

Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	00561707
Meeting	COMMUNITY LIAISON GROUP – Meeting No.9 Including Flood, Cane Industry and Ecology Focus Groups	Date:	13 September 2005

Present:	Apology:	Name:	Group/ Organisation:
✓		David Judge	Wardell
✓		Kerry Kelly	Bagotville
✓		Bill Walker	Broadwater
		Ron Rosolen	Wardell
	✓	Natasha Heath	Wardell
✓		Mike Rushby	Wardell
	✓	Julianne Coyle	Wardell
		Roger Stanley	Coolgardie
✓		Trevor Monti	Bagotville
✓		Emma Walke	Bagotville
	✓	John Degotardi	Broadwater
✓		Jack Matthes	Broadwater
✓		Jeffrey Phillips	Woodburn
		Rodney Ison	Ballina
✓		Darren Woolage	Broadwater
✓		Murray Shergold	Woodburn
✓		Steve Flatley	Wardell
✓		Bert Plenkovich	Alstonville
	✓	Tony Carusi	Woodburn
✓		Ray Collyer	Wardell
✓		David McDonald	Woodburn
✓		Stephanie Lymburner	Coolgardie
✓		Mark Graham	Meerschaum Vale
✓		Rik Nutt	Woodburn
✓		Bill Salapic	Woodburn
✓		Colin Duncan	Wardell
✓		Francine Hitchens	Riley's Hill
✓		Richard Paton	Whytes Lane West
✓		Michael Archer	Whytes Lane West
	✓	Lois Cook	Observer
		Paddy Wilde	Rileys Hill
✓		Artie Ferguson	Wardell
		Peter Moore	Meerschaum Vale
✓		Michael Meszaros	Meerschaum Vale
✓		Barry Jameson	Lismore
✓		Ray Walsh	SFG* member
✓		Trevor Wieden	SFG member
✓		Rod Greentree	SFG member
✓		Owen Dorey	SFG member
✓		Ian Gaskell	EFG* member (Ballina Council)
✓		John Moye	EFG member
	✓	Natalie McCarthy	EFG member (Lismore City Council)

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Present:	Apology:	Name:	Group/ Organisation:
	✓	Andrew Tickle	SFG member
	✓	Russell Bailey	SFG member
✓		Shane Higgins	RTA
✓		Toby Heys	RTA
✓		Harry Batt	Hyder Consulting
✓		Graham Richardson	Hyder Consulting
✓		Carolyn Stone	PPM Consultants
✓		Daniela Payne	GeoLINK
✓		Jo Sayer	GeoLINK
* denotes member of Sugar Focus Group (SFG) and Ecology Focus Group (EFG)			
Recorded By:	Daniela Payne, GeoLINK		Total Pages: 10

**WOODBURN TO BALLINA – COMMUNITY LIAISON GROUP
NOTES OF MEETING NO.9 – TUESDAY 13 SEPTEMBER 2005**

Item 1 Welcome (Carolyn Stone)

Carolyn Stone opened the meeting at 6:30pm and welcomed all CLG and Focus Group members. Apologies were received from Tony Carusi, Natasha Heath, Andrew Tickle, Murray Shergold, Julianne Coyle, Natalie McCarthy, Gavin Brown, Steve Flatley, and Russell Bailey. Carolyn then invited the focus group members to introduce themselves.

Carolyn outlined that the purpose of the meeting was to get a report back from the 4 CLG members that were represented at that VMW workshop, and to provide a brief overview of where the project is headed.

Item 2 Comments on notes from CLG 8 and matters arising (Carolyn Stone)

Carolyn asked for comment on the notes of CLG 8 prior to the minutes being accepted by CLG members.

The issue was raised about getting delegates from the Evans Head area. Shane Higgins advised that he would like to discuss this issue with CLG members prior to inviting new members, as there were already 34 members. Carolyn Stone recommended that this issue be revisited later in the meeting.

It was raised that in the last meeting there had been a discussion about Section 42 of the Aboriginal Land Right's Act and the impact on Route Options 2C and 2D, and how the Act would impose an impediment to Route Option 2D. Carolyn Stone advised that there would be an adjustment to the notes.

Mark Graham stated that of the route options available in section 2, his preference would be 2F, but upgrading the existing highway was by far the best option.

The CLG meeting notes 8 were otherwise accepted.

Harry Batt explained that to improve the flow of the meeting, the agenda items would be reshuffled.

Item 3 Update of community proposed "Flood Free Route" assessment (Harry Batt)

Harry Batt gave a brief overview of the process the project team has been following in assessing the "Flood Free Route". He posed a question to the group as to a better name for this route.

