

Foxground and Berry bypass Environmental Assessment

Submission from Stuart Coughlan, 165c Bong Bong Road Berry.

Introduction

The Director General's Requirements state that –

“The assessment must take into account ... the residential sub-division at Huntingdale Park, Berry (including future growth) and any severance impacts on local connectivity within Berry as a result of the proposed route.”

As correctly stated by the Director General, the township of Berry includes Huntingdale Park estate and all of the dwellings along Kangaroo valley Road, Bundewallah Rd, etc. There is no west Berry or east Berry – there is one Berry township which is growing to the west and north-west where the land does not flood and this growth will continue. The connectivity between the growth areas and the social infrastructure (school, shops, etc), is vitally important. Within the next few years there will be more dwellings (520) to the west of the new bypass than in the original town (460) – (see Attachment 1).

Local connectivity within Berry includes Kangaroo Valley Road, North Street and Victoria Street. However, as Huntingdale Park estate grows and other developments occur, both Hitchcock's Lane and Schofields Lane will also provide local connectivity. Once the bypass is constructed, only the Kangaroo Valley link will remain.

The use of the terms West Berry and East Berry within the Environmental Assessment is a disingenuous strategy employed by RMS to legitimise the severance of the Berry township that will result from the construction of what RMS staff refer to as the “internal bypass” of Berry.

The Director General should be in no doubt that the Berry community will be irreversibly and unnecessarily split in two by the northern bypass. Construction of the proposed route would constitute an act of premeditated State vandalism that will elicit cries of “How was this allowed to happen?” across NSW for generations to come.

RMS Project Objectives

The RMS website states that “The environmental assessment report includes detailed information relating to all potential impacts of the upgrade and proposed mitigation measures”. However, all of the impacts listed by RMS are secondary in nature compared to the overwhelming, irreversible and unnecessary splitting of the Berry township in two.

This is a classic case of RMS being unable “to see the wood for the trees” and is clear evidence of the need for the Director General's involvement to safeguard the interests of the Berry community and the integrity of the NSW Government.

We have got to this position because the project objectives, used to evaluate the route options, have been misinterpreted by RMS who have skewed their evaluations predominantly towards benefits for the road user.

Project Objective 6 of the 2007 Route Options Development Report states that the project should –
“Optimise the benefits and minimize adverse impacts on local social environment

- Maintain or improve the overall amenity of the community
- Minimise adverse impacts on places of community value”

However, the route option evaluation process was driven by Project Objective 4 –
“Provide value for money – Optimise financial return” (ie lowest cost)

The choice of location by RMS for the Berry Bypass completely ignored Project Objective 6, focusing instead on Project Objective 1 –
“Improve road safety. Criteria – bypass main street of Berry” (ie Queen Street)

This criteria dates back to the 1960’s when the Berry Bypass was first being considered and is completely irrelevant to the current situation. Over the last fifty years the Berry township has extended far beyond the western end of Queen Street. The only land that is not flood-prone around Berry lies to the north-west and that is where major development has occurred and will continue to do so.

Unbelievably, this reality was completely ignored by RMS in their presentation of route options during the evaluation period 2006-08. All of their map presentations focused on the bypassing of Queen Street and showed none of the existing or planned development to the north-west of the old town. In spite of numerous requests, accurate representations of the breadth of the current Berry township were not produced by RMS until mid-2012.

RMS have acknowledged the scale of the severance of the township when they have referred to the selected Northern option as an **“internal bypass”** when talking to community members in the Berry project office.

Consequently, other than a brief mention of removing traffic from the old town centre of Berry, there is no evidence in the route selection process or the Environmental Assessment of any attempts by RMS to evaluate the major environmental and social impacts on the Berry community.

Route Selection Process History

In 1966 the RTA approved a road reservation running parallel to North Street and culminating with an intersection at Kangaroo Valley Road. The land was reserved for a truck bypass of Queen Street.

