods

Mr David Clarke

Mr Ian Cohen (Oldfield) (9:30 – 12:30)

Mr Greg Donnelly

Ms Amanda Fazio

Ms Lee Rhiannon (Hale)

### 2. **Site visit – Jarrett farm, St Helena**

The Committee visited the Jarrett’s cattle farm at St Helena, and received a briefing on the impact of the proposed upgrades to the Pacific Highway from Donna, Gary, Steven, Kevin and Edna Jarrett, Pam Brook, and Keith Bauer.

The Committee also inspected sites impacted by the proposed upgrades, including on the Jarrett’s farm and in the surrounding area.

Site visit – Zentveld’s Coffee, Newrybar

The Committee visited the Zentveld’s coffee plantation at Newrybar, and received a briefing on the impact of the proposed upgrades to the Pacific Highway from Rebecca, June and John Zentveld, and Rex Harris and son, as well as other local residents affected by the proposed upgrades.

The Committee also inspected sites impacted by the proposed upgrades, including on the Zentveld’s property and the neighbouring property of Mr Harris.

### 3. **Site visit – Dorey farms, Newrybar and Newrybar Swamp**

The Committee visited a farm owned by the Dorey family at Newrybar, and received a briefing on the impact of the proposed upgrades to the Pacific Highway from Col, Ken, Ron, Spencer, Geoff and Ray Dorey.

The Committee also inspected Dorey macadamia farms impacted by the proposed upgrades in Newrybar Swamp.

The Committee adjourned at 12:45pm until 1:30pm.

### 4. **Site visit – Plenkovich cane farm, Broadwater**

The Committee visited Bert Plenkovich’s cane farm at Broadwater, and received a briefing on the impact of the proposed upgrades to the Pacific Highway from Mr Plenkovich and neighbours and local residents affected by the proposed upgrades.

The Committee also inspected sites impacted by the proposed upgrades on Mr Plenkovich's property.

**5. Site visit – Sheverton house, Wardell**

The Committee visited Mary Ann Sheverton's house in Wardell, and received a briefing on the impact of the proposed upgrades to the Pacific Highway from Ms Sheverton and neighbours.

**6. Adjournment**

The Committee adjourned at 4pm sine dine.

**Madeleine Foley**

Clerk to the Committee

**Minutes No. 76**

Thursday 10 November 2005

Parkes Room, Parliament House at 1:45pm

**1. Members Present**

Ms Jenny Gardiner (*Chair*)

Ms Jan Burnswoods

Mr David Clarke

Mr Ian Cohen (Oldfield)

Mr Greg Donnelly

Ms Lee Rhiannon (Hale)

Ms Christine Robertson (Fazio)

**2. Substitute Members**

The Chair advised the Committee that Ms Robertson would act as a substitute for Ms Fazio, for the purposes of the meeting.

**3. Minutes**

Resolved, on the motion of Mr Clarke: That Minutes No. 73 & 74 be adopted.

**4. Correspondence**

The Committee noted the following items of correspondence:

***Received***

- Hardcopy of PowerPoint presentation given by the RTA during the hearing of 26 September 2005 (5 October 2005)
- Letter from Hon Don Harwin, Opposition Whip, advising that Hon Duncan Gay will be substituting for Hon David Clarke at all meetings of GPSC4 in Ballina on 27 October 2005 (27 October 2005)
- Letter from Hon David Oldfield advising that Mr Ian Cohen will be substituting for him at all meetings of GPSC4 in relation to the Pacific Highway Upgrades: Coffs Harbour Inquiry (25 October 2005)
- Answers to questions taken on notice during the hearing of 26 September 2005, received from:
  - Chief Executive of the RTA (25 October 2005)
  - NRMA (28 October 2005)
- Email from Matthew Jamieson regarding recent CLG and Community meetings and their resolutions (8 November 2005)
- Email from Christopher Sanderson regarding evidence given at Ballina Hearing 27 October 2005 (8 November 2005)

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- Letter from Hon Peter Primrose, Government Whip, advising that Hon Christine Robertson will be substituting for Hon Amanda Fazio for the meeting relating to the Pacific Highway Upgrades Inquiry on 10 November 2005 (10 November 2005)

**Sent**

- Letter from Committee Chair to Donald Page MP, Member for Ballina, advising him of the Committee hearing, forum and site visit in and around Ballina on 27 and 28 October 2005 (23 September 2005)
- Letter from Committee Chair to Andrew Fraser MP, Member for Coffs Harbour, advising him of Committee hearing and site visit in and around Coffs Harbour on 21 November 2005 (23 September 2005)
- Letter from Committee Chair to people who submitted submissions to the *Inquiry into Pacific Highway Upgrades*, advising of Committee hearing and forum at Ballina on 27 October 2005 (6 October 2005)
- Letters from Committee Chair advising of Coffs Harbour inquiry and inviting submission (10 October 2005), sent to:
  - Minister for Environment, cc: Director General of Department of Environment and Conservation
  - Minister for State Development, cc: Director General of Department State and Regional Development
  - Minister for Regional Development, cc: Director General of Department State and Regional Development
  - Branch Secretary or Transport Workers' Union of Australia NSW Branch
  - Acting General Manager of Coffs Harbour City Council, cc: Mayor of Coffs Harbour City Council
  - Executive Officer of National Parks Association of NSW
- Letter from Committee Chair to people who made submissions to the Inquiry into Pacific Highway Upgrades, advising of the new inquiry into the Coffs Harbour region and inviting submissions (5 October 2005).

Resolved, on the motion of Mr Clarke: That the answers to the questions taken on notice by the RTA during the hearing of 26 September 2005, be published.

Resolved, on the motion of Mr Clarke: That the Committee publish the hardcopy of the PowerPoint presentation given by the RTA to the Committee on 26 September 2005.

**5. Inquiry into Pacific Highway Upgrades – Far North Coast*****Publication of submissions***

Resolved, on the motion of Mr Cohen: That submissions 23a, 49b, 55a, 170a, 187a and 205, be published by the Committee, but that the authors' private addresses, phone numbers and emails not be published on the website.

Resolved, on the motion of Ms Robertson: That the names of the FOI officers identified in submissions 12b and 34, be kept confidential.

Resolved, on the motion of Mr Clarke: That submission 117 be published with the exception of the author's name and address, which shall remain confidential to the Committee.

***Request for Committee to consider adverse reflection***

Resolved, on the motion of Mr Cohen: That the Committee write to Geolyse Consultants as per the letter circulated, responding to their concerns regarding the submission from the Blackwell Highway Action Group (no 78).

***Publication of tabled documents from Ballina visit***

Resolved, on the motion of Mr Clarke: That the documents tabled during the Committee's public hearing, forum and site visits in and around Ballina on Thursday 27 and Friday 28 October, which are not already public, be published.

***Further hearing***

Resolved, on the motion of Ms Robertson: That the Committee hold a further public hearing to provide the RTA with an opportunity to respond to issues raised in relation to the Ewingsdale–Tintenbar, Ballina–Woodburn upgrades on Friday 18 November 2005. If a hearing is unable to be organised for Friday 18 November, the hearing will be held on Friday 25 November.



***Interim report – Reporting date***

Resolved, on the motion of Mr Cohen: That the reporting date for the Committee's interim report in relation to the Ewingsdale–Tintenbar, Ballina–Woodburn upgrades be Wednesday 21 December 2005.

**6. Inquiry into Pacific Highway Upgrades – Coffs Harbour**

Ms Burnswoods raised security concerns relating to the proposed itinerary for the Coffs Harbour site visit on 21 November 2005, which involves driving along the Pacific Highway to view relevant sites. The Committee Director indicated that the Clerk Assistant – Committees and an Attendant may attend on 21 November to address security issues.

Resolved, on the motion of Ms Rhiannon: That the Committee endorse the proposed itinerary and witness list for the site visit to Coffs Harbour on 21 November 2005, subject to consideration of any objections and/or additions provided to the Secretariat by 9:30am Friday 11 November. Subject to any objections, the following witnesses will be invited to appear at the public hearing:

- Coffs Harbour Council
- Federal Member for Cowper – Mr Luke Hartsuyker MP
- State Member for Coffs Harbour – Mr Andrew Fraser MP
- NSW Farmers Association
- Bypass Action Network
- Moonee Action Group
- Ms Margaret Murphy
- The Sikh Council of Australia/members of the local Sikh community
- Mr and Mrs Heading
- Mr Stephen Cook and Ms Lorraine Wood
- Ms Loren Redwood
- Ms Beverly Miles
- South Cross University Students' Club
- Woolgoolga Chamber of Commerce
- Sapphire Convenience Store
- Waterside Garden Nursery
- G Rossi.

**7. Adjournment**

The Committee adjourned at 2:25pm *sine dine*.

**Madeleine Foley**

Clerk to the Committee

**Minutes No. 77**

Friday 18 November 2005

Room 812, Parliament House at 11:00am

**1. Members Present**

Ms Jenny Gardiner (*Chair*)  
 Ms Jan Burnswoods  
 Mr David Clarke  
 Mr Ian Cohen (Oldfield)  
 Mr Greg Donnelly  
 Ms Lee Rhiannon (Hale)  
 Ms Amanda Fazio (Griffin)

**2. Substitute Members**

The Chair advised that, the Government Whip had advised in writing that Ms Fazio would act as a substitute for Ms Griffin, for the duration of the inquiry into the Pacific Highway Upgrades: Coffs Harbour.

The Chair advised that, the Opposition Whip had advised in writing that Ms Pavey would act as a substitute for Mr Clarke, for the site visit and public hearing in Coffs Harbour on Monday 21 November.

### 3. **Public Hearing – Inquiry into Pacific Highway Upgrades**

The witnesses, the public and the media were admitted.

The Chair made an opening statement regarding procedures for the hearing and other matters.

The following witnesses from the RTA were sworn and examined:

Mr Mike Hannon, Acting Chief Executive; Mr Bob Higgins, General Manager, Road Safety Strategy; Mr Soames Job, General Manager, Road Safety Strategy; and Mr Brian Watters, Road Network Infrastructure, sworn and examined.

Mr Hannon tendered a document responding to the Committee's list of indicative questions with regard to the Pacific Highway upgrades.

Questioning concluded, the witnesses withdrew.

### 4. **Deliberative meeting – Inquiry into Pacific Highway Upgrades**

#### ***Minutes***

Resolved, on the motion of Ms Rhiannon: That Minutes No. 75 be adopted.

Resolved, on the motion of Mr Clarke: That Minutes No. 76 be adopted.

#### ***Correspondence***

The Committee noted the following items of correspondence:

#### ***Received***

- Letter from Ms Sandra Shepherd and Mr Geoff Whitehead, advising of community opinion in the Woodburn – Ballina area (received 17 November 2005)
- Letter from Mr Matthes and Mr Plenkovich re: Flood Free Route (received 16 November 2005)
- Letter from Ms Christobel Munson, Bangalow Community Alliance, providing a copy of the November issue of *Bangalow's Hearbeat* magazine (received 14 November 2005)
- Email from Mr Tony Gilding, CARS, to Committee, explaining a reference he made concerning another CARS member during the hearing of 27 October 2005 (received 14 November 2005)
- Email from Mrs and Mr Kay and Derek Alden, requesting that the Committee widen the Inquiry terms of reference to include Clarence Valley (received 11 November 2005)

#### ***Sent***

- Letter to Mr Mike Hannon, A/Chief Executive RTA (c/o Solicitor, Motorways) inviting Mr Hannon to appear at a hearing on Friday 18 November and providing indicative areas for questioning (14 November 2005)
- Letter to Dr Justin Meleo, Geolyse Consultants, regarding Geolyse's response to the submission made by the Blackwall Highway Action Group (11 November 2005)

#### ***Publication of submissions – Coffs Harbour and Far North Coast***

Resolved, on the motion of Ms Rhiannon: That submission 49a relating to the Far North Coast be published by the Committee, but that the author's private address, phone number and email not be published on the website.

Resolved, on the motion of Mr Cohen: That submission 33 relating to Coffs Harbour be published with the exception of the author's private address and phone number, which shall remain confidential to the Committee.

Resolved, on the motion of Mr Donnelly: That all submissions up to and including submission 59 relating to Coffs Harbour be published by the Committee, excepting those that the Committee has resolved shall remain confidential,

in full or in part, to the Committee, but that the authors' private addresses, phone numbers and emails not be published on the website.

***Interim Report Far North Coast – Deliberative Meeting***

Resolved, on the motion of Ms Fazio: That a deliberative meeting to discuss the Chair's Draft Interim Report be held on 14 December 2005.

5. ...

**6. Adjournment**

The Committee adjourned at 1:25pm until 21 November 2005, Coffs Harbour.

**Madeleine Foley**

Clerk to the Committee

**Minutes No. 78**

Monday, 21 November 2005

Pacific Highway Coffs Harbour, 8:00am and Coffs Harbour Ex-Services Club at 10.45am.

**1. Members Present**

Ms Jenny Gardiner (*Chair*)

Ms Jan Burnswoods

Mr Ian Cohen (Oldfield)

Mr Greg Donnelly

Ms Amanda Fazio (Griffin)

Ms Lee Rhiannon (Hale)

Ms Melinda Pavey (Clarke)

**2. Site visit – Pacific Highway Coffs Harbour**

The Committee drove south to the beginning of the Bonville deviation and viewed the proposed routes for the Pacific Highway upgrades and some of the blackspots in the area.

From Perrys Road intersection with Pacific Highway the Committee drove north to Woolgoolga and visited the Punjabi Sikh temple (Guru Nanak Sikh Gurdwara.) The Committee was met by Mr Teja Singh Grewal, an elder of the Punjabi Sikh Community, Mr Kuldeep Singh, the temple priest, Kashmir Singh Gill a farmer, Ms Rashmere Bhatti, and other members of the Punjabi Sikh community.

**3. Public Hearing – Inquiry into Pacific Highway Upgrades**

The witnesses, the public and the media were admitted.

The Chair made an opening statement regarding procedures for the hearing and other matters.

The following witnesses were sworn and examined:

- Mr Stephen Sawtell, General Manager, Coffs Harbour City Council
- Cr Keith Rhoades, Mayor of Coffs Harbour City Council
- 
- Questioning concluded, the witnesses withdrew.

The following witness was sworn and examined:

- Mr Andrew Fraser MP, State Member for Coffs Harbour

Questioning concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Luke Hartsuyker, Federal Member for Cowper.

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Questioning concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Michael Burt, NSW Farmers Association
- Mr Kashmir Singh Gill, Woolgoolga Punjabi Sikh Community
- Ms Rashmere Bhatti, Woolgoolga Punjabi Sikh Community
- Mr Bawa Jagdev, Secretary, Sikh Council of Australia
- Mr Gerry Rossi, Local banana farmer

Mr Jagdev tendered a copy of his opening statement to the Committee.

Questioning concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Steven Moody, Coffs Harbour Bypass Action Network & Woolgoolga Area Resident's Group
- Mr Bruce Scanlon, Community Representative, Woolgoolga to Sapphire Community Focus Group.

Mr Scanlon tendered his submission to the Inquiry and a copy of the 'Revised Charter' of the Sapphire to Woolgoolga Community Focus Groups.

Questioning concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Hugh Heading, Resident of Bonville
- Ms Lorraine Wood, Resident of Bonville
- Mrs Beverley Miles, Resident of Raleigh
- Ms Loren Redwood, Resident of Woolgoolga
- Mr Neville Neal, Southern Cross University Coffs Harbour Student's Association.