It was suggested that the new name could be the "Most Practical Route", the "National Park Route", or the "Green Route".

Harry said that there had been some more work done on the assessment of the "Flood Free Route". He advised that the engineering of the route had not changed but technical staff had been out in the field assessing the route corridor.

Mark Graham asked what particular assessment was being undertaken. Harry advised:

- Walk-through ecological assessment of the area, known as a meandering survey
- Aquatic aspects of flora and fauna, to verify desk top study
- No night time studies conducted
- No trapping of fauna species
- Jacqui Collins had been in the field assessing Aboriginal Heritage and Cultural information, assisted by Artie Ferguson.
- Noise and Social assessments were also in progress.

Harry discussed the tables comparing Route Options 1C, 2E to the "Flood Free Route" and gave an overview of the advantages and disadvantages identified thus far.

It was raised that the comment about the impact on fisheries habitats must be challenged, and a reference was made to the Evans River Estuary Management Study and Plan 2002 with regard to the tidal management of the river. It was raised that although the Pygmy Perch species is a big concern in the Northern region, it is hard to believe that so many threatened species are impacted upon, and it was felt that this statement needed to be challenged.

The question was raised as to when the "Flood Free Route" report will be available to the public. Harry advised that the RTA will be given the draft report shortly and is expected to start reviewing the report some time in the next few weeks.

It was raised that the advantages of a firebreak and cut/fill advantages of building on sand should be listed for the "Flood Free Route" option, as it was felt that the route had mostly disadvantages listed within the tables presented to the group.

Harry then pointed out the Aboriginal Heritage and Culturally sensitive areas affected by the "Flood Free Route".

It was stated that during the EIS study undertaken for the co-generation plant, Aboriginal studies were conducted, and the project still got the go ahead. Harry advised that the Route Option 2E is an area of interest to the Aboriginal community and that the outcome of the study for the co-generation plant does not directly translate to a similar outcome for the highway.

It was raised that it is almost impossible to find a route that avoids Aboriginal sensitive sites. It was indicated that maps outlining sensitive areas differ. It was stated by a community member that it is hard to keep up with the new drafts of maps showing Indigenous heritage areas within the study area – there has been three to date and each one is different. It was questioned whether a final map will be ascertained. Harry advised that investigations are ongoing and therefore, maps are updated as more information is gained, this is happening with all aspects of the project – geology, hydrology, heritage, ecology, etc.

Item 4 Overview of Value Management Workshop (VMW) (Graham Richardson)

A general overview of the VMW was presented; the members were then advised that the CLG members represented at the VMW would then give an account of the workshop from their perspective.

It was explained that the VMW was made up of various government agency representatives, council representatives, and various interest group representatives. There were also four CLG members who attended on behalf of the CLG.

The workshop determined the items that were important and then grouped these items into significant perspectives. These perspectives were:

- Environmental
- Heritage
- Functional
- Social
- Business and Economic

Within these 5 perspectives the individual groups came up with key criteria to then assess each perspective.

Mark Graham raised the issue that the VMW was inaccurate in the portrayal of the number of properties in the highway footprint. An aerial photograph of the study area showed water tanks, farming sheds, etc and these had been counted as residential buildings which then over stated the actual number of residential properties in the area. Another CLG member agreed and felt that this inaccuracy misrepresented the submissions made by the community. A CLG member said that this inaccurate description of the actual situation on the ground hugely affects community members' submissions and opinions on certain route options. He said that following the miscalculation of actual homes on route 2E incorrectly portrayed the cost of the route as being double that which it should be. Another CLG member said that her young daughter based her submission to the route options display on the factor of how many homes were impacted upon, and so a skewed result would have also resulted in a skewed submission.

Graham responded that his recollection was that the Route Options Development Report was based on the number of buildings only, in the complete width of the corridor and not the footprint, which may have included various farm buildings that were not actual residences, however upon checking the report agreed that it did state number of houses and there was an error on route 2E. It was noted that the error was also present in the information presented to the VMW, but that the participants were made aware of its existence by Mark Graham when assessing the property impacts either side of Cooks Hill.

Shane Higgins explained that this was the information available at that time, and that if better information is available at any stage of the project, it will be used to update the current knowledge base of the project team.

It was suggested that these inaccuracies affect the RTA's credibility when items are misrepresented.

The presentation then continued showing a summary of how the group had ranked the Route Options against the 5 perspectives. These tables are included in Attachment A.

Mark Graham called Harry Batt a liar on several occasions, and claimed that the results from the VMW were misrepresented in the presentation, he was happy to provide copies of the notes he took at the VMW, which were of far better accuracy in his opinion.

