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13 December 2013

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**Display Submissions/Project Infrastructure Report - Woolgoolga to Ballina Pacific Highway
Upgrade SSI-4963**

Dear Sir/Madam

I am writing regarding the Woolgoolga to Ballina Pacific Highway Upgrade Display Submissions/ Project Infrastructure Report, in particular, my on-going and inadequately addressed concerns at the flood-related issues around the Woodburn-Broadwater section of the Upgrade.

In my submission (Submission No 88 dated 18 February 2013) I objected to the Woodburn to Ballina Pacific Highway Upgrade in its proposed location east of Woodburn, as it is through the floodplain and valuable agricultural land that will be lost forever, and by the RMS' own admission that future floods will be worse as a result. The prime productive cane land that will be lost is important to the sugar cane industry as sugar cane needs to be grown on the alluvial floodplains and cannot be successfully grown on the surrounding hills and plateau.

My previous submission identified why the proposed route is of flood concern and if this route is approved, what recommendations I felt needed to be included in any approval to minimise these impacts on the local communities and environments from flood impacts as a result of the Highway Upgrade. It appears that the majority of the concerns I raised in my submission have either not been acknowledged, or where acknowledged have been dismissed, or some which apparently may be addressed in the detailed design stage.

The RMS suggests there is a small difference between the 20 year ARI and the 100 year ARI flood levels and for most parts of the Lower Richmond River section that the road embankment would not be over topped in a 100 year ARI. However, in some places (between Woodburn and Broadwater) this difference can be up to a metre, and in terms of flood levels and impacts, this is not an insignificant amount. For instance, at Broadwater the 20 year ARI is 2.84m AHD and for the 100 year ARI is 3.8m AHD. The RMS suggests that the project would result in a substantial improvement in the flood immunity of the Pacific Highway. This will not be the case in areas along the Woodburn to Broadwater section when floods greater than the 1 in 20 year flood level occur, i.e. evacuation would only be able to occur in minor flood situations, and highway closures would still occur.

As mentioned in my previous submission, a Flood Free Route was prepared and supported by 25 members of the Community Liaison Group. The RTA did investigate a flood free route but it was an independent proposal and not the option proposed by the group. The RMS did not investigate the Community's Flood Free Route for reasons outlined in the latest report. In the Route Options section of the Display Submissions/Preferred

Infrastructure Report, the many benefits of the Flood Free Route are acknowledged, including engineering advantages and the proposed flood free route being about 10% cheaper to construct than the base case (preferred route). Additional advantages of the Flood Free Route, that were ignored by the RMS include that the Flood Free Route in the Section south of Woodburn to Ballina:

- will avoid prime agricultural land, in particular prime cane production land,
- will avoid the need to unnecessarily destroy people's homes and heritage (see Attachment 1),
- will be nowhere near the existing highway from 8 km south of Woodburn to the Broadwater Bridge, and therefore there will be no interruption to traffic during construction, other than where it will join the Highway at each end, and
- there will be no need for service roads to be constructed or maintained in the area south of Woodburn through to Broadwater Bridge.

However, the disadvantages of the Flood Free Route identified by the RMS are somewhat misleading and deceptive, for example,