Questioning concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Robert Forrest, Woolgoolga Chamber of Commerce
- Mr Phillip Gall, Sapphire Convenience Store
- Mr Roger Allen, Waterside Garden Nursery

Questioning concluded and the witnesses, media and public withdrew.

#### **4. Adjournment**

The Committee adjourned at 4:00pm sine die.

Glenda Baker  
**Clerk to the Committee**

Wednesday 30 November 2005  
 General Purpose Standing Committee No. 4  
 The Parkes Room at 1.10pm.

**1. Members Present**

Ms Jenny Gardiner (Chair)  
 Ms Jan Burnswoods  
 Mr Ian Cohen (Oldfield)  
 Mr Greg Donnelly  
 Ms Amanda Fazio (Griffin)  
 Ms Lee Rhiannon (Hale)  
 Mr David Clarke

**2. Confirmation of Minutes**

Resolved, on the motion of Ms Fazio, that Minutes No 78, be confirmed.

**3. Correspondence**

*Received*

- Letter from Mr Mark Graham, Blackwall Highway Action Group, providing extensive information (listed in letter), and asking for his original submission with a typographical error to be replaced (received 18 November 2005)
- Response to indicative questions from RTA (received 18 November 2005)
- Letter from the Opposition Whip, Mr Don Harwin, advising the Chair that Ms Pavey would be substituting for Mr David Clarke at the hearing on Monday 21 November 2005 (received 17 November 2005)
- Email from Ms Sylvia Hale, advising the Chair that Ms Rhiannon will act as her substitute for the duration of the Committee's Inquiry into Pacific Hwy Upgrades: Coffs Harbour (received 17 November 2005)
- Letter from the Government Whip, Mr Peter Primrose advising the Chair that Ms Fazio will substitute for Ms Griffin, for the duration of Inquiry into Pacific Hwy Upgrades:Coffs Harbour.
- Letter from Mr Ed Husic, Chief of Staff to the Minister for Regional Development, Hon David Campbell, regarding the Committee's request for a submission to the Inquiry into Pacific Highway Upgrades: Coffs Harbour (received 16 November 2005)
- Letter from Ms Catherine Byrnes to the President of the Legislative Council, Hon Meredith Burgmann, regarding the upgrade between Ewingsdale and Tintenbar (received 17 November 2005)
- Letter from Mr Mike Hannon, Acting Chief Executive, RTA, responding to questions on notice taken during the hearing on 18 November 2005 (received 28 November 2005)

*Sent*

- Letter to Mr Mike Hannon, Acting Chief Executive, RTA requesting a response to the questions taken on notice during the hearing of 18 November 2005 (18 November 2005)
- Letter to the Mr Teja Singh Grewaland and the The Management Board of Guru Nanak Gurdawara to thank the Board and Punjab Sikh Community for hosting the committees site visit (23 November 2005)

**4. Inquiries into Pacific Highway Upgrades**

*Response to indicative questions from the RTA*

Resolved, on the motion of Mr Cohen, that the Committee publish the answers to the indicative questions provided by the RTA witnesses at the hearing on 18 November 2005.

*Publication of tabled documents*

Resolved, on the motion of Mr Donnelly, that the Committee publish the following documents tabled by witnesses during the public hearing in Coffs Harbour on 21 November 2005:

- Letter from Mr Ray Kearney, Associate Professor, Department of Infectious Diseases and Immunology, University of Sydney, to the Hon John Howard, Prime Minister, dated 5 July 2004 - *tabled by Mr Gerry Rossi.*
- Copy of the 'Revised Charter' of the Sapphire to Woolgoolga Community Focus Groups, as at 11/12/01 - *tabled by Mr Bruce Scanlon.*

: -

- Documents relating to acquisition of Mr Roger Allen's property - *tabled by Mr Roger Allen*

**Submissions**

Resolved, on the motion of Mr Cohen, that the Committee publish submission No 61 (Mr Warren Williams) and No 62 (Mr Tony Stuart NRMA), relating to Coffs Harbour, and submission No 206 (Mr Don Page MP) concerning the Far North Coast, but that the authors' private addresses, phone numbers and emails not be published on the website.

**Possible adverse mention – publication of submission and transcript**

Resolved, on the motion of Ms Fazio, that the names of individuals the subject of adverse comment, including identifying material, be suppressed in the transcript of Mr Scanlon's evidence and submission, until the Committee has had an opportunity to view the transcript and seek further advice.

Resolved, on the motion of Mr Cohen, that the Chair invite the individuals identified adversely in Mr Scanlon's evidence and submission to respond to the comments made by Mr Scanlon.

**5. Next meeting**

The meeting closed at 1.30pm until 1.35pm on the same day and also in the Parkes Room.

**Beverly Duffy**

Clerk to the Committee

**Minutes No. 81**

Wednesday 14 December 2005  
General Purpose Standing Committee No. 4  
10.05am in Room 1108, Parliament House

**1. Members Present**

Ms Jan Burnswoods  
Mr David Clarke  
Mr Ian Cohen (Oldfield)  
Mr Greg Donnelly  
Ms Amanda Fazio (Griffin)  
Ms Lee Rhiannon (Hale)  
Ms Parker (Gardiner, 3pm to 4pm)  
Ms Forsythe (Gardiner, 10am-11am, 2pm to 3pm)  
Mr Gay (Gardiner, 4pm to 6pm)

**2. Apologies**

Ms Gardiner

**3. Election of Chair for the purpose of the meeting**

In accordance with paragraph (3) of Standing Order 211, the Clerk called for nominations for a member to act as Chair for the meeting.

Ms Burnswoods moved: That Mr Donnelly be elected to act as Chair of the Committee for the meeting.

Ms Rhiannon moved: That Mr Cohen be elected to act as Chair of the Committee for the meeting.

The Director informed the Committee that there being two nominations, a ballot would be held.  
The Director announced the result of the ballot as follows:

Mr Cohen – 4 votes  
Mr Donnelly – 3 votes

Mr Cohen, having a majority of the members present and voting, was therefore declared elected Chair of the Committee for the meeting.

**4. Substitute arrangements**

The Chair advised that the Acting Opposition Whip has advised that that Ms Forsythe, Ms Parker and Mr Gay would be substituting for Ms Gardiner at different times, during today's meeting.

**5. Confirmation of minutes**

Resolved, on the motion of Ms Fazio: That Minutes No. 80 be confirmed.

**6. Correspondence**

**Sent**

- Letters sent to four individuals regarding possible adverse mentions in the submission and oral evidence from Mr Bruce Scanlon (14 December 2005).

**7. Inquiries into Pacific Highway Upgrades**

***Submissions***

Resolved, on the motion of Ms Rhiannon: That the Committee keep submissions 31, 31(a) and 50(a) relating to Coffs Harbour confidential to the Committee.

Resolved, on the motion of Mr Clarke: That the Committee publish submission 63 relating to Coffs Harbour and submission 207 relating to the Far North Coast, but that the authors' private addresses, phone numbers and emails not be published on the website.

***Possible adverse mention – publication of submission and transcript***

Resolved, on the motion of Ms Burnswoods: That the Committee withhold a decision regarding the publication of Mr Scanlon's submission and the full version of his transcript of evidence, until the Committee has an opportunity to consider any responses received from persons who may have been the subject of adverse mentions in these documents.

***Further hearing***

Resolved, on the motion of Ms Fazio: That the Committee hold a further hearing for the Pacific Highway Inquiries in early February 2006, to provide an opportunity for the RTA to give evidence in relation to Coffs Harbour, subject to the availability of the Chair.

***Chair's Draft Interim Report***

The Chair tabled the draft Interim Report, which having been circulated, was taken as being read. The Committee proceeded to consider the draft Interim Report in detail.

Chapter One read.

Resolved, on the motion of Ms Rhiannon: That the following paragraph be added after the existing paragraph 1.23: 'The RTA clearly distinguishes between 'upgrades' and 'duplication' in all their route options reports. These are vastly different levels of development and different standards apply to each.'

Ms Fazio moved: That paragraph 1.6 be amended by omitting the following words:

- 'partly pre-empted the Committee's Interim Report on the Far North Coast'
- the second sentence.

Question put.

Committee divided.

: -

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That prior to paragraph 1.14, the sub heading 'Form Letters' be omitted.

Resolved, on the motion of Ms Fazio: That paragraph 1.16 be amended in the third sentence by inserting the words 'local councils' between the words 'RTA' and 'peak bodies'.

Ms Fazio moved: That: paragraph 1.25 be amended by adding the following words at the end of the fourth sentence: 'However, unlike all other AusLink National Network roads which are funded either 100 percent or 80 percent by the Commonwealth Government, the Pacific Highway only receives 50 percent Federal funding. If the Commonwealth were to commit to the same level of funding that it provides for other AusLink National Network roads, the Pacific Highway upgrade could be completed within 10 years.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved on the motion of Ms Fazio: That paragraph 1.26 be amended by inserting the words: 'including fixing blackspots' at the end of the last dot point.

Resolved on the motion of Ms Fazio: That following paragraph 1.27, a new paragraph be inserted to read:

'Mr Job from the RTA advised in relation to safety improvements:

'...one of the significant values of upgrading the highway by making it a dual carriageway is to give a safety value. The history of the upgrade so far verifies that we are getting that. If we look at the data from the beginning of this upgrade in 1996 when we have good data flowing through it, say we take 2002 as a more recent year and compare them, over that period from 1996 to 2002 our traffic counts indicate that there has been a 28 per cent increase in traffic, in usage of the highway, and there has been a 13 per cent increase in crashes on sections that have not been upgraded to dual carriageway ... But the most striking figure is that on the sections which have been changed to dual carriageway through the upgrade, over the same period there has been a 19 per cent decrease in crashes. So we are achieving a 19 per cent decrease in crashes on those dual carriageways in the face of a 28 per cent increase in traffic. Clearly the dual carriageways give us a safety benefit, and they give us a safety benefit over and above the benefits of our other actions occurring on the non-dual carriageway sections, which have shown a 13 per cent increase in crashes.'

(Page 4 transcript of 18.11.05)'

Resolved on the motion of Mr Donnelly: That following the new paragraph 1.28 the following words be inserted:

'Various organisations have made submissions to the Committee arguing for the completion of the upgrades of the Pacific Highway between Hexham and the Queensland border as soon as possible. In the cover letter to the NRMA's submission to the Committee the Chief Executive Officer Mr Tony Stuart said:

The upgrading of the Pacific Highway is a very high priority project for NRMA Motoring & Services (NRMA). The provision of dual divided carriageways similar to the Yelgun to Chinderah section and other upgraded sections of the highway, has the potential to reduce the number of head on fatalities by up to 90% with many other benefits, including reduced travel times. The fast tracking of the upgrade of the Pacific Highway is critical.'

Resolved, on the motion of Ms Fazio: That paragraph 1.29 be amended by omitting the word 'controversy' from the second sentence and inserting instead 'divergence of opinion'.



Resolved, on the motion of Ms Rhiannon: That paragraph 1.29 be amended by inserting the words ‘or duplication’ between the words ‘upgrade’ and ‘and’ in the middle of the second sentence.

Resolved on the motion of Mr Donnelly: That following the new paragraph 1.28 the following also be inserted:  
 ‘The NSW Road Transport Association Inc submission to the Committee made a number of recommendations. Its first recommendation states:  
 ... that the Committee acknowledge the need to complete duplication of the Pacific Highway between Hexham and the Queensland border as a matter of urgency on social, economic and environmental grounds.’

Resolved on the motion of Mr Donnelly: That following the new paragraph 1.28 the following also be inserted:  
 ‘The submission of the Hon David Campbell, Minister for Regional Development and Minister for Small Business states:

... there are three main areas in which the upgrades will be of economic benefit to small business and regional development.

First, the upgrades will create employment opportunities for workers in the construction industry in the areas affected while road construction is taking place. These opportunities range from labouring and landscaping positions to earth moving, haulage, and the provision of materials for road base. In some instances, there may also be opportunities in project and contract management.

Second, over the long term, evidence suggests by-passed towns economically benefit from an increase in trade as local residents and visitors return to town centres due to improved amenity and safety resulting from reduced through-traffic, particularly road freight transport. This is consistent with RTA studies over the last decade which have dispelled the notion that highway by-passes have an adverse economic impact.

Third, the upgrades will improve transport links between commercial centres and thus trade and employment in the regions affected. This will have flow-on effects to local and regional economies.’

Resolved on the motion of Mr Donnelly: That following the new paragraph 1.28 the following also be inserted:  
 ‘Mr Mark Crosdale, Secretary of the Newcastle and Northern Sub-branch, Transport Workers Union of Australia, in evidence provided to the Committee said:

Dual carriageway is essential to improving the flow of traffic and ensuring that personal vehicles and freight vehicles can each achieve their objectives on the highway. I understand that the proposals for both Tintenbar to Ewingsdale and Woodburn to Ballina are for the extension of dual carriageway. The Transport Workers Union supports road improvements in both areas, and we encourage further expansion of dual carriageway across the entirety of the Pacific Highway.’

Resolved, on the motion of Ms Burnswoods: That paragraph 1.29 be amended by omitting the words ‘lies in’ and inserting instead ‘is about’.

Ms Forsythe left the room and was replaced by Mr Gay.

Ms Fazio moved: That paragraph 1.32 be amended by omitting the first dot point and inserting the following words after the first sentence:

- Review of existing data
- Site visits – road and aerial inspections of the study area
- Preliminary ecological, heritage, traffic, geotechnical and other investigations
- A variety of community involvement activities to identify community interests, issues and concerns
- Opportunities and constraints workshops
- Options workshop to consider possible options
- Preparation of the Route Options Development Report and identification of route options.

(Reference: Route Options Development Report, p iv (note report sent to Committee under vocer of cover of RTA letter dated 25 October 2005))

and “Identification of route options” to be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That following paragraph 1.32, a new paragraph be inserted to read:

'In narrowing down the route options and making decisions about a preferred route, the RTA uses information from the activities described above to undertake a complex assessment process taking into account many different factors. For example, in determining the route options for this project, the following evaluation criteria were developed, given weightings and used for each route on the long list of routes:

Safety and Accidents:

- Qualitative comparison of likely crash rates for each option
- Local traffic use of highway
- Length (km) of highway between minimum and desirable design criteria
- Length (km) of route through potentially fog prone areas

**Travel Time and Transport Costs**

- Estimated travel time savings (minimum) compared with existing highway alignment in the study area

**Social and Health**

- Extent (percentage of grade) and length (km) of steep grades
- Number of dwellings to be acquired ie those located within the proposed route corridor
- Number of dwellings to be acquired ie those located within the proposed route corridor that are not currently with in 200m (either side) of the existing highway alignment
- Area (ha) of private land (business and residential) to be acquired ie land located within the proposed route corridor that are not currently with in 200m (either side) of the existing highway alignment
- Number of currently contiguous settlement areas severed
- Area(ha) and extend of severance impacts on areas designated for future residential development (as identified in Ballina and Byron Shires LEPs and/or relevant Shire strategies)
- Number and extent of severance impacts on individual residential properties
- Number of dwellings within 1 km of the highway route option
- Length (km) of route with visual benefit to the driver/ passengers
- Length (km) of route located on the coastal flats
- Length (km) of route through scenic escarpment
- Length (km) of route through exposed ridges and hills
- Absolute Community Noise Burden
- Relative Community Noise Burden
- Impacts on community facilities
- Length (km) of route the utilises existing road reserve (not as a service road)

**Local Economic**

- Number of existing farm businesses and other businesses to be acquired ie those located within the proposed corridor.
- Severance impact of businesses by type (% impacted)
- Total loss of agricultural land based on land use type
- Area (ha) of state significance land impacted

**Environmental and Cultural Heritage**

- Number and area (ha) of high and medium value remnant and regenerated vegetation or habitat likely to be affected
- Number of 'edges' created through remnant and regenerated vegetation or habitat
- Number of times a wildlife corridor is crossed
- Number of high and medium value sites of cultural significance directly affected
- Area (ha) of high and medium potential for archaeological deposits directly affected
- Number and value of waterways directly impacted
- Number of springs directly impacted
- Number of contaminated sites directly impacted

**Engineering and Cost**

- Length (km) of route
- Relative costs of options

- Length (km) of route through areas of geological risk
- Buildability
- Length (km) of highway within flood prone land.”