In the following forty five years, despite major developments rendering the original scheme obsolete, the RTA/RMS clung to their original scheme. Only a minor revision was allowed in 2008 to divert the eastern end of the bypass from carving a swathe through the Berry cricket pitch.

On several occasions the Berry community has recommended or requested a bypass to the south of Berry be evaluated by the RTA/RMS, so that the drastic severance of the Berry township could be avoided. However, on each occasion RMS has denied the community a fair evaluation, defending the northern option and insisting that the original (1966) decision was the right one.

1996 Berry Bypass Value Management Workshop

In March 1996 the RTA convened a Value Management Workshop to recommend a route for a bypass of Berry. The workshop was attended by RTA management, Shoalhaven City Council staff and councilors, Dept. of Land & Water Conservation and representatives of several Berry associations.

The workshop selected a southern route as the preferred option for the bypass on the basis of the cost and qualitative selection criteria. However, at a later date RTA management stated that an internal assessment had overturned the recommendation and a northern bypass option had been selected.

The original recommendation of the workshop was never disclosed in background material distributed during future evaluations and when questioned earlier this year, RMS stated that no papers from the 1996 workshop could be found. A copy was retrieved by the Berry Historical Society however. Clearly the recommendation of the 1996 workshop represented an 'inconvenient truth' for RMS.

2007/08 Route Selection Process

RMS presented only two shortlisted options for the Berry Bypass to the community in 2007, both to the north of the township. In early 2008, I was part of a Berry resident group that persuaded Minister Roozendaal to call for a Peer Review of the flawed RTA route selection process. After appearing on ABC Stateline on 25 April 2008, I accepted an invitation to meet with Duncan Gay and received an offer of his support.

The Peer Review vindicated our position in finding that a southern route option should have been short-listed. However, as with the 1996 Value Management Workshop recommendation, there is no mention of the Peer Review outcome in the Environmental Assessment.

On 27 May 2008 the RTA announced that Maunsell would "compile thorough costings for a southern option", and six weeks later issued a media release referring to "more detailed costings confirming a route south of Berry is not feasible". No actual costs were shown, but ratios were quoted which were clearly inaccurate and biased against a southern option.

I challenged the ratios and demanded to see the actual costings. In a subsequent meeting with Maunsell and RTA management, I uncovered a \$50 million error in the costings. I also discovered that no new costings had been compiled, and the ratios had been based on **costings which were over a year old**. Profuse apologies were offered and new costings were promised.

Seven weeks later on 19 August, revised costings were displayed on the RTA website (with a tiny annotation referring to errors in an earlier announcement). These costings were also suspect, but with no technical support it was not possible to mount a further challenge.

With hindsight it was clear that the whole costing process had been dragged out to circumvent the final selection of the bypass route at the Value Management Workshop on 14 May, so that consideration of the social and environmental benefits of a southern option could be avoided. (I attended the three day workshop as the elected community representative for Berry).

I discussed these observations with Fiona Court, RMS Communications Manager in March 2012. She researched the RMS project files and stated that she was mystified by the course of events and could not understand why a fair evaluation of a southern option was so strenuously avoided by RMS management.

2011 Revisions to the Northern Option

The proposed Berry Bypass route passing north of the town was described in the Oct 2008 RTA Project report as a "slender & unobtrusive design that fits into landscape". However, the Bypass design produced by the RTA in early 2011 bore no resemblance to the earlier description. This caused serious concern in the community as reasonable alternatives put forward by the Better Options for Berry (BOBs) committee were dismissed by RMS.

BOB had to enlist the help of State MP Gareth Ward and Minister Gay to force RMS to listen to community concerns and agree to the formation of a Community Review Group. Gareth asked me to be his representative on the CRG, which met several times between August and early December. Some of the worst aspects of the road design were improved, but this was due entirely to the skills and experience of Berry resident Bruce Ramsay, a retired bridge designer of world renown. RMS did not initiate any improvements.