His specific issues could be summarised that he believed the scientific data presented were flawed in terms of methodologies employed and mappings produced within the study area. Ian Gaskell supported Mark's view point in this regard, his example was 7 ha of salt marsh land had not been represented in the presentation.

Harry Batt advised that there are a number of varied issues raised at the VMW which the project team is now investigating.

Harry pointed out that Eco Tourism was raised at the VMW within the Business and Economic group, and thanked Mark for raising that as an item at the workshop. Harry Batt advised that Mike Butler (Hassalls) had analysed various socio economic factors within the study area, e.g. the effect on boating on the river, etc and what the effect would be on all businesses.

At the conclusion of the VMW, it was highlighted that there are some action items and issues that still need further investigation, which include further investigation of the "Flood Free Route", checking the information within both Ecology, and Heritage related constraints sets, etc. It was noted that should the "Flood Free Route" be determined as a viable option, this option will need to be assessed against the other route options displayed. There was unanimous support from the workshop for Route Options 1C and 3B over the other options in those sections. The Route Options in Section 2 have issues and risks for all the route options. The outcome of the workshop in relation to section 2 could be summarised as: 2A and 2B need no further action, 2C is a possibility, dependant on Heritage and quarry issues being resolved. Route Options 2D, 2E and 2F are also possibilities and have issues that have been identified.

Item 5 Presentations on Value Management Workshop (VMW) from CLG representatives

The CLG representatives at the VMW gave their presentations of the workshop:

Emma Walke said she gave an explanation of the Aboriginal issues, and gave information and history of the study area and Cabbage Tree Island in particular. Emma's preferred Route Option is 2F as the land is already degraded and she feels that there should be unspoilt native flora and fauna left for future generations.

Jack Matthes, wanted to thank the project team for creating the forum to discuss the "Flood Free Route" at the VMW. Jack expressed that he had no faith with the various perspective results as he felt that some of the people in the groups had not been privy to the same local information and knowledge when it came to the ranking process. Jack then explained the results of the rankings and identified where these results conflicted with his opinion. Jack also stated that he thought that Route Options 2A and 2B were no longer options after the VMW.

Harry advised that the VMW was one factor in helping the project team in arriving at the preferred route decision; however, there are other factors and influences to take into consideration.

Jack pointed out that Route Option 2E would make an impact on Maloney's proposed sub-division. Jack pointed out that the "Flood Free Route" does not impact on this sub-division. The only thing that distinguishes Route Option 2E is that it bends away from the other options that go closer to the town.

A CLG member raised the point at this stage over the anguish of the local residents over a route that goes within 75 metres of Pine Street (on the west side of Wardell). Mark disputed this and after referring to a map said the route does not go within 75 metres, but rather 100 metres – as a minimum.

Jack also raised the issue that mosquitos are the biggest danger to the Pygmy Perch, rather than other perceived dangers with regard to human development.

Bert Plenkovich thought the VMW was well conducted. He explained that the results from the groups were on a consensus basis, but any personal disagreements of any of the members were recorded by a second scribe in each group. Of the 47 people at the VMW, 4 CLG members represented the local community and had local knowledge, and Bert felt that some of the group opinions made were made by people that did not have knowledge about the local issues, therefore he would recommend that in future perhaps more CLG members attended these meetings.

Bert was disappointed that the "Flood Free Route" is not being considered as a preferred option. There were many obstacles brought up; however the human hardship element was not looked at as a major consideration when looking at various route options that would most definitely impact upon flooding in some areas. Bert asked Harry to follow up and substantiate the claim of the "Flood Free Route" impacting upon fauna species, as he felt that there was a need to justify the effect on the habitat.

Mark Graham advised that there are inaccuracies in the environmental assessment which have still not been acted upon. Mark advised that there are areas of major vegetation in the study area that have not been mapped and remain unassessed. Mark advised that 80% of properties on Route Option 2C have not been visited. He has created a team of experts to do the job that he claims the RTA has failed to do and has received no answers to his reviews and assessments. He said he had drafted numerous emails to various members of the project team, to which he said he has still got no responses. Both Harry and Shane disagreed and said they had responded on a number of occasions.

Mark presented a series of maps which he had created, using the structural mapping technique, prepared by Mark and his team of experts. This mapping showed more vegetation than what was portrayed by the RTA sub consultants' mapping which had previously been done.

Mark Graham's presentation was based on Route Option 2C. Mark highlighted that native vegetation, regrowth vegetation, disturbed vegetation, and vegetation of national significance was not reported on. Mark proceeded to give his presentation which had a partial map of Section 2 and a line showing his interpretation of where the Route Option 2C was. He advised that the RTA has been invited to visit the properties in this area and no one visited, and no threatened species had yet been recorded.