(Route Options Development report appendix A. Also see appendix B for the Assessment process used onto the routes on the long list.)’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the words in Ms Fazio’s suggested amendment to paragraph 1.32, excluding the introductory paragraph, be included as an appendix to the Report, with an appropriate footnote and heading, as determined by the secretariat.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 1.33 be amended by:

- placing a full stop after the word ‘development’
- omitting the words ‘particularly via the establishment of Community Liaison Groups (CLGs)’ and inserting instead, ‘CLGs are one consultative mechanism used by the RTA. CLGs play an advisory role and are used to provide a local perspective.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That unless otherwise informed all motions be recorded as a division and noted accordingly by the Secretariat in the minutes.

Ms Fazio moved: That a new paragraph be inserted after 1.33 to read:

‘The Route Options Development Report highlighted the community consultation and involvement in this project. The Report says (at p iv to v) “A comprehensive community and stakeholder involvement program has been established for this project. Community involvement is undertaken during key stages of the project to ensure that relevant stakeholder views and information can be incorporated into the decision making processes, In particular, community involvement has been sought during the project familiarisation phase and the route options development and assessment phase. To date the following methods have been used to engage the Community:

- Community Information Sessions,
- Establishment of a website, Freecall number, email, and Freepost,
- Community Updates, and progress updates in local media,
- Project Team attendance at community meetings,
- Establishment of a Community Liaison Group and an Agricultural Focus Group,

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- Property owner meetings and direct contact,
- Corridor Assessment Workshop.”

The Report goes on to say:

“The community has provided a wealth of local knowledge that has been reviewed and considered by the Project Team. Community submissions were received by email, fax and the Freecall line, as well as through individual property visits and meetings. These submissions were collected and analysed holistically to achieve an understanding of the important issues. “

The Report also notes that information was also sought from stakeholders and government agency representatives at the start of the project and at key stages, that relevant government agencies and organisations were invited to attend Planning Focus Meetings in November 2004 and February 2005, and a Corridor Assessment Workshop in August 2005. All stakeholders were invited to provide input into the assessment process and the evaluation criteria and performance measures used to assess the long list of route options were developed and refined in consultation with agencies and the CLG.” (Route Options Development Report p v)

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio informed the Committee that her office was preparing a timeline to be circulated to Committee members for possible inclusion after paragraph 1.35.

Mr Gay moved: That Chapter One, as amended, be adopted by the Committee, subject to the Committee’s decision on the possible inclusion of the timeline being prepared by Ms Fazio’s office.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon  
Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Chapter Two read.

Ms Fazio moved: That the introductory paragraph be amended by omitting the words ‘problems concerning.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.1 be amended by:

- deleting the words ‘project to’ and inserting instead ‘upgrading or duplication of’
- omitting the words ‘dual carriageway’.
- writing the acronym RTA in full

Resolved, on the motion of Ms Rhiannon: That paragraph 2.3 be amended to omit the word ‘upgrade’ from the first sentence.

Ms Fazio moved: That a new paragraph be inserted after paragraph 2.6 to read:

‘The direct impact of the expanded study area on the property of Don Page MP, Member for Ballina, and the potential noise impacts on the property of the Hon Ian Cohen MLC, were never formally disclosed to the Committee during the course of this Inquiry leading to the perception that potential conflicts of interest were being concealed.’

Mr Cohen noted that his property is 5-6 km at a minimum from the highway with a rainforest buffer. Mr Cohen also noted that his property is not considered affected property under RTA criteria.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 2.7 – 2.10 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.7 be amended by omitting the word ‘suspicion’ and inserting instead the word ‘concern’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.10 be omitted.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.11 be amended by omitting the word ‘just’ from the first sentence and by omitting the second, third and fourth sentences.

Question put.

Committee divided.

: -

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.11 be amended by inserting the words 'a majority of' after the word 'the' at the beginning of the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.15 be amended by omitting all sentences after the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.15 be amended by omitting the words 'was dismissive of community input, and that community concerns had little weight in the RTA's decision making process' and inserting instead 'did not put sufficient weight on community input' and by also inserting the following sentence: 'The Committee heard evidence from many members of the community and notes, in many instances, that different members of the community held contradictory views and positions. The Committee acknowledges the difficult task faced by the RTA in dealing with competing claims and priorities from the community.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.18 be amended by deleting the words 'central plank' and inserting instead 'important part of'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.26 be amended by omitting the first sentence and inserting instead the following paragraphs:

“The RTA advised the Committee that “selection criteria for CLGs vary from project to project and depend on a range of issues including project scope, study area size, demographics, likely key constraints and other project specific issues. This is to ensure the widest possible range of community interests and views are represented in the planning phase of the project.”

The RTA provided the Committee with the selection criteria for the CLG and went on to advise the Committee that it “selected representatives who could provide the most diverse representation from residents business, property and environmental issues as possible. It should be noted the RTA also established a specific focus group to provide community and stakeholder input into the key issue of agriculture.” A second focus group was also established on the indigenous heritage issues associated with the project.

Reference: RTA response, tabled at hearing of 18 November 2005, to questions listed in letter from Committee Director dated 14 November 2005.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.26 be amended by:

- inserting the word ‘the’ between the words ‘with’ and ‘information’
- deleting the word ‘on’ in the first sentence
- inserting the words ‘package listing’ after the word ‘information’

Ms Fazio moved: That paragraph 2.27 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.27 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in both places where this word appears.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.32 be amended by inserting the following sentence at the end of the paragraph:

“The Committee notes that the material tabled by the RTA at the hearing of 18 November notes that the role of a CLG is an advisory one rather than a decision making one. The Committee also notes that the route options determined for this project include routes in the coastal plain.”

Ms Fazio moved: That paragraph 2.39 be amended by inserting the following sentence at the end of the paragraph: “The Committee notes that the RTA advised that CLG minutes must be agreed to by the CLG before they are posted on the web site.”

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Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.42 be amended by inserting the words below after paragraph 2.42, to become a new paragraph 2.43 and by inserting paragraph 2.44 after the new paragraph 2.43:

‘Bob Higgins advised the Committee:

“The issue of what is confidential information generally falls into three categories. ... [O]ne is when we actually start to put lines on maps. The idea of sharing that with CLG members is to test them and try and get their views on those particularly issues so that we can see whether we are heading in the right direction or not. The last thing is that we are very conscious about maps getting out there amongst the community which then show there is a line through a particular property when we have not made any decision or anything by that, because that creates a lot of uncertainty and angst as well.”

Ms Fazio moved: That paragraph 2.48 be amended by omitting the word ‘severely.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.51 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.51 be amended by omitting the word ‘rumour’ and inserting instead the word ‘conjecture’

Resolved, on the motion of Mr Donnelly: That paragraph 2.51 be amended by inserting the following words at the end of the sentence, ‘The RTA has confirmed that there was no bonus arrangement with ARUP.’

Ms Fazio moved: That paragraph 2.52 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.



Resolved, on the motion of Ms Rhiannon: That paragraph 2.52 be amended by omitting the word ‘rumour’ and inserting instead ‘conjecture.’

Ms Fazio moved: That paragraph 2.54 be amended by inserting the following words at the end of the last sentence: ‘However, the RTA advises that, apart from regular postings of the CLG minutes, the web site is updated with key events happen.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.58 be amended by omitting the words ‘ARUP and other specialist.’

Ms Fazio moved: That paragraph 2.60 be amended by omitting the third and fourth sentences and inserting instead the following words:

‘However, the RTA advised the Committee that:

“As part of the initial investigations, a professional services contractor engaged by the RTA for the Tintenbar to Ewingsdale project sought to undertake testing at Mr Harper’s property. Mr Harper requested a number of conditions be placed on the testing, should it proceed. Following a further review of the information required, it was decided that Mr Harper’s property was not required as a testing site, as this information could be obtained from a nearby location. I understand that Mr Harper was advised of this at a CLG (Number 8) meeting for the project, held on 30 May 2005.”

Response to question taken on notice from Ian Cohen at 26 September hearing (see transcript at p 50) ’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.63 be amended by inserting the following sentence at the end of the paragraph, ‘However, the Committee notes that the RTA in fact took steps to broadly publicise the route options in local press to encourage community input.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.63 be amended by inserting the following sentence after the first sentence, ‘The RTA rang people on the Friday afternoon distributed information packs and letters and placed advertisements in the local media.’

Question put.

Committee divided.

: -

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 2.69 – 2.73 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the heading above paragraph 2.69 be amended by omitting ‘Committee view’ and inserting instead ‘View of the majority of the Committee.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.70 be amended by inserting the words ‘A majority of’ prior to the word ‘Committee’ in the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.71 be amended by inserting the words ‘A majority of’ prior to the word ‘Committee’ in the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.72 be amended by inserting the words ‘A majority of’ prior to the word ‘Committee’ in the three places where it occurs within this paragraph.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.74 be amended by omitting the word ‘distress’, and inserting instead ‘anxiety.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved on the motion of Ms Fazio, that the words ‘Mr and Mrs Alan and Deidre Catchpole’ be omitted, inserting instead, ‘Alan and Deidre Catchpole’ and that this form of referencing be used hereafter.

Ms Fazio moved: That paragraph 2.75 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.75 be amended by inserting the word ‘those’ between the word ‘of’ and ‘residents’ in the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.76 be amended by

- omitting the word “problems” in the first sentence and inserting instead “issues”.
- omitting the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio, that paragraph 2.77 be amended by:

- omitting ‘largely at the behest’ and inserting instead ‘after calls from’
- inserting after the term ‘CLG’ the words ‘community information sessions and community meetings’.

- omitting the words 'due to comments made in the initial'.

Resolved, on the motion of Ms Fazio: That paragraph 2.78 be amended by omitting 'according to the RTA' and inserting instead 'The RTA advised the Committee that'.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.78 be amended by inserting the following words at the end of the paragraph, 'This matter is further discussed in 2.98'.

Resolved, on the motion of Ms Fazio: That paragraph 2.79 be amended by omitting the word 'involving' inserting instead 'including' and by inserting the following words at the end of the paragraph:

'... when we released the original study area in October of last year, as part of the community information sessions and the feedback we were getting from members of the community, they were asking us, "Why should we stay within this area" and "Why shouldn't you be considering it much more broadly?". After those comments were raised we went away and did some desktop work. Desktop work is not to go out and visit individual property owners but to see if there is something there. What we were able to identify was that you could put some feasible routes out there. So from that a decision was then taken to expand the study area. No decision has been made on a preferred route, but it is incumbent upon us to investigate those options that people put forward to make sure that we go through a process and we have considered them.

After we expanded the study area we were able to go out and talk to a lot of people and gauge community feeling about those particular issues. We understand that but we were able to go out there and do the field investigations. We have analysed all that and we have come back and said, "There are a few feasible routes out here. They should go on display, as well as the other feasible routes in terms of the original study area." We are now in the position of seeking community comment on those options so that we can come to an informed position before making a decision on where the preferred route should be.

(Bob Higgins evidence Friday 18 November 2005 pp 5 – 6)

Mr Bob Higgins of the RTA also advised that the existing highway had a number of deficiencies that contributed to the decision to expand the study area:

"We did a bit of a deficiency analysis of the existing highway. If you look at the horizontal alignment and the vertical alignment you will see does it make the current standards? That is an issue we have with the existing highway, whether the curves are vertical or horizontal. The other issue is we have the 90-odd private access points along that section of the highway. This is where property owners front onto the existing highway and they come onto it directly. Coupled with an alignment we have a series of safety concerns in relation to that."

(transcript page 7 on 18.11.05)

Mr Gay left the room and was replaced by Ms Forsythe.

Ms Rhiannon moved: That paragraph 2.90 be amended by inserting the following words at the end of the paragraph: 'The RTA advised the Committee that the study area was not expanded to the west as no viable route options could be found there. Moving the study area west, moved it into the catchment of the Emigrant Creek Dam as well as areas of greater existing development.'

Question put.

Committee divided.

Ayes: Mr Donnelly

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Rhiannon moved: That paragraphs 2.99 and 2.100 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Rhiannon moved: That paragraphs 2.104 – 2.106 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Rhiannon moved: That paragraphs 2.107 and 2.108, be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.110 be amended by omitting the word ‘vehemently’, omitting the word ‘three’ and inserting instead ‘four’ and by inserting the following words after ‘noise impact’: ‘the potentially lower cost of routes through the expanded area’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.125 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.127 be amended by inserting a new paragraph at the end of the sentence to read: ‘The Committee did not seek to ascertain the validity of the issues raised regarding the water catchment during the course of the Inquiry with Rous Water’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

: -

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.128 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the heading above paragraph 2.128 be amended by omitting 'Committee view' and inserting instead 'View of the majority of the Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Rhiannon moved: That paragraph 2.128 be amended by omitting 'took so long to decide' and inserting instead 'after several years of investigation of the original study area decided to expand the study area in a period of only six months'.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Burnswoods moved: That paragraph 2.128 be amended by omitting the words 'the Committee's key concern' and inserting instead 'a key concern of the majority of the Committee'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.129 be amended by inserting the following words at the end of the paragraph:

'The RTA advises that the expanded study area was not inconsistent with these three projects. For example, in relation to the Ballina Bypass the RTA advised the Committee that:

- The approved Ballina Bypass project was developed with the constraint of rejoining the existing highway at Ross Lane. It did not consider options without this constraint.
- The Sandy Flat Road to Ross Lane section of the approved Ballina Bypass passed through the urban investigation zoned land.

- The RTA has and will continue to consider many issues in identifying a preferred route for the Tintenbar to Ewingsdale project including the Environmental Impact Statement, the subsequent Representations Report and Project Approval for the Ballina Bypass project,
- The Sandy Flat Road to Ross Lane section of the approved Ballina Bypass forms part of one of the short listed route options for the Tintenbar to Ewingsdale project, and
- As outlined in the Route Options Development Report for the Tintenbar to Ewingsdale project, there are feasible routes in the expanded study area which are worthy of further comment from the community and consideration in determining a preferred route.

(RTA response to questions taken on notice from Mr Ian Cohen.)'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Burnswoods: That paragraph 2.129 be amended by omitting the words 'repeatedly' and inserting instead 'in many submissions'.

Ms Fazio moved: That paragraph 2.129 be amended by inserting the following words at the end of the paragraph: 'In relation to the Bangalow Bypass, a major part of the Bypass forms part of route option A and this issue will be a consideration in selecting the proposed route. The RTA has advised that "One of the short listed route options recently released for public comment does generally follow the existing Pacific Highway, including part of the Bangalow Bypass and the northern section of the approved Ballina Bypass.

(Source: RTA response to questions taken on notice from Mr Ian Cohen and Route Options Development Report.)

In relation to the Bangalow to St Helena Route, the expansion of the study area was not inconsistent with this route. However, a recommendation of the Northern Pacific Highway Noise Taskforce Report produced in August 2003 was that the RTA review the Bangalow to St Helena EIS in light of concern about road traffic noise.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.130 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.129 be amended by omitting the heading.

