

Andrew Beattie - RE: Foxground and Berry bypass Environmental Assessment - Submission

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Subject: RE: Foxground and Berry bypass Environmental Assessment - Submission
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WITHOUT PREJUDICE

Foxground and Berry bypass Environmental Assessment –

Submission from Rick Gainford
 78 Woodhill Mountain Road Berry.

The RTA – RMS process is so flawed it is difficult to know where to begin. I am assuming that the Department having read so many submissions to date that they are fully aware of the anger and resentment that this “process” has caused and that the RMS decision to bisect the town of Berry rather than take the Highway away from the town is recognised for the enormous blunder that it is.

The town of Berry is expanding and it can only expand to the land surrounding the town that is not flood prone. This high ground is exactly where the RMS has chosen to build the “bypass” of our town. There is a railway line to the south of Berry across a floodplain – it has been there for more than 100 years - this is here the bypass should be built. The EA and the process by the RMS has been manipulated to allow them to destroy our town by dividing it, creating a blot on the landscape and creating a ridiculous and unacceptable level of noise both throughout the construction period and for ever after. More details follow below.

The “consultation” process has been flawed throughout. The community were listened to, notes were taken, the community were appeased to some extent with less than forthright, often dishonest or inaccurate answers throughout and the fact that the community were polite and did not get angry with the poor staff at these meetings and in the office this was taken as “the community are happy with what we are proposing”. What a load of nonsense.

The huge majority of the Berry community do not want the “bypass” to the north of Berry. Nothing could be clearer.

The process also included a constant parade of errors, oversights, manipulation and obfuscation.

The consultation process came unstuck when Fiona left and the RTA could just get on with doing what they wanted.

I give for example the issue of the RMS deciding to work their costings on the closure of Victoria Street. This discussion was at a consultation meeting where the RTA spokesperson stated that it was not a major concern to the RTA which one of the three options they had proposed were to be adopted and that it was up to the community and the Council to make that decision. The Berry Community Consultative Body, the Berry Alliance, organised a Community Consultation about this and what was best for town because there had been an approach purporting to come from the Berry Public School requesting that Victoria Street be closed. The RTA had agreed to send spokespeople along to assist in this consultation process. Two days before this meeting the RMS announced that they would be basing their costings on a closed Victoria Street. This decision and announcement were a departure from the status quo, was announced just 2 days before the meeting called to discuss this issue, flew in the face of previous announcements that it was the Community and the Council that would decide it and gave the distinct impression that the RTA wanted Victoria Street closed.

This decision and the timing of the announcement has been variously described in the community as stupid, an act of bastardry, incompetent and the most ridiculous decision they had made yet. The RTA (RMS) are now making it clear to all and sundry that this is what this consultation and all these submissions are here to address and that they (the RMS) would be changing this decision as a result of the overwhelming evidence and submissions already made and after discussions with DPI staff. The community could be forgiven for thinking that this may have been a deliberate "give away" so the community would concentrate on this and leave other issues alone. Also, that a divided community could be more easily directed by the RMS. (eg "the community were not united on this issue and a decision had to be made by us - RMS")

I was involved in nearly every one of the Consultations and Workshops and I experienced and witnessed a litany of errors, half truths, obfuscation, extremely inaccurate note taking, misrepresentation and an attempt to drive the meetings towards a pre-set goal or agenda.

You only need to speak to [REDACTED] from the Berry office of the RMS for some examples of my complaints in this regard.

They even made fundamental errors such as sending an email out to all people registered with them as a "Courtesy Copy" rather than a "Blind Courtesy Copy" thus providing every single person on the email list the opportunity to contact everyone on the list at any time. I understand that errors can be made and are forgivable but this was pretty fundamental.

The Berry Alliance was accused of "stirring up trouble" at the RTA office in Berry forcing it to close on one occasion. That was absolute rubbish and a flagrant attempt to muzzle the Berry Alliance. Following this [REDACTED] requested (demanded) that the Berry Alliance send the RMS a copy of any articles they proposed printing in their paper so they could check it first. You must be kidding.

[REDACTED] and when called on in writing by me as the President to withdraw the comments and what he was basing his ill disciplined words there was no response. My follow up email requesting a response also received no response. Any respect that he may have enjoyed up to that point was lost. We are still waiting for an apology and withdrawal.

The most recent example of error was a fundamental one involving the % of Mark Radium Park that would be forfeited with each of the three "options" that the RMS propose. The percentages were found to be very inaccurate but when requested to correct them we were told that this may just lead to confusion in the community during the EA period and they would not change it. The RMS continued to distribute inaccurate material knowing it to be inaccurate. It was not even mentioned let alone corrected in the fortnightly email media release (report) by the Regional Manager. A weak response at best.

To address one or two examples of the EA,

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 Schofield's 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 me in my role as the Secretary of the Berry Historical Society and President of the Berry Alliance from the Berry Historical Society however, scanned and given to [REDACTED] of the RTA. [REDACTED] then contacted me to say that they had found their copy. Clearly the recommendation of the 1996 workshop represented an 'inconvenient truth' for RMS.

This is just another example of the incompetence and ignorance of the true facts and history of this process by the RTA / RMS.

I will be making a more detailed submission based on the Berry Alliance and BOBs submission when the committees have completed their report.

Suffice to say I am more than a little annoyed by what the RMS are proposing and the way they have come to that decision and the blind defence they put up defending their previous pre-conceived ideas. I will continue to argue the case against this ridiculous proposition and take every opportunity to argue the case and right the wrongs proposed.

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