Mark's presentation proceeded with maps outlining the Ecological assessments done by RTA, which showed:

- Threatened fauna
- Endangered Ecological Communities
- Rare and Threatened Flora, on Route Option 2C

Mark had overlaid these maps with his own assessment and questioned the data collected by the RTA as he believes that the results clearly show inaccuracies on the RTA and their sub consultants' part.

It was raised by another CLG member that Mark's presentation and the work of himself and his team of professionals, was also incomplete as he had only looked at route option 2C, and not even at route option 2D.

Ian Gaskell advised that from a council's point of view he was not confident to rely on the data provided by the RTA thus far, and he suggested that the ecological data presented thus far was flawed. Shane Higgins did not deny that there are errors within the data; however he did insist that these are now being addressed. It was suggested that an independent assessment is done to verify and compare findings from the RTA as compared to Mark Graham's. Harry advised the group that this had been done a few months ago, when Mark and Ian had first identified gaps within the ecological assessment and reports are being completed. An independent

consultant, who has done work for the RTA previously, assessed the assessment and the procedures followed thus far, and stated that he found no failures or gaps with the data, especially since the project was at the route options stage still.

Harry Batt advised that in relation to the Phase 2 report, issues have been responded to through the Ecological Focus Group. He advised that DEC and Ballina Shire Council had taken on board these comments and all had been addressed. There is an upcoming meeting of the Ecological Focus Group to work through these issues and the degree of detail required at various stages of the planning process. Mark Graham stated that he felt that the study deserves the highest level of assessment and should be accurately documented at the outset, rather than at a later stage once a preferred corridor or route was already selected.

Mark proceeded with his presentation showing a statistical analysis of the submissions received. A CLG member acknowledged the amount of work Mark had put in, and thanked him for it.

Shane Higgins advised that no options in Section 2, or any other section had been struck out as a result of the VMW group not supporting them. A compulsory acquisition of Aboriginal land required an Act of Parliament. It was advised that the Jali community had unanimously voted not to sell Jali land.

It was then questioned why this was not made public. Carolyn Stone advised that this information had come to light late in the process, however, the Aboriginal Land Rights Act was mentioned at the last meeting as advised by Barry Jameson.

It was raised that perhaps there could be the opportunity with Route Option 2C to not go as far west. It was advised that a large amount of water falls in that area and could create an increase in flooding.

A CLG member asked whether a local Aboriginal man who had purchased land in the study area, had more rights than a non-Aboriginal resident. A member of the project team said that no individual land owner had preference over another, but in the instance of land owned by an Aboriginal Land Council, it has certain legal restrictions on the sale of land.

Mark Graham highlighted that in conclusion the work done by the RTA and their contractors is of poor quality, and in comparison, his quality of work was highly accurate.

Mark Graham showed a picture of a Greater Glider that was seen and photographed in the study area on a property north-west of Wardell in 1995, and advised the group that this species is extremely rare in this region.

Another CLG member commented that he has seen Greater Gliders on a number of occasions down near the Gap Road, south of Woodburn

Item 6 General Discussion

A couple of members of the CLG had recently had a conversation with a resident in the study area, concerned that the highway would be going through a National Park.

The question was asked, as a result of the VMW, if Route Option 1C and 3B got unanimous support, does it mean that the other Route Options are not being considered? Shane Higgins clarified, that all options were still being considered, and that these results were the opinion of the VMW only, and would be considered in the assessment process.

It was asked whether the RTA would be using the information prepared by Mark Graham and incorporating it into the Ecological report. Shane Higgins advised that this can be discussed at the next Ecology Focus Group, as this meeting was meant to be a feedback session from the VMW and for the benefit of the entire CLG group and the focus group members.

It was raised that the Aboriginal Focus Group had not been handled properly and that not enough people knew about the meeting. A list of contacts was provided by Emma Walke to Mary-Lou Buck (RTA Aboriginal Heritage and Cultural Consultant). Both Carolyn Stone and Shane Higgins appreciated if this information could be forwarded to them, so that further follow-up could be undertaken.

David raised that consultants had recently been on his property with a map showing a variation to the Route Option 1C and he had requested a copy of the map from GeoLINK, and, on advice from Hyder was told this map did not exist. Shane and Harry advised that this map may have shown an interpretation of the route as advised in submissions received by the public. Harry went on to explain that there are various ideas being investigated at present. These stem from public submissions and ongoing analysis by the team and are sketched up to guide staff as they go into the field to gather information and to “test” the ideas. It probably was one of these sketches that had been seen by David. These sketches don’t have formal status as feasible options – they are simply ideas being tested and may be rejected by the team or further modified in order to refine the analysis.