Question put.

Committee divided.

: -

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.132 be amended by inserting the following words be inserted at the end of the paragraph: 'The RTA advises that route options C and D which have been released for public comment can join up to the Ballina Bypass.

(Source: Route Options Development Report)'

Ms Fazio moved: That paragraph 2.133 be amended by inserting the following words at end of paragraph 'The Committee notes RTA advice that'.

The Committee agreed to revisit paragraphs 2.132 and 2.133 at a later point during the meeting.

Ms Fazio moved: That paragraph 2.134 be amended by omitting all words in the first sentence after 'Group' and inserting instead the word 'stated'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.134 be amended by omitting all words after 'outraged' and inserting instead: 'because they believe that the construction of the Ballina Bypass has been postponed.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Forsythe left the room and was replaced by Ms Parker.

Ms Fazio moved: That paragraphs 2.140 to 2.142 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.148 be amended by omitting the word 'admitted' and inserting instead 'advised.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio



Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.148 be amended by omitting the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.149 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Burnswoods: That paragraph 2.149 be amended by omitting the word ‘panders’ and inserting instead ‘accommodates.’

Ms Fazio moved: That paragraph 2.150 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That the first sentence in paragraph 2.151 be amended by:

- omitting the word ‘do’ and inserting instead, ‘would’
- inserting the word ‘entire’ between ‘the’ and Ballina’
- omitting the words ‘designed less than ten years ago’ and inserting instead ‘approved two years ago’

Ms Fazio moved: That paragraphs 2.151 – 2.155 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the words ‘Committee view’ in the heading preceding paragraph 2.151 be amended to read ‘View of the majority of the Committee’.

: -

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.151 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in the first and second sentences.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraphs 2.152 – 2.155 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in each of the three paragraphs.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Clark That paragraph 2.157 be amended by omitting the words ‘perplexed’ and inserting instead ‘deeply concerned’.

Ms Fazio moved: That paragraph 2.157 be amended by omitting the words ‘apparently ad-hoc and tardy’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.159 be amended by omitting the word ‘bemused’ and inserting instead ‘concerned’.

Ms Fazio moved: That paragraph 2.162 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.164 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.172 be amended by inserting the following words at the end of the paragraph: “The committee notes that “the RTA may give consideration in special circumstances to purchasing a property ahead of the construction phase, where the owner of the land to be acquired can show that a delay in this acquisition will cause hardship, as defined by the Act.”

(Source: Property Acquisition: Upgrading the Pacific Highway. RTA brochure provided to the Committee)’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Burnswoods: That the paragraph suggested by Ms Fazio, for insertion at the end of paragraph 2.172, be included as a footnote.

The Committee agreed to defer consideration of paragraph 2.173.

Mr Donnelly moved: That paragraphs 2.182-2.184 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.182 be amended by including a cross reference to the footnote agreed to by the Committee at paragraph 2.172.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the heading preceding paragraph 2.182 be amended by omitting the words ‘Committee view’ and inserting instead, ‘View of the majority of the Committee’

: -

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.194 be amended by omitting the words 'producers of gourmet macadamia products at St Helena' from the first sentence.

Resolved, on the motion of Ms Fazio: That paragraph 2.197 be amended by omitting the words 'in contrast' from the beginning of the third sentence.

Ms Fazio moved: That paragraph 2.199 be amended by omitting the words 'Despite this' and 'agriculture is not an overriding concern for the RTA' and by inserting the following words at the end of the paragraph: 'No. Agriculture is one of many issues. We are trying to gather as much information and to be informed as much as we can in order to feed into the decision. There is no perfect answer as to where the highway should go. It is all about compromise. In terms of leading that compromise, you must consider all these factors. Agriculture is very important. That is why we set up a specific focus group on Tintenbar to Ewingsdale. The cane industry in Woodburn to Ballina is very important. That is why a special group was set up for that. Equally, there is an ecological group. We are trying to make sure that we gather that information and bring it in. It will all feed in. Agriculture is one issue but the functionality of the highway, noise, amenity and ecological issues feed into arriving at a decision on a preferred route.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved on the resolution of Ms Rhiannon: That paragraph 2.199 be amended by omitting the words 'Despite this'.

Ms Fazio moved: That paragraph 2.203 be amended by omitting the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.207 be amended by omitting the third sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.207 be amended by omitting the word 'being' in the second sentence.

Ms Burnswoods moved: That paragraph 2.207 be amended by inserting the remaining part of Mr Bob Higgins quote regarding agriculture proposed for inclusion by Ms Fazio in paragraph 2.199.

Question put.

Committee divided.

Question resolved in the negative.

Ms Parker left the room and was replaced by Mr Gay.

Ms Burnswoods moved: That paragraph 2.207 be amended by inserting the following words at the end of the paragraph:

'On 18 November 2005, Mr Bob Higgins of the RTA advised:

We work very closely with the Department of Planning, and we have been doing that as we are developing the highway from Hexham through to the border. We have meetings and discussions on issues, and we try to take those into account, being mindful that we have this objective of upgrading the Pacific Highway between Hexham and Tweed Heads.

(Page 3 of transcript of 18.11.05)'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That following paragraph 2.23, a new paragraph be inserted to read:

'In response to questions about whether the RTA take into account documents such as regional development group studies that might have been undertaken in the past, Mr Higgins of the RTA stated:

Yes. But the first step in this process is that we take that into account and we try to come up with a study area, and then we advertise it quite widely. We then get submissions from people, commenting on various aspects. We have to start somewhere, and the starting point is to release a study area.

(transcript page 2 18.11.05)'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 2.229 – 2.231 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

: -

Ms Burnswoods moved: That the heading preceding paragraph 2.229 be amended by deleting the words 'Committee view' and inserting instead 'View of the majority of the Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.229 be amended by inserting the words 'majority of' prior to the word 'Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Parker, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.244 be omitted and inserting instead the following paragraph:  
"The Committee heard evidence from Mr Bob Higgins that fog, flooding and the softness of the soil are all important considerations. He said:  
"Looking at any upgrade we have up and down the highway, fog is an issue we have on our floodplains and it is an issue that we take into account. Soft soil is always an issue. While we value input from the community and community comments, sometimes we have to drill a hole and look at what is underneath so that we can fully understand. Yes, the flooding is a very important issue. Expanding the study gives us the ability to draw upon all that information that is out there in the community, within councils and within other government agencies, so that we can then assess whether it is a prime consideration. Can we solve it with alignment? Sometimes we cannot, but we can analyse it all and provide that as input in the ultimate decision as to whether a highway should be there."'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.247 be amended by omitting the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.249 be amended by omitting the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 2.255 – 2.256 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.257 be amended by omitting ‘deleterious’.

Ms Fazio moved: That paragraph 2.257 be amended by omitting the last sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.257 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in the final sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.259 be amended by omitting the word ‘distress’ and inserting instead ‘concern’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.260 be amended by omitting the word ‘distress’ and inserting instead ‘concern’.

Question put.

: -

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay

Question resolved in the negative, on the casting vote of the Chair.

Ms Fazio moved: That paragraph 2.261 be amended by omitting the word 'distress' and inserting instead 'concern'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay

Question resolved in the negative, on the casting vote of the Chair.

Ms Fazio moved: That paragraph 2.262 be amended by omitting the words 'distress concerning' and inserting instead 'concern regarding'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.266 be amended by inserting the word 'perceived' before the word 'lack'.

Resolved on the motion of Ms Fazio: That the heading preceding 2.275 be omitted and inserting instead 'Effect on rural residential communities'

Resolved on the motion of Ms Fazio, that paragraph 2.275 be amended by inserting the words 'rural residential communities' prior to 'communities' in the first sentence.

Ms Fazio moved: That paragraph 2.280 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That the heading preceding paragraph 2.280 be amended by deleting the words 'Committee view' and inserting instead 'View of the majority of the Committee.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon



Question resolved in the negative.

Ms Burnswoods moved: That paragraph 2.280 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in the two places in which it appears.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 2.281 be amended by omitting the word ‘flawed’ from the first two dot points.

Ms Fazio moved: That paragraph 2.282 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.282 be amended by inserting the word ‘process’ after ‘CLG’.

Ms Fazio moved: That paragraph 2.283 be amended by deleting the first three sentences.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay

Question resolved in the negative, on the casting vote of the Chair.

The Committee agreed to defer consideration on paragraph 2.283 to allow verification of the statement that the RTA has been engaged in planning for the upgrade project for a period of 10 years.

Ms Fazio moved: That paragraph 2.285 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 2.285 be amended by omitting the final sentence.

: -

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved on the motion of Ms Fazio: That paragraph 2.132 be amended by inserting the following words at the end of the paragraph:  
‘The RTA advises that Route option C and D which have been released for public comment can join up to the Ballina Bypass’

Resolved on the motion of Ms Fazio: That paragraph 2.133 be amended by inserting the following words at the end of the paragraph:  
‘The Committee notes RTA advice that:  
... the RTA has and will continue to consider many issues in identifying a preferred route for the Tintenbar to Ewingsdale project including the Environmental Impact Statement, the subsequent Representations Report and Project Approval for the Ballina Bypass project ...’

Resolved on the motion of Ms Burnswoods: That paragraph 2.151 be amended by inserting the word ‘entire’ before ‘Ballina Bypass in the first sentence.

Resolved on the motion of Ms Burnswoods: That paragraph 2.152 be amended by inserting the word ‘entire’ before ‘Ballina Byass’.

Chapter Three read.

Resolved, on the motion of Ms Fazio: That the introduction be amended by omitting the word ‘inadequate’.

Resolved, on the motion of Ms Fazio: That paragraph 3.2 be amended by omitting the words ‘However’ and ‘to the Committee’s surprise’ from the final sentence.

The Committee deferred consideration of the remainder of Chapter Three until its next deliberative meeting.

Chapter Four read.

Ms Fazio moved: That paragraph 4.3 be amended by omitting the word ‘strong’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 4.4 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 4.5 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 4.6 be amended by omitting the word ‘substantially’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That Recommendation 1 be amended by omitting the word ‘substantially’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Gay: That Recommendation 1 be amended by inserting the following words at the beginning of the recommendation:  
‘Based on the experience of the Ewingsdale-Tintenbar and Ballina – Woodburn Highway upgrades’.

Ms Rhiannon moved: That Recommendation 1 be amended by inserting the following words after ‘process’, ‘and its stated objectives of open and transparent consultation’.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon  
Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Fazio moved: That paragraph 4.8 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

: -

Question resolved in the negative.

Mr Gay moved: That paragraph 4.8 be amended by omitting the word 'end' and inserting instead 'consider ending'.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Fazio moved: That paragraph 4.9 be amended by omitting the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That Recommendation 2 be amended by omitting the word 'substantially' and the two final dot points.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved on the motion of Ms Rhiannon: That the fifth dot point of Recommendation 2 be amended by inserting the words 'considering the' at the beginning of dot point and inserting the word 'of' between 'ending' and 'the'.

Resolved, on the motion of Ms Fazio: That paragraph 4.10 be amended by omitting 'Given' and inserting instead 'In regard to'.

Ms Fazio moved: That paragraph 4.10 be amended by omitting the words 'The Committee was' up until 'process', in the first sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

## 6. Adjournment

The Committee adjourned at 6.05pm until Thursday 15 December 2005

Beverly Duffy

**Clerk to the Committee**

**Minutes No 82**

Thursday 15 December 2005

General Purpose Standing Committee No. 4

3:45pm in Room 1108, Parliament House

**1. Members Present**

Ms Jan Burnswoods

Mr David Clarke

Mr Ian Cohen (Oldfield)

Mr Greg Donnelly

Ms Amanda Fazio (Griffin)

Ms Lee Rhiannon (Hale)

Mr Duncan Gay (Gardiner)

**2. Apologies**

Ms Jenny Gardiner

**3. Election of Chair for the purpose of the meeting**

In accordance with paragraph (3) of Standing Order 211, the Clerk called for nominations for a member to act as Chair for the meeting.

Ms Burnswoods moved: That Mr Donnelly be elected to act as Chair of the Committee for the meeting.

Ms Rhiannon moved: That Mr Cohen be elected to act as Chair of the Committee for the meeting.

The Clerk informed the Committee that there being two nominations, a ballot would be held.

The Clerk announced the result of the ballot as follows:

Mr Donnelly – 3 votes

Mr Cohen – 4 votes

Mr Cohen, having a majority of the members present and voting, was therefore declared elected Chair of the Committee for the meeting.

**4. Condolences**

The Chair expressed the Committee's condolences to Ms Gardiner, who due to family circumstances is unable to attend the deliberative meetings to consider the draft Interim Report.

**5. Substitute arrangements**

The Chair advised that the Acting Opposition Whip had advised that Mr Gay would be substituting for Ms Gardiner for today's meeting.

**6. Inquiries into Pacific Highway Upgrades*****Chair's Draft Interim Report***

Mr Gay tabled a transcript of an interview with Mr Don Page, Member for Ballina, on ABC Radio North Coast on 25 October 2005.

The Committee resumed consideration of Chapter 2 of the Chair's draft Interim Report.

Resolved, on the motion of Ms Rhiannon: That paragraph 2.283 be amended in the third sentence by inserting the words 'this section of' in between 'planning for' and 'the Highway.'

Resolved, on the motion of Ms Fazio: That following paragraph 2.1, new paragraphs be inserted, with a footnote reading 'Prepared by the office of the Hon Amanda Fazio MLC and verified as accurate by the RTA, 14 December 2005'. The new paragraphs are to read:

'A timeline of recent developments in relation to this project appears below.

**Chronology**

**Pacific Highway Upgrade – Tintenbar to Ewingsdale**

6-8 Nov 04	Distribution of Community Update 1 to study area and 500m beyond. Included calls for people interested in participating in the Community Liaison Group.
12 Nov 04	Community Information Session held at Bangalow. Discussed project announcement and introduction, project objectives and constraints workshops.
15 Nov 04	Community Information Session held at Ewingsdale. Discussed project announcement and introduction, project objectives and constraints workshops.
16 Nov 04	Community Information Session held at Newrybar. Discussed project announcement and introduction, project objectives and constraints workshops.
16 Nov 04	Planning Focus Meeting held with representatives from government, regional and local organisations and other stakeholders <sup>440</sup> .
15 Dec 04	First Community Liaison Group meeting. Introduction, draft CLG Charter, project objectives and status update.
13, 20 & 27 Jan 05	Progress Update 1 published in the Byron Echo
17 & 24 Jan 05	Progress Update 1 published in the Ballina Shire Advocate and the Northern Rivers Echo
25, 28 Jan & 1 Feb 05	Progress Update 1 published in the Byron Shire News
22, 24 Jan 05	Progress Update 1 published in the Northern Star
18 & 25 Jan & 1 Feb 05	Progress Update 2 published in the Byron Shire Echo
20 & 27 Jan 05	Progress Update 2 published in the Byron News, the North Coast Advocate and the Northern Rivers Echo
22 & 26 Jan 05	Progress Update 2 published in the Northern Star

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<sup>440</sup> The following groups were invited to attend both Planning Focus Meetings:

Ambulance Service of NSW, Australian Heritage Council, Australian Rail Track Corporation, Ballina Shire Council, Bangalow Public School, Bundjalung Elders Council, Burabi Aboriginal Corporation, Byron Shire Council, Byron Tweed Local Aboriginal Land Council, CLG members, Country Energy, Departments of Commerce, Education, Environment and Conservation, Environment and Heritage, Infrastructure, Planning and Natural Resources and Primary Industries, Jali Local Aboriginal Land Council, Kirklands Coaches, National Parks and Wildlife Service, Newrybar Public School, Northern Rivers Catchment Management Board, Northern Rivers Regional Development Board, NSW Police Force, NSW Rural Fire Service, NSW Sugar Mill Cooperative, Optus, Rail Infrastructure Corporation, Rous Water, Rural Lands Protection Board, State Emergency Service, Telstra, Transgrid, Tweed and the Byron Local Aboriginal Council.