A week after the community meeting on 6 December, Bruce produced a design and submission for a southern route (see Attachment 2), which he believed to be far superior to the improved northern option (see Attachment 3). Gareth discussed this proposal with the Minister and a high level RMS review was initiated.

2012 RMS Evaluation of the Southern Option

In January 2012 Minister Gay asked RMS to conduct a fair and impartial cost review of the Southern option. If the southern option was shown to be cost effective, an evaluation of non-financial impacts would follow. Fiona Court, who had initiated a major improvement in RMS community consultation, initially led the RMS evaluation and she insisted on a transparent and impartial approach.

However, responsibility for the costing evaluation was then handed to a Technical Investigation Group (TIG), chaired by the Project Director (an employee of **Evans & Peck** seconded to RMS). This was the same person who, during the northern option review in 2011 had doggedly resisted any deviation from the RMS original preferred (and since discredited) northern route.

The membership of TIG included 5 consultants from **Evans & Peck**, 6 consultants from Aecom (formerly known as Maunsell, the consultancy that in 2008 twice performed flawed costings of the southern option) and 3 RMS staff. The composition of the membership of TIG represented an **unacceptable conflict of interest**. It was incomprehensible to expect that the Maunsell consultants would support an outcome that discredited their organization. As a result, the outcome of the costing comparison was effectively pre-determined.

Requests were made to the Minister's office for the appointment of an independent reviewer to counter the bias in the TIG findings. The Minister's office responded positively, but responsibility for the appointment was passed to RMS and the selection and hiring of the 'independent' reviewer was carried out by the Project Director. The 'independent' appointee, Dan Reeve, was in fact an employee of a consultancy dependent upon RMS for future business. Needless to say, no TIG findings were questioned and all RMS recommendations were fully supported.

The appointment of the 'independent' reviewer also provided the Project Director with the opportunity to sever all communications with Bruce Ramsay, citing the avoidance of unfair influencing of the TIG as justification. From this point on any semblance of impartiality was dispensed with and any questioning by Bruce of incorrect RMS project assumptions was ignored.

Minister's Decision

Based on the analysis provided by RMS, the Minister announced on 30 June 2012 that the southern option would cost around \$150 million more than the northern option to construct. This meant that a comparison of social and environmental impacts would not be carried out.

The costing analysis produced by RMS was flawed however, as it did not take into account the redesign of the embankments for the southern option produced by Bruce Ramsay which would have removed most of the cost differential between the two options. The RMS Project Director had denied Bruce access to the engineering

drawings during TIG evaluation process and Bruce did not get to see them until August, well after the Minister's announcement.

Bruce performed an extensive review of the RMS engineering drawings and exposed a flawed interpretation of his redesign. He identified major 'errors' and 'lazy' design assumptions which grossly exaggerated the cost of the southern options. There was no evidence of RMS using "their best engineering endeavours" on the Southern option as required under the project brief.

The drawings exposed that the quantities and costs for the southern option had been artificially inflated through the design of unnecessarily high embankments which required massive amounts of expensive fill. The original key RMS project assumption of excess fill from the Toolijooa cutting being made available had also been removed, but not communicated outside of TIG members. These two actions resulted in the southern option being incorrectly burdened **with an additional cost of over \$100 million** (including contingency) for imported fill, which was to be obtained by increasing the depth of the Toolijooa Cut. This Cut already has an excessive design depth of 27m and the additional material requires hard rock mining methods involving blasting and rock anchor stabilising at great expense. (See Appendix A - Key Facts).