- the RMS report identifies that 4.2 km of the Flood Free Route will be located within the 1 in 100 year floodplain, yet this does not acknowledge that where 3.5 km of the Flood Free Route is located on the floodplain, it was specifically located to the south of the Evans River to ensure that floodwaters could escape to the Evans River. This is unlike the RMS preferred route that will hold floodwaters back, making flooding worse in Woodburn and surrounding areas. Furthermore, more than 9 km of the preferred RMS route between Tuckombil Canal and north of Broadwater will be within of the 1 in 100 year floodplain.
- The RMS report identified that the Flood Free Route would need to acquire and provide compensatory habitat for NPWS estate of 55.1 ha. Whilst I acknowledge these requirements, where the Flood Free Route goes through the Broadwater National Park, the area in question was sand mined in the 1950's to 1960's to a depth of 3 m, and in some areas, some of the threatened plants were relocated at the time. Not to dismiss the ecological values of the National Park and the habitat it provides for threatened species, it must be considered in context of the entire RMS preferred route (from Woolgoolga to Ballina), in particular, the enormous amount of offsets and compensatory habitat that will be required for the direct loss of approximately 233 ha of endangered ecological communities occurring on the floodplain, and the additional loss of threatened species and their habitat that occur on the floodplain within the RMS preferred route. The Flood Free Route has mostly avoided the endangered ecological communities occurring on the floodplain, unlike the RMS preferred route.
- The RMS report identified the Flood Free Route would need to construct an additional 6 km of highway. I consider this to be a negligible disadvantage when the RMS has stated that the Flood Free Route will still be 10-15% cheaper to construct with less engineering problems as well as the on-going extra maintenance as required for roads built in floodplains, and the additional costs of having to provide offsets for impacts to the endangered floodplain communities and the threatened species utilising them.
- The RMS report suggests that the Flood Free Route will traverse some areas of high Aboriginal significance. The majority of the area in the Richmond River catchment is identified as having high Aboriginal Cultural Heritage significance, and in identifying the Flood Free Route, the community group made every effort to avoid recorded Aboriginal sites, but acknowledged that potential sites within the selected Flood Free Route were likely. However the RMS preferred route will be destroying irreplaceable significant Aboriginal Cultural Heritage sites, including scarred trees, and the RMS seems to be indicating that it is the Flood Free Route that will be causing impacts to cultural heritage rather than acknowledging that it's preferred will be most likely having a greater impact on cultural heritage values and sites.

Additionally, I am extremely concerned that the RMS chose to use the 1 in 20 ARI for the Richmond River sections of the Upgrade, rather than the 1 in 100 year flood level as recommended in various reports by different Government departments. These reports recommend avoiding development and infrastructure on floodplains if there is an alternative, and if necessary to construct on the floodplain then the use of the 1 in 100 flood level is recommended. The Flood Free Route is an alternative and is particularly relevant with the predicted impacts of sea level rises that will affect water levels within the Richmond River catchment and its estuaries, thus making flood levels worse for all time. For instance, the Woodburn area of the Richmond Floodplain is approximately 3-4m AHD, whereas the proposed Flood Free Route is approximately 10m AHD and would never flood, providing the bridges and their approaches are built to the 1 in 100 year ARI.

In my previous submission I identified the additional barriers in the Richmond River, existing and during flood, that will inhibit floodwater escaping. For example: the sand build-up opposite RSL club in Ballina, the mouth of the Richmond River, and the upstream side of Missingham Bridge in Ballina (see Figure 1); four additional bridges that restrict the flow, as well as logs and debris that accumulate on the piers, that weren't present at the time of the 1954 flood. Appropriate consideration to these barriers must be included in flood models prior to any approval for the project and mitigation measures reviewed to reflect the current and future scenarios.

It is noted that the Appendix C Supplementary Hydrology Assessments show no debris blockages under the Broadwater and Wardell bridges following the fresh in January 2013 (See Figures 2 and 3), and that the RMS has made this assumption based on the Photo in Figure 3, that it's design will be adequate. However, it must be noted that there was no flooding in the Richmond River at the time of the photos and that for the Tuckombil Canal and Richmond River crossings it cannot be determined that the design is adequate. A photo I took (Figure 2) around the same time as the RMS (Figure 3) shows debris at the pylons and the number of pylons not shown on the RMS photo. The debris at the Wardell Bridge buffer pylons was comparable to the minor debris blockages identified by the RMS at the Woodburn Bridge. Also during the 1974 major flood of the Richmond River, the debris blockages at the Wardell Bridge were significant, as demonstrated by the water level on the upstream side being considerably higher than the downstream side.

Furthermore, I noted that in Grafton, the levee to protect the town will need to be increased by 50 mm to address the increased height of water as a result of the proposed 2nd bridge pylons. If these impacts are acknowledged for Grafton surely the number of bridges between Woodburn and Wardell must be considered as a barrier to water movement.