26 Jan 05	Progress Update 2 published in the Bangalow Heartbeat
24 Jan 05	Community Liaison Group meeting. Discussion about independent facilitator, access to property for field investigations, Draft Community Information Session report tabled and draft CLG Charter reviewed.
7 Feb 05	Community Liaison Group meeting. Discussion about independent facilitator and Community Information Session report, project objectives, meeting procedure issues, and update on project milestones.
21 Feb 05	First Agricultural Focus Group meeting. Introductions and discussion about agricultural constraints and opportunities.
15 Feb 05	Planning Focus Meeting held with representatives from government, regional and local organisations and other stakeholders.
7 Mar 05	Community Liaison Group meeting. Discussion about independent facilitator, noise presentation, design criteria presentation, project progress and project objectives.
23 Mar 05	Agricultural Focus Group meeting. Representative from the Department of Infrastructure, Planning and Natural Resources presented an overview of the Farmland Protection Project and representative from the Department of Primary Industries presented on agricultural land classification.
9 April 05	Progress Update 3 published in the Northern Star
12 April 05	Expanded study area announced
12 April 05	Progress Update 3 published in the Byron Echo
14 April 05	Progress Update 3 published in the Byron Shire News, the North Coast Advocate, and the Northern Rivers Echo
18 Apr 05	Community Liaison Group meeting. Discussed announcement of expanded study area and process for re-forming CLG.
20 April 05	Community Information Session held at Bangalow. Meeting covered Expanded study area announcement, project status and constraints workshops.
21 April 06	Community Information Session held at Broken Head. Meeting covered expanded study area announcement, project status and constraints workshops.
26 April 05	Agricultural Focus Group meeting. Presentation on major agricultural industries.
27 April 05	Progress Update 3 published in the Bangalow Heartbeat
16 May 05	Community Liaison Group meeting. Briefing for new members of re-formed CLG, including study process and review of past meetings and outcomes.
30 May 05	Community Liaison Group meeting. Review of expanded study area, information about Ballina Bypass and revised CLG Charter and project objectives.
31 May 05	Community Liaison Group meeting. Overview of evaluation process, constraints mapping, pairwise process and discussion on evaluation criteria.
2 June 05	Progress Update 4 published in the Byron Shire Echo
4 June 05	Progress Update 4 published in the Lismore Northern Star

4 & 8 June 05	Progress Update 4 published in the Lismore Northern Rivers Echo
9 June 05	Progress Update 4 published in the Ballina Advocate and the Byron Shire News
14 June 05	Agricultural Focus Group meeting. Discussion about Farmland Protection project, presentation by Pam Brook (re: Jarrett's) and Col Dorey (re: Newrybar Swamp). Further discussion on her agricultural industries presentation.
21 June 05	Community Liaison Group meeting. Noise presentation by Arup Acoustics, questions and answers.
27 June 05	Community Liaison Group meeting. Overview of constraints identification and classification process and constraints presentations from each of the subconsultants.
28 June 05	Community Liaison Group meeting. Finished constraints presentation and information provided about the Corridor Assessment Workshop.
14 July 05	Progress Update 5 published in the Bryon Shire News, the Byron Shire Echo, and the Northern Rivers Echo
16 & 20 July 05	Progress Update 5 published in the Northern Star
18 July 05	Community Liaison Group meeting. Presented final draft evaluation criteria and reviewed the confidentiality commitments prior to displaying the long list of options at next CLG meeting.
20 July 05	Community Liaison Group meeting. Presented long list of options and nominated Corridor Assessment Workshop attendees.
1 Aug 05	Agricultural Focus Group meeting. Presentation of agricultural evaluation criteria.
4 Aug 05	Progress Update 5 published in the Lennox Wave.
2 & 3 Aug 05	Corridor Assessment Workshop was held with representatives from government, regional and local organisations and other stakeholders <sup>441</sup> .
22 Aug 05	Community Liaison Group meeting. Discussion about confidentiality, route options display preparation, and CLG representative's summaries from the Corridor Assessment Workshop.
19 Sept 05	Community Liaison Group meeting. Presentation of geotechnical, noise and route options assessment draft working papers.
20 Sept 05	Agricultural Focus Group meeting. Discussion about value added business and presentation by Mr Surrey Bogg about valuing agricultural land.

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<sup>441</sup> The following groups were invited to attend the Corridor Assessment Workshop:

Ambulance Service of NSW, Australian Heritage Council, Australian Rail Track Corporation, Ballina Shire Council, Bangalow Public School, Bundjalung Elders Council, Burabi Aboriginal Corporation, Byron Shire Council, Byron Tweed Local Aboriginal Land Council, CLG members, Country Energy, Departments of Commerce, Education, Environment and Conservation, Environment and Heritage, Infrastructure, Planning and Natural Resources and Primary Industries, Jali Local Aboriginal Land Council, Kirklands Coaches, National Parks and Wildlife Service, Newrybar Public School, Northern Rivers Catchment Management Board, Northern Rivers Regional Development Board, NSW Police Force, NSW Rural Fire Service, NSW Sugar Mill Cooperative, Optus, Rail Infrastructure Corporation, Rous Water, Rural Lands Protection Board, State Emergency Service, Telstra, Transgrid, Tweed and the Byron Local Aboriginal Council.



- 21 Oct 05      Route Options announced. On display for public comment by 18 November 2005.
- 27 Oct 05      Advertisement about route options display and calls for public comment published in the Ballina North Coast Advocate
- 27 Oct, 3 & 10 Nov 05      Advertisement about route options display and calls for public comment published in the Byron Shire News.
- 27 Oct & 3 Nov 05      Advertisement about route options display and calls for public comment published in the Lismore Echo.
- 27 & 28 Oct 05      Radio advertising on ABC North Coast 738 FM, 720 FM, and 94.5 FM.
- 2 Nov 05      Community Liaison Group meeting. Discussion about the route options display and shortlisting process, introduced the Value Management Session in Dec 05.
- 1 & 8 Nov 05      Advertisement about route options display and calls for public comment published in the Byron Shire Echo.
- 8 Nov 05      Advertisement about route options display and calls for public comment published in the Lismore Northern Star.
- 8 Nov 05      Agricultural Focus Group meeting. Presentation of assessment process from long route list to shortlist, nomination for Value Management Session and proposed agriculture assessment process methodology.
- 9 Nov 05      Closing date for submissions on the route options extended to 2 December.
- 9-11 & 16-17 Nov 05      Radio advertising on BAY FM 99.9 FM.
- 14 Nov 05      Community Liaison Group meeting. Value Management Session overview presentation, presentation on assessment process for long route list to short list and workshop to identify advantages and disadvantages of shortlist for Value Management Session.
- 14 Nov 05      First meeting of the Aboriginal Focus Group. Project update for Aboriginal stakeholders, including discussion of the methodology and outcomes of Aboriginal heritage investigations, route options display, and Value Management Session.
- 24 Nov 05      Advertisement about extension of time for submissions on the route options published in the Ballina North Coast Advocate and the Byron Shire Echo.
- 16 & 25 Nov 05      Advertisement about extension of time for submissions on the route options published in the Lismore Northern Star.
- 17 Nov 05      Advertisement about extension of time for submissions on the route options published in the Ballina North Coast Advocate and the Lismore Northern Star Echo.'

Mr Gay discussed the transcript he had circulated previously. Mr Gay said that in the transcript Mr Page acknowledged that one of the short-listed routes traversed his property, and that he therefore had an interest in the Ewingsdale – Tintenbar upgrade.

Ms Rhiannon moved: That the Committee's earlier resolution regarding the incorporation of new paragraphs inserted following paragraph 2.1, be recommitted for consideration.

Question put.

: -

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Rhiannon moved: That the timeline incorporated following paragraph 2.1 be incorporated as an appendix to the report, with the appendix number to be determined by the Secretariat.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

The Committee resumed consideration of Chapter Three of the Chair's draft Interim Report.

Ms Fazio moved: That paragraph 3.8 be omitted, and new paragraphs inserted instead, to read:

"The preferred route commences at the existing Pacific Highway alignment approximately 3 kilometres south of Woodburn and extends generally in a north-east direction away from the current highway. An approximately 350 m long bridge crossing would be required at the Tuckombil Canal (Evans River).

Between Woodburn and Broadwater the route continues in a north easterly direction through agricultural land, skirting the edge of an endangered ecological community and Broadwater National Park. This section of the route consists of embankments and bridges to provide immunity from floodwaters. North of Lang Hill the route follows the western edge of Broadwater National Park before joining the existing highway alignment which bisects the Park. Through the Park, the route would follow the existing highway road reserve, avoiding any direct impact on the National Park.

In the vicinity of Broadwater, the route would be located to the east of Cooks Hill and west of the National Park boundary.

North of Cooks Hill the route would swing north-west and approximately 2 kms north of Broadwater crosses the Richmond River on a bridge approximately 850 metres long. The route would proceed to the west of Laws Hill on the northern side of the river. North of the river, the highway would head north-west towards the Blackwell Range. The route would skirt around Jali land and areas of Wardell Heath containing endangered ecological communities before returning east to join the existing highway approximately 4 kilometres north of Wardell. For the remaining 6.5 kilometres the route would follow the existing highway corridor, and would be raised up on embankments to be above the floodwaters. The route would connect with the approved Ballina Bypass.

The total length of the route is 36 kms."

The announcement of the preferred route has provided an answer to many of the community concerns raised in this report."

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That following paragraph 3.4, new paragraphs be inserted, to read:

‘The community and other stakeholders have been involved in a comprehensive community consultation program. The consultation program itself was discussed with Ballina, Richmond Valley and Lismore Councils and some key stakeholders. The objectives of the community and stakeholder involvement were to:

- Enhance community and stakeholder awareness and understanding of the project,
- Ensure that affected stakeholders are informed and have the opportunity to provide input into decisions taken during the course of the project,
- Ensure that stakeholder concerns and issues were considered and the project is informed by stakeholder involvement at all its stages
- Ensure that the study team was aware of stakeholder perceptions and preferences
- Seek community knowledge and data that might assist the investigation of potential impacts
- Improve the options and identify means of avoiding and mitigating impacts.

The key community activities undertaken, which were designed to keep stakeholders well informed and involved in the project, consisted of:

- Preparing and distributing initial and updated information about the investigation and assessment process and the results of the assessment studies,
- Providing a range of opportunities for the two way exchange of information
- Providing stakeholders with a range of means to make submissions.

Information was sought for the project from government agencies, regional and local organisations including local councils and other stakeholders at the commencement of the project and at various stages during the investigation.

Relevant government agencies and organisations were invited to attend various meetings including:

- the Planning Focus Meeting in November 2004,
- the Government Agency Forum in February 2005,
- the Corridor Mapping Workshop in February 2005, and
- the Value Management Workshop in July 2005.

Representatives from the CLG were also invited to attend the Corridor Mapping Workshop and the Value Management Workshop.

A Community Involvement Plan was prepared to coordinate the information flow between the study team and the community. The main aspects of this plan are:

- A free call information line
- Community Information sessions
- Community updates
- Website information
- CLG and four focus groups on ecology, sugar cane, flooding and Indigenous issues.
- Public access to a staffed community information centre in Woodburn
- Landowner, resident and business discussions
- Public display of route options including staffed information displays
- Public display of the preferred route including staffed information displays.

The RTA advises that input provided by the communities in the study area has been invaluable in providing local information on key issues. The community input was also significant in refining the options assessment and route selection process and has played a key role in the development of the preferred route.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

: -

Question resolved in the negative.

Ms Fazio moved: That paragraph 3.5 be amended by omitting '(later extended to 4 July 2005)' and a new sentence inserted, to read: 'The consultation period was extended by two weeks to allow the community to properly consider the Route Options Development Report.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.12 be amended by omitting the second and last sentences and inserting instead: 'The Committee has chosen not to comment on whether the RTA's Report addressed the community concerns that have been raised in evidence to the Committee during this Inquiry.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 3.13 be amended by omitting 'highly', 'inadequate', 'late', 'limited, belated and inaccurate' and 'flawed'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.14 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.14 be amended by inserting 'A number of' prior to 'Inquiry participants.'

Resolved, on the motion of Ms Fazio: That paragraph 3.15 be amended by omitting 'a sense of excessive haste' and inserting instead 'the consultation deadlines'.

Ms Fazio moved: That paragraph 3.16 be amended by omitting 'inadequate'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.17 be amended by omitting ‘the haste of the project’ and inserting instead ‘the consultation deadlines’.

Resolved, on the motion of Ms Fazio: That paragraph 3.18 be amended by omitting ‘the hasty and pressured process’ and inserting ‘the consultation deadlines’.

Ms Fazio moved: That paragraph 3.19 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.20 be amended by omitting ‘haphazard’ and inserting instead ‘inconsistent’, and omitting ‘very’, from the first sentence.

Resolved, on the motion of Ms Fazio: That paragraph 3.21 be amended by omitting ‘many of the’.

Ms Fazio moved: That following paragraph 3.29, a new paragraph be inserted, to read:  
‘The RTA advises that the location of the Jali Lands were a major consideration in determining the preferred route, which does not go through this land.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Burnswoods: That paragraph 3.26 be amended by omitting ‘will’ and inserting instead ‘would’.

Ms Burnswoods moved: That paragraph 3.30 be amended by inserting two sentences at the end, to read:  
‘The consultation period was extended by two weeks to allow the community to properly consider the Route Options Development Report. The RTA also advises that late submissions were accepted.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

: -

Resolved, on the motion of Ms Fazio: That the following sentence be inserted at the end of paragraph 3.32: ‘The Committee notes advice from the RTA that the map on display at the shop in Woodburn was displayed in the shop window so it would be seen regardless of whether the shop was open or closed.’

Ms Fazio moved: That following paragraph 3.35, a new paragraph be inserted to read: ‘The consultation period was extended by two weeks to allow the community to properly consider the Route Options Development Report. The RTA also advises that late submissions were accepted.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.35 be amended by omitting from the quote the first two sentences, namely ‘The RTA .... 20th July.’, and also omitting the last sentence, namely ‘The public ... route options.’

Resolved, on the motion of Ms Fazio: That paragraph 3.36 be amended by omitting ‘failure to release’ and inserting instead ‘not releasing’.

Resolved, on the motion of Ms Fazio: That paragraph 3.37 be amended by omitting ‘failing to respond’ and inserting instead ‘not responding’.

Resolved, on the motion of Ms Fazio: That following paragraph 3.40, a new paragraph be inserted, subject to Ms Fazio providing a reference to footnote the material, to read: ‘The RTA advises that, apart from regular postings of the CLG minutes, the web site is updated with key events as they happen.’

Resolved, on the motion of Ms Fazio: That paragraph 3.42 be amended by omitting ‘flawed’ and inserting instead ‘not adequate’.