Bruce has now prepared his own detailed drawings which clearly demonstrate that by using good design and engineering disciplines, his **redesigned Southern option would cost no more than the Northern option.**

The attached calculations (Attachment 4) identify revised earthwork amounts which deliver direct cost savings of \$60 million. Further savings of \$15 million have also been identified through removal of obvious anomalies. When the Northern route provisional sums of \$9 million are correctly reflected and additional property acquisition cost differences of at least \$7 million are included, **the cost of the Southern option is around \$15 million less than the Northern option.**

EA Chapter 3 Discrepancies

3.5.1 Description of Short-listed Route Options

Southern bypass of Berry – Page 35. The short list of options released in 2007 did not include a southern option. The route option shown in Figure 3.8 was not proposed until December 2011 and should not be included in this section. The evaluation results shown in Section 3.5.2 refer to southern options included in the 2006 long list of options and are not applicable to the 2011 proposal. The 2011 southern option proposal was evaluated on cost only. The major benefits it provided in avoiding severance of the Berry community were excluded from consideration.

3.6.7 Southern Bypass of Berry

As covered above in comments relating to Section 3.5.1, the southern option proposed in December 2011 was evaluated on cost only. Statements in this section referring to an evaluation against project objectives are false. The evaluation actually relates to the long list of options reviewed in 2006 under a process found to be flawed by the Peer Review.

Conclusion

The disastrous impacts of the proposed severance of the township have been ignored by RMS in their evaluation of a route for the bypass of Berry. They have failed to provide any evidence whatsoever that they have complied with their own Project Objective 6 -

"Optimise the benefits and minimize adverse impacts on local social environment

- Maintain or improve the overall amenity of the community
- Minimise adverse impacts on places of community value"

RMS have also argued that there is no alternative to their proposed act of vandalism and that the southern option would be too costly. Through this strategy, RMS aim to tie the Director General's hands and enlist him in their ongoing and dogged defence of their 1966 decision to bypass Berry with a northern route.

At the final public meeting in Berry after the Minister's announcement a community member asked about the Director General's review. A senior RMS manager stood up, grinned at the audience and said that RMS was very experienced at getting approval from the Department of Planning. Further discussion after the meeting referred to a "rubber stamping" exercise and that the Director General never questioned an RMS recommendation.

The Environmental Assessment submitted by RMS to the Director General should be rejected as inadequate and failing on the most fundamental basis. A genuinely 'independent' review of the cost of the southern option should be established based on a true interpretation of Bruce Ramsay's redesign.

Appendix A

Key Facts

- Bruce Ramsay's December submission for a Southern bypass of Berry was based on the key RMS assumption that there would be 400,000m³ of excess fill created by the proposed Toolijooa cutting and RMS had **ruled out all options** for disposing of it. The formal RMS evaluation which commenced in January was based on this assumption.
- We now know that during February the RMS project team somehow '**discovered**' requirements **for all 400,000m³ of the excess fill** and changed the assumptions for the Southern option to include the **import** of 737,000m³ of fill at an **additional cost of over \$100 million** (including contingency).
- In Brad Turner's (RMS General Manager) own words at our recorded meeting, the impact of this change was **"massive"**.
- However, in spite of claimed "unprecedented transparency", RMS did not to advise the community of this change and although aware that the cost of the change would effectively kill off the Southern option, **chose to make no mention of it at the community meeting on 19 March**.
- The change was accidentally disclosed to Bruce by RMS consultant (Peter Stewart) after the community meeting. Brad Turner described this 'oversight' as "extremely regrettable".
- As he had done with the Northern option, Bruce proceeded to redesign the Southern route with a balanced cut and fill, which **removed the need for any imported fill**. He passed the redesign to the Project Director on 28 March 2012.
- However, instead of apologizing and offering Bruce assistance, the Project Director refused to provide him with any computer support, and Bruce was forced to do all the required detailed calculations manually. He passed the design revision to RMS and the 'independent' reviewer at the 30 April community meeting.
- Whilst Bruce was overseas, the TIG rejected his redesign (quoting spurious technical standard reasons) and made no attempt to "use their best engineering endeavours" to correct the very small criticisms they'd made. For appearance sake, some aspects of Bruce's redesign were crudely shown under Provisional Sums.
- All requests by Bruce to meet with the Project Director or the TIG were rejected throughout the evaluation process to prevent him from exposing the design errors which created the massive amount of imported fill.