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Submission to Oxley Highway to Kempsey Upgrade Environmental Assessment

General Observations on Process

The RTA consultation process is framed to give the result RTA wants. The Advisory Committee for this section of road was selected and contained a majority of business representatives, one of whom was apparently seconded after nominations had closed. There were interested property owners as well and when it came to representation at the next level (VMW) the NCEC representative was voted off the community representation and the business representative given the environmental slot.

Fortunately the manager of the process corrected that and included the environmental representative.

However on arriving at the VMW it was clear that the meeting would be dominated by NSW and PMHC representatives and the few environmental representatives were split up in the table grouping. This made it very hard to argue the environmental imperatives in the table groups.

This was even harder when the value ratings were determined and evaluation was in categories involving Function, Economy and Environment. Thus no matter how important the environmental issue the argument for ESD was always going to lose to property, financial and engineering priorities.

The RTA has had the benefit of experts and several years to develop the material presented to the community to read, absorb, research and provide submission in one month.

In any case the environmental damage to EECs and threatened species should be on the table before the route choice is made. (see Cairncross SF comment)

Necessarily I have devoted my time to the standout issues that I have identified. No doubt others will stress other issues such as the new koala issue at Stumpy Creek.

Crossing the Hastings River

I have not had time to research the entire marine and estuary study but I believe the desktop and field studies at the site of the crossing of the Hastings River may have failed to identify the well-known TBT problem with the Birdon operation where there are thousands of tonnes of contaminated material on site and in the river.

An EPA study revealed that there has been a dramatic effect on oyster growth both up and downstream which may not have been identified in the RTA assessment.

The question therefore is whether RTA operations will liberate more TBT from the silt into the river ecology which supports an oyster industry downstream and the top predator, river dolphin.

Cairncross State Forest

Environmentalists in the advisory committee argued strongly that the State Forest had a wide ranging koala population and that the area should not be divided in two. The NSW Nature Conservation Council proposed that a more easterly route could be used but at the VMW this option was instantly rejected by a bureaucrat who claimed environmental constraints east of the Dennis Bridge. It seemed that the bureaucrat had this statement prepared beforehand. No explanation as to what the environmental constraints were and why they were different to any constraints west of the bridge was given and the option was dismissed.

The result has been a division of the habitat which could in effect amount to an 8 lane width desert which will effectively isolate populations of threatened species despite any amelioration proposed.

Proof that underpasses, overhead ladders and glider poles provide equivalent access to what was before is not strong. There is no "like for like" or "maintain or gain" outcome once you clear for a highway or motorway with buffers.

At least a couple of overhead bridges with tree plantings would improve the situation. There are such fauna bridges at Bonville Bypass and at the Caldera corridor across the Pacific Highway Upgrade north of the Byron Bay area.

I suspect such fauna bridges would solve the koala kill problems further north. Despite arguments of financial constraints no-one yet has put a dollar value on the lives and habitat of threatened species. Maybe in the Oxley Highway to Kempsey Upgrade there is room for such dollar valuation in recognition of International Year of Biodiversity 2010.

It is noted that the stand of *Acronychia littoralis* has disappeared from the map in the new environmental assessment. It is stated that the ecologists were unable to find any evidence of the find reported by an earlier study. It seems essential then to get the original ecologists onsite to show where they made their previous record but I did not find any report of that happening??

The Eastern Option to Cairncross State Forest

However it is possible the Cairncross option need not happen.

If you take a straight line from the first access doughnut north of the Dennis Bridge it is possible to draw a line to the new route further north without touching the Cairncross State Forest.

One has to wonder whether the choice of route is governed by environmental factors or engineering/cost influences.

I would appreciate comment on this, please.

Offsets

Under Part 3A and within critical infrastructure the RTA can offset just about anything and if it cannot find "like for like" south of the Queensland border it can always pay blood money to DECCW.

There is probably not a person living on the North Coast of NSW who has not been impacted in some way by tragedy on the Pacific Highway and the Upgrade is without doubt "critical infrastructure".

However cost of taking the most ecologically sustainable route choice should not be the "critical" factor in determining the final route. Offsets should be the absolute last, unavoidable choice.

Having said that, if "disturbance" (destruction) of EEC SCF and koala habitat is unavoidable there is a chance that the offsets required could be provided with a "like for like" result at Goolawah Estate sects 3-5.

This forest has the subject of a very large community and NGO protest for some years. The NSW Nature Conservation Council, the North Coast Environment Council, the Crescent Head Ratepayers and Residents Association, Robert Oakeshott MP, Andrew Stoner MP (Leader of the NSW Nationals), Catherine Cusack MLC (Shadow environment minister), Ian Cohen MLC and Peter Besseling MP have all supported the community and environmentalists' fight to protect this forest.

The Goolawah Estate forest has recognised EEC swamp sclerophyll forest as well as koala, glossy black cockatoo, and little bentwing bat habitat. There is a high likelihood of other threatened species of bat, quoll and brush-tailed phascogale being present. It has old growth red gum, grey gum, bloodwood, Allocasuarina littoralis and even a couple of swamp mahogany and tallowwood.

The Coalition have already promised to include it in the adjoining Goolawah National Park if elected next March as it provides a link to a corridor running from the Hastings River through Limeburners Nature Reserve, Goolawah NP, Hat Head NP and eventually to the Macleay River. These corridors will be essential under global warming effects and the need for fauna and flora corridors.

The relatively small patch has very high conservation value (HCV) and was included in the Maria River Regional Crown Reserve

The history of this block is quite long and complicated but this has resulted in at least 5 environmental studies which prove its status as HCV.

It was included in the MNC Regional Strategy and was part of the first Australian mainland Land Claim which resulted recently in Minister Tony Kelly MP handing over \$6.1M to the Dunghutti Elders. An earlier decision to recommend rezoning to conservation was then reversed and LMPA have begun investigations to subdivide the block which has enraged conservationists.

The block will be expensive to purchase but so is any offset for any EEC SCF and koala and threatened species habitat. The bonus though is the PR for RTA in helping both the community and the environment in the one action which is often difficult to achieve.

I am sure Minister Kelly would also be pleased to balance his books.

The proximity to a National Park and Regional E-W Corridor as well as the chance to protect a link in a N-S corridor is also to be considered.

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