Ms Fazio moved: That following paragraph 3.42, a new paragraph be inserted to read: ‘The announcement of the preferred route has provided an answer to many of the community concerns raised in this report.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That following the existing paragraph 3.50, a new paragraph be inserted to read: ‘However, the RTA has advised the establishment of the CLG was advertised and no requests for membership were received from the Whytes Lane area. At the start of the project, the CLG had representatives from the northern parts of the study area Coolgardie, Alstonville, Ballina and Empire Vale. Further, during the first CLG meeting, representatives were asked to identify any groups or areas not adequately represented. When the route options were displayed, community members from the Whytes Lane area were invited to join the CLG. Two members from this area joined the CLG.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.54 be amended by omitting ‘To illustrate the perceived futility of CLG input.’

Resolved, on the motion of Ms Fazio: That the first sentence of paragraph 3.56 be amended to read: ‘Residents also pointed out that the RTA decided not to extend the study area and that this was an example of the ...’.

Ms Fazio moved: That following paragraph 3.56, a new paragraph be inserted, to read:  
 ‘The Committee notes that the RTA did in fact investigate the suggestion to expand the study area and the proposed ‘Flood Free Route.’ It commissioned a comprehensive report from Hyder Consulting which found that the route generally followed higher ground reducing the need for flood viaducts. However, the proposed route would impact on National Park land and other areas of undisturbed native vegetation. There were also endangered ecological communities and numerous threatened species within the route. The report concluded that the route: “should not be included into the short list of route options due to the environmental impacts and statutory implications with a route passing through Broadwater and Bundjalung National Parks.”’

(Source: Appendix A of the Preferred Route Report)’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.57 be amended be omitting ‘an apparent inconsistency between the refusal of the RTA’ and inserting instead ‘the divergence of approach between the RTA decision not’.

Resolved, on the motion of Ms Fazio: That following paragraph 3.57, a new paragraph be inserted to read:  
 ‘The RTA did in fact commission a report on the supposed ‘Flood Free Route’ and the proposals to extend the study area. No suitable potential route could be found so the decision was made not to extend the study area in this case.’

Ms Fazio moved: That paragraphs 3.62 and 3.63 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That for the heading prior to paragraph 3.62, the words ‘Committee view’ be replaced with: ‘View of the majority of the Committee’.

Question put.

Committee divided.

: -

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.62 be amended by inserting 'majority of the' prior to 'Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.63 be amended by inserting 'majority of the' prior to 'Committee'.

Resolved, on the motion of Ms Fazio: That paragraph 3.75 be amended by omitting 'However' in sentence two, and inserting additional sentences at the end of the paragraph, to read: 'However, the Committee notes that Hyder was not asked to consider noise mitigation measures. These are determined once the preferred route has been determined.'

Resolved, on the motion of Ms Fazio: That following paragraph 3.82, a new paragraph be inserted, to read: 'The RTA advises that noise was assessed in both the route option developed and the preferred route selection. Noise is assessed using a community noise burden approach which identifies the overall noise change for each of the route options and the preferred route. This is done by assessing the noise change from the current situation at every dwelling along the route options.'

Resolved, on the motion of Mr Gay: That paragraph 3.75 be amended by adding a new last sentence, to read: 'The Committee believes that consideration of noise mitigation matters should be part of the selection of a preferred route.'

Ms Fazio moved: That following paragraph 3.92, a new paragraph be inserted, to read: 'The Committee notes that these concerns have now been addressed through the selection of the preferred route which will result in traffic and transport benefits across the study area for both through and local traffic. Local roads will generally pass over or under the highway upgrade depending on terrain, existing road alignment, geotechnical conditions and urban design principles. These arrangements will be further developed during the concept design phase.'

(Source: Chapter 7 of the Preferred Route Report at pp 93 to 94)

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 3.93 – 3.97 be deleted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon



Question resolved in the negative.

Ms Rhiannon moved: That following paragraph 3.64, a new paragraph be inserted, to read:

‘In the Preferred Route Option Report the RTA refers to many of the issues of concern to residents, examined in this section. The impact on townships such as Wardell, Broadwater and Woodburn have been referenced in some detail by the RTA but as there has been no opportunity to take evidence on the RTA Report the Committee is unable to comment in detail on the potential impacts of the preferred route. The Committee also has particular concern as to the potential impacts on communities that were previously unaffected by the highway, such as Cooks Hill, Hillside Lane and the residents of the area below Buckombil Mountain.’

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Burnswoods moved: That following paragraph 3.97, a new paragraph be inserted to read:

‘Since this issue was not within the terms of reference the Committee did not pursue it.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That for the heading prior to paragraph 3.110, the words ‘Committee view’ be replaced with: ‘View of the majority of the Committee’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Rhiannon: That following paragraph 3.127, a new paragraph be inserted, subject to Ms Rhiannon providing a reference to footnote the material, to read:

‘The Committee understands that to have the maximum restructuring opportunities provided by the Federal Government’s Sugar Industry Program 2004 a cane grower had to lodge a claim by 30 June 2005.’

Resolved, on the motion of Ms Rhiannon: That paragraph 3.128 be amended to read: ‘Mr M Gray also had reservations as to the viability of the sugar industry?’.

Resolved, on the motion of Ms Fazio: That following paragraph 3.132, a new paragraph be inserted, to read:

‘The Committee notes that Regionally Significant farming land, sugar cane farming, transport to the mill, and severance of cane land within the study area were key considerations in determining the route options. Indeed, the section of the preferred route from Woodburn – Evans Head Road to Lang Hill was realigned to the east to reduce the severance impacts on agricultural land. Following community consultation on the preferred route, there is scope to further refine the route to minimise impacts on individual land owners.’

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(Source: Preferred Route Report, pages 25, 76 and appendix 3)

Ms Fazio moved: That paragraph 3.133 be amended, by omitting 'could be' and inserting instead 'would have been', and omitting 'is lost' and inserting instead 'had been lost'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.134 amended to omit 'The Committee is' and insert instead 'Prior to the release of the Preferred Route Report, the Committee was'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Mr Gay moved: That the Committee's earlier resolution regarding the insertion of a new paragraph following paragraph 3.132, be recommitted for consideration.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon  
Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Mr Gay moved: That the new paragraph inserted following paragraph 3.132 be deleted.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon  
Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Burnswoods moved: That for the heading prior to paragraph 3.133, the words 'Committee view' be replaced with: 'View of the majority of the Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Burnswoods: That paragraph 3.135 be amended to omit 'would' and insert instead 'could', and that the last sentence be omitted.

Ms Burnswoods moved: That paragraph 3.135 be amended to omit 'are also shared' and insert 'were shared'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That following paragraph 3.135, a new paragraph be inserted, to read:  
'The majority of Committee members, including Coalition members, were totally unaware of the positive outcomes for the sugar industry of the preferred route announced on 30 November 2005.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That following paragraph 3.159, a new paragraph be inserted, to read:  
'The Committee notes that the RTA did in fact investigate the proposed 'Flood Free Route' by commissioning a comprehensive report from Hyder Consulting. That report found that the route generally followed higher ground reducing the need for flood viaducts. However, the proposed route would impact on National Park land and other areas of undisturbed native vegetation. There were also endangered ecological communities and numerous threatened species within the route. The report concluded that the route: "should not be included into the short list of route options due to the environmental impacts and statutory implications with a route passing through Broadwater and Bundjalung National Parks.

(Source: Preferred Route Report, appendix A)'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative

Resolved, on the motion of Ms Fazio: That paragraph 3.161 be amended, to insert 'in September 2005' between 'the Committee' and 'that'.

Resolved, on the motion of Ms Burnswoods: That following paragraph 3.162, a new paragraph be inserted, to read:

'The Committee notes that the Preferred Route Report was released on 30 November 2005.'

Ms Fazio moved: That paragraphs 3.163 – 3.169 be omitted.

Question put.

Committee divided.

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Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative

Ms Burnswoods moved: That for the heading prior to paragraph 3.163, the words 'Committee view' be replaced with: 'View of the majority of the Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative

Ms Burnswoods moved: That paragraph 3.165 be amended, by omitting the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.166 be amended to insert 'majority of the' prior to 'Committee' in the first and last sentences.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.167 be amended to insert 'majority of the' prior to 'Committee is doubly disappointed'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.169 be amended to insert 'majority of the' prior to 'Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Mr Gay, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Gay: That the Secretariat seek advice from the Clerks as to whether and in which location, the transcript of the interview with Mr Don Page MP of 25 October 2005 could be incorporated into the Interim Report.

## 7. **Adjournment**

The Committee adjourned at 6pm until 9:30am Friday 16 December in Room 1108.

Madeleine Foley  
**Clerk to the Committee**

## **Minutes No 83**

Friday 16 December 2005  
 General Purpose Standing Committee No. 4  
 9:30am in Room 1108, Parliament House

### 1. **Members Present**

Ms Jan Burnswoods  
 Mr David Clarke  
 Mr Ian Cohen (Oldfield)  
 Mr Greg Donnelly  
 Ms Amanda Fazio (Griffin)  
 Ms Lee Rhiannon (Hale)  
 Ms Patricia Forsythe (Gardiner 9:30 to 11:15am)  
 Mr John Ryan (Gardiner 11:15am to 1pm)

### 2. **Apologies**

Ms Jenny Gardiner

### 3. **Election of Chair for the purpose of the meeting**

In accordance with paragraph (3) of Standing Order 211, the Clerk called for nominations for a member to act as Chair for the meeting.

Ms Burnswoods moved: That Mr Donnelly be elected to act as Chair of the Committee for the meeting.

Ms Rhiannon moved: That Mr Cohen be elected to act as Chair of the Committee for the meeting.

The Clerk informed the Committee that there being two nominations, a ballot would be held.

The Clerk announced the result of the ballot as follows:

Mr Donnelly – 3 votes  
 Mr Cohen – 4 votes

Mr Cohen, having a majority of the members present and voting, was therefore declared elected chair of the Committee for the meeting.

### 4. **Substitute arrangements**

The Chair advised that the Acting Opposition Whip had advised that that Ms Forsythe and Mr Ryan would be substituting for Ms Gardiner for today's meeting.

## 5. Inquiries into Pacific Highway Upgrades

### *Chair's Draft Interim Report*

Mr Cohen tabled a letter to the Clerk of the Parliaments, dated 16 December 2005, seeking advice regarding comments made in previous deliberations of GPSC 4 regarding possible perceptions of a conflict of interest in relation to the Pacific Highway Upgrades Inquiry.

The Committee discussed its earlier resolution that the Secretariat seek advice from the Clerks in relation to the possible inclusion of a transcript of an interview involving Mr Don Page MP.

Resolved, on the motion of Ms Forsythe: That the following statement be included in the minutes of the Committee's deliberative meeting of 16 December 2005:

'The Committee notes that in a radio interview of 25 October 2005, Mr Don Page MP declared his interest in the Ewingsdale – Tintenbar upgrade:

'One of the options does go very close to our property, so yes, in fact it [the route option] goes through part of our property. I make that point up front, I'm more than happy to declare an interest.'

The Committee resumed consideration of Chapter Three of the Chair's draft Interim Report.

Resolved, on the motion of Ms Fazio: That following paragraph 3.1, a new paragraph be inserted, with a footnote reading 'Prepared by the office of the Hon Amanda Fazio MLC and verified as accurate by the RTA, 15 December 2005'. The new paragraph is to read:

'A timeline of recent developments in relation to this project appears as Appendix [appendix number to determined by the Secretariat].'

The timeline inserted in the Appendix is to read:

### **'Chronology**

#### **Pacific Highway Upgrade – Woodburn to Ballina**

25 Oct 04	Minister for Roads announces investigations have commenced into a proposed upgrade of the Pacific Highway between Woodburn and Ballina.
11 Nov 04	Advertisement for the first Community Information Session placed in the Rivertown Times inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
11 & 18 Nov 04	Advertisements for the first Community Information Session placed in the North Coast Advocate inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
13 & 20 Nov 04	Advertisements for the first Community Information Session placed in the Northern Star inviting the community to attend Community Information Sessions, and inviting nominations to participate in the Community Liaison Group.
15 Nov 04	Progress Update No. 1 distributed via letterbox outlining the Pacific Highway Upgrading Program, identifying the study area, inviting nominations to participate in the Community Liaison Group and inviting community comment.
22 Nov 04	Planning Focus Meeting held. Included representatives from State Government agencies, Lismore City Council, Ballina Shire Council, Richmond Valley Council, and Richmond River County Council.
22 Nov 04	Community Information Session held at Wardell
23 Nov 04	Community Information Session held at Broadwater
24 Nov 04	Community Information Session held at Woodburn.

30 Nov 04	Meetings held with Lismore City, Ballina Shire and Richmond Valley Councils.
14 Dec 04	Community Liaison Group formed and first meeting held. The meeting outlined the background to the project, the information sharing, advisory and consultative role of the CLG in the overall consultation process, the project objectives, the study process and program, and issues for discussion at subsequent meetings.
18 & 19 Jan 05	Community Liaison Group meeting held over two evenings. The meetings outlined and reviewed the project objectives, the identification of constraints and opportunities, the identification of potential route options and the establishment of Focus Groups.
18 Jan 05	Government Agency Forum held <sup>442</sup> . The meeting outlined the project objectives, the identification of constraints and opportunities, the issues and risks as well as the opportunities presented by the identified constraints.
25 Jan 05	Flooding Focus Group formed to discuss flooding issues. First meeting held.
25 Jan 05	Sugar Focus Group formed to discuss sugar cane industry issues, and first meeting held.
27 Jan 05	Progress Update 2 distributed to the study area
27 Jan 05	Progress Update 2 published in the North Coast Advocate
27 & 29 Jan 05	Progress Update 2 published in the Northern Star
8 & 9 Feb 05	Community Liaison Group meeting held over two evenings. The meetings provided an update on constraints and opportunities and an update on the development of possible route options. The meetings reviewed the strengths and weaknesses of possible route options, the Corridor Mapping Workshop and CLG representation at that workshop.
16 & 17 Feb 05	Corridor Mapping Workshop held <sup>443</sup> . Participants included nominated CLG representatives, State Government agencies, local Councils, representatives of community groups and the study team.
8 Mar 05	Ecology Focus Group formed to discuss ecological issues and first meeting held.
8 Mar 05	Sugar Focus Group meeting held.
8 Mar 05	Flooding Focus Group meeting held.
2 Mar 05	Meeting held with Lismore City Council
3 Mar 05	Meeting held with Ballina Shire Council

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<sup>442</sup> The following groups were invited to attend: Australian Heritage Council, Ballina Shire Council, NSW Sugar Milling Cooperative Ltd, Country Energy, Department of Commerce, Department of Employment, Education and Training, Department of Environment and Conservation, Department of Infrastructure Planning and Natural Resources, Department of Primary Industries, Department of Environment and Heritage, Department of School Education, Lismore City Council, Northern Rivers Catchment Management Board, NSW Fire Brigade, NSW Police, Richmond Valley Council, Rural Lands protection Board, State Emergency Service, Telstra and Rous Water.

<sup>443</sup> The following groups were invited to attend: Department of Infrastructure, Planning and Natural Resources, Lismore City Council, Rous Water, Department of Primary Industries, Country Energy, NSW Fire Brigade, Richmond City Council, Department of Environment and Conservation, Ballina Shire Council, Friends of the Koala Department of School Education, Richmond Valley Council and representatives of the Community Liaison Group.