The question was asked of Shane Higgins: if there is a unanimous vote by the Jali community not to sell land to the RTA and voluntary acquisition of the land not allowed, does this strike out Route Options 2C and 2D? Shane advised that he can provide information on the RTA’s understanding of the legalities surrounding acquisition of Aboriginal Land at the next CLG meeting.

A member of the CLG advised that when a highway is put through the middle of a town in a flood prone area like Woodburn, the afflux created is 100mm higher on one side of the town than the other. This was based upon the council requirements for house floor levels either side of the existing Pacific Highway at Woodburn. With the proposed route options, more flood water would be put into the area; therefore, this changes the value of the homes being affected. How will the RTA compensate? Harry Batt advised that there is a need to look at all issues and how to mitigate these issues, however, these are taken into account when engineering the road.

It was advised that Woodburn flood waters peak approximately 48 hours after Lismore, in a usual flood event.

Harry Batt advised that flood modelling can not be exactly the same as the real event, as no flood is ever the same due to, variations in rainfall, catchment areas, tides, etc.

A CLG member asked when the Submissions Report will be available for public scrutiny. Shane Higgins advised that the Report would be available closer to when the announcement is made about the preferred route option.

A CLG member raised the timeframe of when information is released by the RTA and presented to the public that it does not give enough time to digest what is happening, because the project team has already moved on. It was pointed out that there are numerous anomalies in the Route Options Development Report (RODR). It was also requested that a copy of the VMW results be provided to all CLG members. Shane advised that the document has been circulated for comment amongst those that attended the VMW, once all comments are finalised, they will consider whether a copy will be issued to the CLG.

Item 7 Future Consultation (Harry Batt)

Harry Batt presented in flow chart format the way forward for the project.

Mark Graham asked that the VMW, Public Submissions and appendices to the RODR be available for public scrutiny. It was noted that the appendices to the RODR report are available for public scrutiny at the Community Information Centre in Woodburn.

The question was asked in relation to the flow chart, when a preferred route is chosen do the public in the affected area have the right to give a submission on that preferred route. It was confirmed that the public will always have the right to make submissions into the planning process.

It was advised that the “end of the year” did not provide the community with enough time in relation to what has happened so far, and what still has to occur within the project life cycle. Carolyn clarified that the diagram did not represent time; it represented the process, and so it looked like much still had to be done before the end of the year, whilst the steps prior to the present time appeared to be short.

Shane Higgins advised that the Submissions Report will be available around the same date that the preferred route is displayed as the report would outline responses to the submissions received.

It was highlighted that the “end of the year” was near to the Christmas holidays and not many people would be around to be able to comment on the preferred route. Carolyn clarified that this would be taken into account.

Item 8 Other Matters

It was advised that the Byrnes property was referred to in the last meeting notes as being in Woodburn, the property is in Broadwater, and this should be changed.

The CLG members that went to the VMW were thanked for their participation, and for the time they put aside in representing the entire CLG group.

The question was asked when the preferred route is announced will the CLG be told prior to the announcement. It was advised that there will be a public announcement and all people will know at the same time.

The meeting was closed at 9:30pm, and members were thanked for attending. The next meeting date was to be advised.

Action list:

Action item	Responsibility
Emma Walke to send contact list to Toby Heys and Carolyn Stone of recommended Aboriginal stakeholders	Emma Walke
Mike Meszaros to forward anomalies in RODR to project team	Mike Meszaros
RTA to provide information on legalities surrounding acquisition of Aboriginal Land	RTA

ATTACHMENT A: SUMMARY OF ROUTE OPTIONS RANKINGS AT VMW

Section 1

Options	Perspectives					
	Environmental	Heritage	Functional	Social & Noise	Business & Economic	Cost (units)
1A	1	3	3	2	3	100
1B	2	2	2	2	2	88
1C	3	1	1	1	1	86

Section 2

Option	Perspectives					
	Environmental	Heritage	Functional	Social & Noise	Business & Economic	Cost (Units)
2A	4	1	5	3	5	100
2B	4	3	4	3	4	109
2C	2 (3)	4	3	1	3	93
2D	3 (2)	5	2	2	2	88
2E	3 (2)	6	1	2	1	84
2F	1	2	6	1	6	160

Section 3

Options	Perspectives					
	Environmental	Heritage	Functional	Social & Noise	Business & Economic	Cost (units)
3A	2	2	2	2	2	100
3B	1	1	1	1	1	98