3 Mar 05	Meeting held with Richmond Valley Council.
22 Mar 05	Community Liaison Group meeting held. The meeting outlined the outcomes from the Corridor Mapping Workshop, the methodology for assessing the long list of route options, the assessment criteria and performance measures, and the noise assessment methodology and results of monitoring.
19 Apr 05	Community Liaison Group meeting held. The meeting discussed a submission relating to a community alternative route, received a presentation on the Iluka Road to Woodburn upgrade, received an overview of traffic and transport studies, and an overview of noise studies, was provided with information on the value management process. CLG members provided with an opportunity to provide feedback on the CLG process.
5 Apr 05	Ecology Focus Group meeting held.
14 Apr 05	Progress Update 3 published in the North Coast Advocate and the Rivertown times
14 & 16 Apr 05	Progress Update 3 published in the Northern Star
18 Apr 05	Progress Update 3 distributed to the study area.
4 May 05	Sugar Focus Group meeting held.
4 May 05	Flooding Focus Group meeting held.
4 May 05	Ecology Focus Group meeting held.
18 May 05	Community Liaison Group meeting held. The meeting reviewed the CLG comments on the long list of options, reviewed the comments on the CLG processes and discussed CLG representation at the Value Management Workshop.
23 May 05	Route options announced
23 May 05	Letters sent to owners of properties potentially directly affected by the route options inviting them to meet with the study team (letters dated 20 May 05).
23 May 05	Community Update No. 2 distributed. The Short list of route options was identified, locations and times of staffed and un-staffed displays was notified and community submissions were invited.
23 May 05	Route Options information packs sent to all contacts on the community consultation database
23 May 05	Route options displayed at various locations within the study area to 20 June (Note: period extended to 4 July during June – refer below).
24 May & 4 & 11 June 05	Route Options release for public comment advertised in the Northern Star
26 May & 2 & 9 Jun 05	Route Options release for public comment advertised in the Ballina Shire Advocate
9 Jun 05	Route Options release for public comment advertised in the Rivertown Times
17 Jun 05	Extended route options display and time for public comment announced via media release. (Extended from 20 June to 4 July)



- 9 Jun 05 Staffed display held at Wardell to answer specific questions regarding the route options being considered for the upgrade.
- 10 Jun 05 Staffed display held at Broadwater to answer specific questions regarding the route options being considered for the upgrade.
- 11 Jun 05 Staffed display held at Woodburn to answer specific questions regarding the route options being considered for the upgrade.
- 14 Jun 05 Further Meeting held with Lismore City Council and Richmond Valley Council
- 21 Jun 05 Further Meeting held with Ballina Shire Council.
- 7 Jun 05 Community Liaison Group meeting held. The meeting reviewed the CLG member opinions on the displayed route options.
- 15 Jun 05 Sugar Focus Group held.
- 15 Jun 05 Flooding Focus Group meeting held.
- 15 Jun 05 Ecology Focus Group meeting held.
- 12 Jul 05 Meeting held with representatives of the Jali Aboriginal Land Council and Elder groups to discuss the short list of route options.
- 12 Jul 05 Sugar Focus Group held.
- 12 Jul 05 Flooding Focus Group meeting held.
- 19 Jul 05 Ecology Focus Group meeting held.
- 19 Jul 05 Community Liaison Group meeting held. The meeting reviewed the initial assessment of the community alternate route, the CLG issues to be raised by the CLG representatives at the Value Management Workshop and the initial feedback on issues raised in community submissions.
- 21 & 22 Jul 05 Value Management Workshop held<sup>444</sup>. Participants included nominated CLG representatives, State Government agencies, local Councils, representatives of the indigenous community, representatives of community groups and the study team.
- 17 Aug 05 Meeting held with representatives of the Jali Aboriginal Land Councils and the Elder groups to discuss the short list of route options. Formation of an Aboriginal Focus Group.
- 6 Sep 05 Aboriginal Focus Group held.
- 13 Sep 05 Aboriginal Focus Group held.
- 13 Sep 05 Community Liaison Group meeting held. The meeting received an update on the assessment on the community alternate route, an overview of the Value Management Workshop and presentations from each of the CLG representatives, as well as an overview of the process for selecting a preferred route.

<sup>444</sup> The following groups were invited to attend: Ballina Shire Council, Country Energy, Department of Environment and Heritage, Department of Environment and Conservation, Department of Primary Industries, Department of School Education, Department of Infrastructure Planning and Natural Resources, Friends of the Koala, NRMA, NSW Fire Brigade, NSW Road Transport Association, Richmond County Council, Richmond Valley Council, Rous Water, representatives of the Community Liaison Group, representatives of local aboriginal councils and elders, and representatives from the RTA and Hyder project teams

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25 Oct 05	Aboriginal Focus Group meeting held.
1 Nov 05	Ecology Focus Group meeting held.
30 Nov 05	Preferred route announced. On public display for further comment and submissions until 31 January 2006
30 Nov 05	Preferred Route information packs sent to community liaison members, focus group members, project database, councils and government agencies, and display locations.
1 Dec 05	Flyers with information on the Preferred Route Options release placed on public noticeboards.
1 & 2 Dec 05	Radio advertising on the preferred route and staffed display times on North Coast 900 (2LM) AM & FM, Bay FM and ABC North Coast
5, 8 & 15 Dec 05 & 12 Jan 06	Preferred route release for public comment advertised or booked for advertising in the Northern Star
8 & 15 Dec 05, & 12 Jan 06	Preferred route options release for public comment advertised or booked for advertising the North Coast Advocate

Resolved, on the motion of Ms Fazio: That following paragraph 3.174, a new paragraph be inserted, to read:  
 'In response to criticisms of the measures taken by the RTA to minimise the impact of upgraded roads on wildlife, Mr Bob Higgins advised about the nature of mitigation measures undertaken in other areas:

I have one person in my office, the manager for environment, who is very keen on ensuring we get a very cost-effective environmental design in terms of working. If you take the Karuah example, the mitigation measures put in place were fencing, koala-proof fencing, and we go through and monitor road kill on those sections. We did the same thing at Yelgun to Chinderah. We also put sand traps where the tunnels go across to track animals, so we can see what is going on...

The other part that goes with the measures put in place for mitigation is that we provide significant compensatory habitat where we impact upon the habitats. We have built parcels of land at Yelgun to Chinderah, at Cudgen Lake, for protection. There is another at Mount Karuah, which was earmarked for a major quarrying operation. About 500 hectares of land was purchased, which has now been handed over to the National Parks to form part of its total system. That land is being protected. They are some of the measures put in place in the highway program—but we are always willing to learn.

(Source: Transcript 18.11.05 page 21)

Ms Fazio moved: That paragraph 3.184 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 3.187 be amended to read: 'Ms Maria Matthes noted in relation to mapping by the RTA of areas of her property:'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Rhiannon moved: That paragraph 3.187 be amended, to omit 'noted' and insert instead 'asserted'.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon  
 Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Resolved, on the motion of Ms Fazio: That paragraph 3.188 be amended to omit 'particularly'.

Ms Fazio moved: That following paragraph 3.194 a new paragraph be inserted, to read:  
 'At the hearing on 18 November 2005 the RTA tabled documents including further information on these matters.  
 The RTA advised the Committee that:

The ecological survey and assessment undertaken by Geolyse involved an assessment of major ecological constraints of the study area based on desktop and literature review, background research, consultation with representatives of relevant government agencies and field surveys. The level of survey and assessment is considered appropriate for the route development stage.

In addition, the RTA established an Ecology Focus Group (EFG) to give key stakeholders the opportunity to provide input to ecological investigations undertaken for the project. Six meetings have been held since March 2005 to raise issues and review the ecology reports prepared for the route development phase. The project team considered the comments by members of the EFG and the working reports were updated to address the issues raised.

The project has had further meetings with Ballina Shire Council and the Department of Environment and Conservation to assist in resolving the issues raised by the EFG.

In addition, an independent review of the updated ecological assessment has been carried out by Dr Andrew Benwell, a well-known botanist who has undertaken many ecological surveys in the North Coast region. Dr Benwell reviewed the flora components of the ecology report and concluded that the updated assessment is adequate for the route development phase.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
 Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved on the motion of Ms Forsythe: That paragraph 3.194 be omitted, and inserting instead:  
 'At the hearing on 18 November 2005 the RTA tabled documents including further information on these matters.  
 The RTA advised the Committee that:

The ecological survey and assessment undertaken by Geolyse involved an assessment of major ecological constraints of the study area based on desktop and literature review, background research, consultation with representatives of relevant government agencies and field surveys. The level of survey and assessment is considered appropriate for the route development stage ...

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The project team considered the comments by members of the EFG and the working reports were updated to address the issues raised ...

In addition, an independent review of the updated ecological assessment has been carried out by Dr Andrew Benwell, a well-known botanist who has undertaken many ecological surveys in the North Coast region. Dr Benwell reviewed the flora components of the ecology report and concluded that the updated assessment is adequate for the route development phase.'

Ms Fazio moved: That paragraphs 3.208 and 3.209 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That for the heading prior to paragraph 3.208, the words 'Committee view' be replaced with: 'View of the majority of the Committee'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraph 3.225 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That for the heading prior to paragraph 3.225, the words 'Committee view' be replaced with: 'View of the majority of the Committee.'

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That paragraph 3.226 be amended by omitting the words 'flawed and 'lack of'.

Ms Fazio moved: That paragraph 3.227 be amended by omitting the second sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Clarke: That paragraph 3.227 be amended by inserting ‘complaints’ after ‘heard’ and before ‘that’.

Ms Fazio moved: That paragraph 3.231 be amended by omitting the word ‘flawed’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 3.231 be amended to insert in the third sentence ‘majority of the’ before ‘Committee’.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Forsythe moved: That Chapter Three, as amended, be adopted by the Committee.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

The Committee resumed consideration of Chapter Four.

Resolved, on the motion of Ms Fazio: That paragraph 4.11 be amended by omitting the second sentence and inserting instead: ‘Residents affected by highway upgrades should be advised that the Manual will be made available to them on request, at the beginning of the upgrade process.’

Resolved, on the motion of Ms Fazio, that Recommendation 3 be amended by reflecting the changes agreed to in 4.11 above, as determined by the Secretariat.

Ms Fazio moved: That paragraph 4.12 be amended by omitting ‘as a major’ and inserting instead ‘one of the’ and by omitting the words following ‘study area’ in the second sentence until the end of the paragraph.

Question put.

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Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Forsythe: That paragraph 4.12 be amended by omitting the words 'It is not surprising that' from the beginning of the final sentence.

Ms Fazio moved: That paragraph 4.14 be omitted

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 4.14 be amended by inserting the words 'the majority of' before the word 'Committee' in the two places this occurs in the paragraph.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That Recommendation 4 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That paragraphs 4.15 and 4.16 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That Recommendation 5 be omitted.

Ms Rhiannon moved: That a new Recommendation 5 be inserted to read:

That the NSW Government establish a Working Party to explore ways to expedite the payment of financial compensation to people whose properties are to be acquired by the RTA. The Working Party should include representatives of the RTA, Department of Planning, NSW Treasury and other relevant stakeholders.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Resolved, on the motion of Ms Rhiannon: That paragraph 4.15 be amended by omitting the final sentence.

Resolved, on the motion of Ms Burnswoods: That a new paragraph be inserted between paragraphs 4.15 and 4.16 to read: 'The Committee notes that the existing legislation provides for affected people in certain restricted circumstances, to apply for early compensation'.

Ms Rhiannon moved: That a new Recommendation 6 be inserted (to follow new Recommendation 5) to read: That the NSW Government consider establishing a Property Value Guarantee Scheme to assist people whose properties are very close to a preferred route identified by the RTA, but who are not eligible for financial compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Fazio moved: That paragraph 4.17 be amended by omitting the final sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Burnswoods moved: That paragraph 4.17 be amended by inserting 'the majority of' prior to 'Committee' in the final sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Fazio moved: That Recommendation 6 be omitted.

Question put.

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Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Forsythe, Ms Rhiannon

Question resolved in the negative.

Ms Forsythe left the room and was replaced by Mr Ryan.

Resolved, on the motion of Ms Fazio: That paragraph 4.18 be amended by inserting instead the words ‘A high proportion of’ at the beginning of the first sentence prior to residents, inserting ‘appearing at the Inquiry after ‘residents’ in the first sentence, and omitting the word ‘residents’ at the beginning of the second sentence, inserting instead ‘They’.

Ms Fazio moved: That paragraph 4.19 be amended by omitting the first sentence and inserting the words ‘in the Ballina – Woodburn area’ at the end of the last sentence.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Resolved, on the motion of Mr Clark: That paragraph 4.19 be amended by:

- omitting ‘therefore’
- omitting ‘about what’ and inserting instead ‘ that’
- omitting ‘regard as’ inserting instead ‘perceived’

Ms Burnswoods moved: That paragraph 4.19 be amended by inserting the words ‘the majority of’ prior to the word ‘Committee’ in the two places this occurs in the paragraph.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That the heading prior to paragraph 4.20 be amended by omitting the words ‘Summerland Way’.

Ms Fazio moved: That following paragraph 4.21, a new paragraph be inserted to read:  
‘The proposed route has been presented as a “line on a map” and has not been surveyed, costed or subjected to any of the studies that would be required to determine if it is a serious alternative. Further the issue of what, if any funding, would be provided to the proposal by the Commonwealth Government, for investigation or development, has not been indicated.’

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio  
Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan



Question resolved in the negative.

Ms Rhiannon moved: That following paragraph 4.21, a new paragraph be inserted to read:

‘The proposed route has not been surveyed, costed or subjected to any of the studies that would be required to determine if it is a viable alternative.’

Question put.

Committee divided.

Ayes Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Resolved, on the motion of Ms Burnswoods: That paragraph 4.21 be amended by inserting the following words after the word ‘Committee’ in the first sentence: ‘on 24 November 2005’.

Ms Burnswoods moved: That paragraph 4.22 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Ms Fazio moved: That paragraphs 4.23 and 4.24 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Ms Fazio moved: That Recommendation 8 be omitted.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Ms Burnswoods moved: That Recommendation 8 be amended by omitting the words ‘be conducted independently of the RTA, and’.

Question put.

Committee divided.

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Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Ms Burnswoods moved: That a new sentence be added to Recommendation 8, or to be a new Recommendation 9, to read: 'That the NSW Government ask the Commonwealth Government what if any funding would be provided for investigation or development of this proposal'.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative

Ms Rhiannon advised the Committee that her draft recommendations 10-15 will be deferred until consideration of the Committee's Final Report.

Ms Rhiannon moved: That Chapter Four, as amended, be adopted.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Resolved, on the motion of Mr Ryan: That the Committee recommit consideration of Chapter One.

Resolved, on the motion of Ms Rhiannon: That paragraph 1.9 be amended by inserting the words 'road and rail alternatives' after the word 'Highway'.

Mr Ryan moved: That Chapter One, as amended, be adopted.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Mr Ryan moved: That Chapter Two, as amended, be adopted.

Question put.

Committee divided.

Ayes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Noes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Question resolved in the affirmative.

Ms Fazio moved: That the draft Chair's Foreword be approved by the Committee prior to the report being tabled in the House, as per Standing Order 229.

Question put.

Committee divided.

Ayes: Ms Burnswoods, Mr Donnelly, Ms Fazio

Noes: Mr Clarke, Mr Cohen, Ms Rhiannon, Mr Ryan

Question resolved in the negative.

Resolved, on the motion of Ms Fazio: That dissenting statements should be received by the Secretariat by 5pm on Monday 19 December 2005.

Resolved, on the motion of Mr Clark: That the report (as amended) be the report of the Committee and be presented to the House.

**6. Adjournment**

- 8.** The Committee adjourned at 1pm sine dine.

Madeleine Foley

**Clerk to the Committee**

## Appendix 10 Dissenting Statements

### DISSENTING REPORT – HON AMANDA FAZIO MLC

The majority Report, in many respects, is biased and unbalanced. The Report ignores documentary evidence submitted to the Committee by the RTA, as well as ignoring submissions from other parties that support the upgrade projects.

Quotes from RTA representatives have been used in a highly selective and unbalanced way. Amendments to insert full quotes that would have provided accuracy and proper balance were defeated.

In this regard it is particularly disturbing that the Chair's Foreword draws the unsubstantiated conclusion that "the RTA lacked candour in its dealings with the Committee". This is a very serious allegation and is not supported by the extensive and helpful verbal and written evidence submitted by the RTA.

This matter is dealt with more extensively in the dissenting reports but the Report has only been able to reach this conclusion by selectively quoting from RTA evidence. In doing this, the dissenting members of this Committee believe that a new low has been reached when the Chair deliberately misrepresents the minority of the Committee.

The "Committee view" sections of the Report do not represent the views of the whole Committee and draw conclusions from an unbalanced and seriously flawed Report. They should not have been included.

Concerns have arisen about the political and personal agendas of inquiry participants. The Report is highly critical of the decision to expand the study area for the Tintenbar to Ewingsdale upgrade. A proposal to note in the Report that "the direct impact of the expanded study area on the property of Don Page MP, Member for Ballina, and the potential noise impacts on the property of the Hon Ian Cohen MLC, were never formally disclosed to the Committee during the course of this Inquiry leading to the perception that potential conflicts of interest were being concealed" was defeated. It should be noted that Mr Cohen's property is outside the expanded study area but his concern about noise impacts is evident in his extensive questions to the RTA at the 18 November 2005 hearing. The belated notification, by Don Page, of his conflict of interest is acknowledged.

It is disturbing to note the symbiotic relationship, more correctly described as a marriage of convenience, between the Liberal Party, The Greens and The Nationals to include in the Report issues on which they could agree while other issues on which there is great division amongst them were "passed over in silence".

The Report also fails to acknowledge the detailed and complex processes developed by the RTA to gather and assess this information and use it in the route assessment process.

## Chapter 1 – Introduction

The Committee heard evidence about the need to complete these two upgrade projects, and indeed the upgrade of the entire Highway between Hexham and the Queensland border, as soon as possible to save lives and to realise the other social, economic and environmental benefits that the completed upgrade will bring<sup>445</sup>. The Report claims the RTA partly pre-empted its release by announcing the preferred route for Woodburn to Ballina. The Committee's inquiry should not be used to delay this important work.

The Report failed to acknowledge the delays to the upgrade of the Pacific Highway caused by the Federal Government's AusLink funding arrangements. Except for the Pacific Highway, all AusLink National Network roads are funded either 100 percent or 80 percent by the Federal Government. In contrast, the Pacific Highway will only receive 50 percent Federal funding. The different treatment of the Pacific Highway is difficult to understand and to justify, given the enormous safety and other benefits of completing the upgrade.

If the Commonwealth were to commit to the same level of funding that it provides for other AusLink National Network roads, the Pacific Highway upgrade could be completed within 10 years. Given the Federal Government's record budget surplus, and that it receives \$13.6 billion from the fuel excise tax but only spends \$1.6 billion on major roads, its refusal to fund the Pacific highway like other National Network roads is puzzling.

The Committee heard evidence from many members of the community and notes, in many instances, that community members hold contradictory views and positions. Despite this, the Report fails to acknowledge the:

- Difficult task faced by the RTA in dealing with the competing claims and priorities raised by the community and stakeholders; and
- Detailed and complex processes developed by the RTA to gather and assess this information and use it in the route assessment process.

It is misleading for the Report to suggest that the Committee hearings provided the first opportunity for many people to have their say. The RTA engages in extensive community consultation processes and provides many opportunities along the way for people to comment on the proposed upgrades. It also fails to give a full account of the complex consultative and assessment processes the RTA undertakes before making its decisions.

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<sup>445</sup> Submissions and evidence from the NRMA, the NSW Roads Transport Association, the Hon David Campbell, Minister for Regional Development and Minister for Small Business, and the RTA, for example.

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The whole process is documented thoroughly in the 100 plus page Route Options Development Reports for each upgrade which were provided to the Committee. The omission of this detail from the Report is disappointing and an example of its lack of balance.

The following list provides an example of the types of consultation and assessment processes associated with determining route options:

- Initial review of existing data about the land area involved,
- Site visits to add to this knowledge, including road and aerial inspections of the study area,
- Preliminary ecological, heritage, traffic, geotechnical and other investigations,
- A variety of community involvement activities to identify community interests, issues and concerns and to ensure they are incorporated into the route development process.
- Establishing a website, Freecall number, email, and Freepost for community information and engagement,
- Community and stakeholder participation in opportunities and constraints workshops, corridor assessment workshops, value management workshops, community liaison and focus group meetings, planning workshops, and route options workshops,
- Community and stakeholder input into the criteria and weightings which are used to evaluate and assess possible route options, and
- Opportunity for the Community Liaison Group to recommend alternate route options.

## DISSENTING REPORT – HON JAN BURNSWOODS MLC

In narrowing down the route options and making decisions about a preferred route, the RTA uses information from the activities described previously to undertake a complex assessment process taking into account many different factors. For example, in determining the route options for the Tintenbar to Ewingsdale upgrade, detailed evaluation criteria concerning safety and accidents, travel time and transport costs, social and health factors, local economic factors, environmental and cultural heritage factors, and engineering and cost considerations were developed and given weightings through a consultation process<sup>446</sup>.

### Chapter 2 – Ewingsdale to Tintenbar

#### Timing of Route Options Announcements

It is of concern that the Report criticises Mr Paul Forward, then CEO of the RTA and Mr Les Wielinga for not being able to give the Committee a timeframe for the announcement of the route options. The Report implies they were being evasive. However, no date had been determined for the release of those options when the witnesses appeared before the Committee, and the development of the options was not at a stage where a timeframe could accurately be given.

The Report draws inferences which are not supported by evidence and selectively quotes from the transcript of evidence from both witnesses. For example, at paragraph 2.11 the Report quotes Mr Forward as saying “there is still some time to go yet” in the context of the release of route options. In fact, Mr Forward was describing the longer process required to determine a preferred route some time in the future. He said:

“We are working on the route options at the moment. We will put out a document for the community, an exhibition for the community to have a look at the route options and then we will have a look through with the various consultative committees, the advantages and disadvantages of each of those route options. So there is still some time to go yet.”<sup>447</sup>

Mr Forward was clearly not attempting to “dispel Mr Wielinga’s inference that the short list of route options would be announced in the near future” as the Report claims.

#### Community Liaison Group (CLG)

The Report misleadingly claims the RTA did not provide the Committee with information on the criteria used to select CLG members and reports that the CLG did not accurately represent community opinion.

<sup>1</sup> Route Options Development Report, RTA Web Site, Appendix A. Also see Appendix B for the assessment process used on the routes on the long list.

<sup>447</sup> Mr Forward, Evidence, 26 September 2005, p 38.

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In fact, the RTA provided the Committee with the selection criteria for the CLG and also advised the Committee that it “selected representatives who could provide the most diverse representation from residents, business, property and environmental issues as possible.”<sup>448</sup>

In relation to claims in the Report that the minutes of the CLG were censored and inaccurate, the failure to report the RTA’s evidence that CLG minutes must be agreed to by the CLG before they are posted on the web site is disappointing.<sup>449</sup>

The Report accepts claims that the route options were announced early when in fact there was no timetable for the announcement. In relation to unfounded claims in the report that ARUP was entitled to a bonus if this occurred, the RTA has confirmed there was no such bonus arrangement and this is acknowledged in the report. Reporting such rumours in these circumstances serves no-one’s interest.

The Report also repeats the theories of some in the community that the timing of the announcement of the route options was determined to avoid media coverage. Disappointingly the Report fails to mention the extensive media campaign which accompanied the release of the route options and was designed to inform the public about the release and to encourage community feedback.

#### Process for Expanding the Study area

Many Committee members seem to misunderstand the study area concept, which is merely to determine an area that might have feasible routes and so deserves greater study. Given the evidence of Mr Bob Higgins quoted in the Report, the claim that the Committee was not satisfied by the explanation given by the RTA as to why the study area was expanded cannot be supported. Also, the Report fails to acknowledge that the RTA did not expand the study area to the west as no viable route options could be found there.

It is disappointing and misleading that the Report details claims the RTA counted signatures on petitions regarding the expansion as individual submissions and that signatures were collected from tourists at local markets. The Committee should refrain from reporting unsubstantiated rumour that is not supported by evidence.

#### Impact of expanding the study area on other RTA projects

The Report misleadingly asserts that the expanded study area was inconsistent with other RTA projects, without fully reporting evidence from the RTA on this point. The RTA advised the Committee that the expanded study area was not inconsistent with the projects listed<sup>450</sup>. It is therefore not open to the Committee to conclude this shows a lack of strategic direction by the RTA.

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<sup>448</sup> RTA response, tabled at hearing of 18 November 2005, to questions listed in letter from Committee Director dated 14 November 2005.

<sup>449</sup> Evidence at 18 November hearing by Mr Bob Higgins at p 24.

<sup>450</sup> RTA response to questions taken on notice from Mr Ian Cohen and the Route Options Development Report.



For example, the RTA advised the Committee that:

- The approved Ballina Bypass project was developed with the constraint of rejoining the existing highway at Ross Lane. The RTA did not consider options without this constraint.
- A major part of the Bangalow Bypass forms part of route option A and this issue will be a consideration in selecting the proposed route.
- In relation to the Bangalow to St Helena Route, the expansion of the study area was not inconsistent with this route. A recommendation of the Northern Pacific Highway Noise Taskforce Report was that the RTA review the Bangalow to St Helena EIS in light of concern about road traffic noise<sup>451</sup>.

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<sup>451</sup> Northern Pacific Highway Noise Taskforce Report dated August 2003 provided to the Committee.

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## **DISSENTING REPORT – HON GREG DONNELLY MLC**

### Noise Impacts

The Report comments on noise impacts on residents who may be close to upgraded sections of the Highway but does not provide detail of the extensive noise mitigation or reduction measures undertaken by the RTA. Potential noise effects are considered early in the route options selection process.

Potential measures to reduce noise include locating routes away from noise sensitive areas where feasible, using existing hills and ridges to help shield from noise impacts, minimising road grades that require more energy from vehicles, and providing a buffer area on either side of the road.

The most suitable types and locations for noise reducing measures such as noise walls/mounds, low noise pavement and acoustic treatments are examined at the detailed design stage.<sup>452</sup>

### Agricultural Impacts

The Report misleadingly comments that agriculture is not an overriding concern for the RTA when developing route options, selectively quoting from evidence given by Mr Bob Higgins of the RTA. In fact Mr Higgins says “Agriculture is very important”.<sup>453</sup>

It is certainly not true, as the Report claims, that the RTA viewed agricultural land as ‘greenfield’ sites<sup>454</sup>.

### Fog, Flooding and Soil Quality

It is very disappointing that paragraph 2.250 of the Report gives a completely misleading account of the evidence given by Mr Bob Higgins regarding fog, flooding and the softness of the soil. Mr Higgins in fact said that these are all important considerations:

“Looking at any upgrade we have up and down the highway, fog is an issue we have on our floodplains and it is an issue that we take into account. Soft soil is always an issue. While we value input from the community and community comments, sometimes we have to drill a hole and look at what is underneath so that we can fully understand. Yes, the flooding is a very important issue.”<sup>455</sup>

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<sup>452</sup> How is Noise Addressed: Upgrading the Pacific Highway. RTA brochure on RTA website.

<sup>453</sup> Mr Bob Higgins, Evidence, 26 September 2005, p 51.

<sup>454</sup> See Tintenbar to Ewingsdale Route Options Development Report, October 2005, available on the RTA website.

<sup>455</sup> Mr Bob Higgins, Evidence, 26 September 2005, p 50.

### Chapter 3 – Ballina to Woodburn

The Report gives little acknowledgment that the announcement of the preferred route for the Ballina to Woodburn upgrade on 30 November 2005 has provided an answer to many of the community concerns raised in this report.<sup>456</sup> It is a shame the Report does not acknowledge this in more detail.

The Report does not fully describe the community consultation processes followed for the Woodburn to Ballina upgrade or the fact that the consultation program itself was discussed with Ballina, Richmond Valley and Lismore Councils and some key stakeholders. The Report also fails to mention the deadlines for submissions on the route options was extended by two weeks to allow the community to properly consider the Route Options Development Report. More detailed information on the RTA's consultation processes has been provided in the dissenting report of Hon Amanda Fazio MLC (Chapter 1) and similar processes were followed in this project<sup>457</sup>.

These processes include: information sessions, regular updates in local newspapers, letter box drops, approaches to affected property owners, meetings with individual and groups, public display of plans with opportunity to make submissions (with publication of a report analysing the submissions received),

#### Community Liaison Group (CLG)

Similarly in relation to the CLG established for this project, the Report details claims of inadequate community representation, particularly in relation to the Whytes Lane area. However, the Report fails to mention the establishment of the CLG was advertised and no requests for membership were received from the Whytes Lane area and representatives were asked to identify any groups or areas not adequately represented during the first meeting. When the route options were displayed, two community members from the Whytes Lane area joined the CLG.

#### Noise

The Report is critical of a report from Hyder consulting which, it says, contains little information about noise mitigation measures. However, the Report fails to acknowledge that Hyder was not asked to consider noise mitigation measures. These obviously cannot be determined in detail until the preferred route is known. The noise mitigation measures which can be used by the RTA have been detailed above.

#### Accessibility

The Report has failed to acknowledge the selection of the preferred route for the Woodburn to Ballina upgrade has now addressed the access concerns raised in the report.

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<sup>456</sup> Preferred Route Report, November 2005.

<sup>457</sup> Detail on the consultation processes followed for this project is available in the Woodburn to Ballina Route Options Development Report and Preferred Route Report, both of which are available on the RTA website.

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The preferred route will provide traffic and transport benefits across the study area for both through and local traffic. Local roads will generally pass over or under the highway upgrade and accessibility arrangements will be further developed during the concept design phase<sup>458</sup>.

### Impact on the Sugar Industry

The Report details concerns about the potential impact of the upgrade on agriculture and the sugar industry in particular. However, it fails to report that regionally significant farming land, sugar cane farming, transport to the mill, and severance of cane land within the study area were key considerations in determining the route options. The Preferred Route Report notes that: "... the section of the preferred route from Woodburn - Evans Head Road to Lang Hill was realigned to the east to reduce the severance impacts on agricultural land. Following community consultation on the preferred route, there is scope to further refine the route to minimise impacts on individual land owners."<sup>459</sup>

## **Chapter 4 – Recommendations**

The recommendations and commentary that supports them in the Report are flawed, based as they are on a substantially flawed report. These flaws have been detailed in the three dissenting reports prepared in relation to this Inquiry.

In relation to Future Directions and recommendation 9, it is worth noting that that the length of this part of the Report exceeds the length of the submission from Don Page MP.

His proposed route has been presented as a "line on a map" and has not been surveyed, costed or subjected to any of the studies that would be required to determine if it is a serious alternative.

Further, raising the issue of what funding, if any, would be provided to the proposal by the Commonwealth Government, for investigation or development, was resisted rabidly by other members of the Committee. To give so much attention to this flimsy proposal underlines the extent of the political bias in the report.

This proposal could rightly be regarded by people who would be impacted by it as a crude attempt at avoiding dealing with a difficult issue by transferring the problem elsewhere.

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<sup>458</sup> Chapter 7 of the Preferred Route Report at pp 93 to 94.

<sup>459</sup> Preferred Route Report, pages 25, 76 and appendix 3.