If the issues identified in this, and previous submissions, that have not to date been adequately addressed by the Department of Planning and Infrastructure and the RMS, it will mean:

- Any floods bigger than the 1 in 20 year flood level will still cut off the Highway and isolate towns;
- Areas inundated by floodwater will remain affected for a longer period and at a greater height, causing delays to floodwater retreating and ability to clean-up, also affecting agriculture;
- In major floods more properties and houses will have water entering them than ever before;
- Increased damage to homes and increased clean-up;
- Increased cost to local, State and Federal governments = cost to community at some point (property value decreases, cost to agriculture, loss of production, increased rates, flood levy, increased insurance, less money for other projects).

The Roads and Maritime Service apparently say these impacts are acceptable under their flood objectives (with additional increases in flood levels and duration of flood inundation periods). I say they are not. All effort must be made at the planning stages to ensure the impacts of flooding are not worse in any way as a

result of the Highway Upgrade. We do not want avoidable flood-related impacts to be experienced in the Richmond River and surrounds due to poor government planning.

Should you require further information, or verification of information provided in this submission please contact me on 02 6686 5221 or 0429 023 583.

Yours faithfully

John Matthes



Figure 1: Entrance to Richmond River at Ballina – sand blocking waterway in 2009. The sand build up is likely to continue to worsen, and was not present at the time of the 1954 and 1974 floods.



Figure 2: Wardell Bridge during the January 2013 fresh – picture showing number of pylons and debris accumulated against pylons, despite the fact that the Richmond River was not in flood



Figure 3: Plate C -12 Richmond River (Wardell Bridge) (1 February 2013, 3.10pm), showing no evidence of debris blockage (from RMS report). This photo was taken from the other side of the bridge to Figure 2 and does not show all the pylons and minor debris accumulation at the buffer pylons, despite the Richmond River not being in flood at this time.

THE BLACKWALL BUGLE

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http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-RCW-54-46-21&c=162

Highway to Happiness?

Those of us who now live close to the Pacific Highway are overjoyed to hear that positive action is underway to build the new motorway. The surveyors are out and about. Contracts have been signed for preliminary work.

There are great economic benefits to be derived from an efficient road transport system. There are great social benefits when a highway is moved away from urban areas. When the new Pacific Highway is built, we will be able to breath again the fresh air and hear the surf at Patches Beach. We will be able to listen again to the birds or to good music. We can send the kids out to the local shop and enjoy a backyard barbecue.

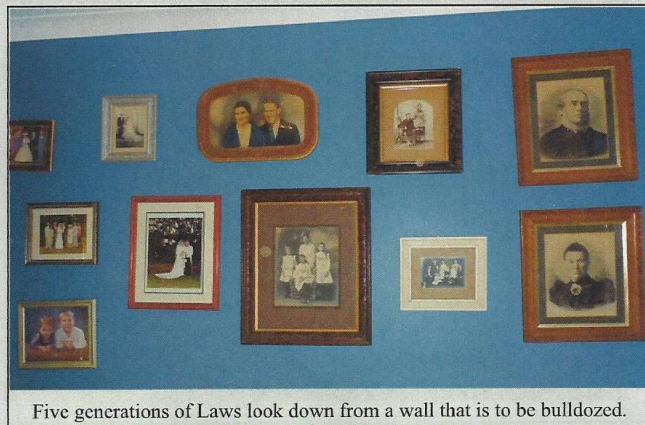
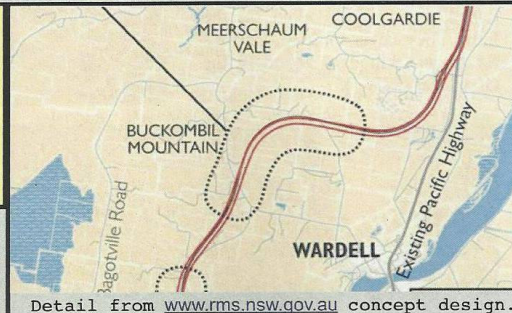
But what about those members of our community who must make sacrifices so that the majority can benefit? The 'Blackwall Bugle' has had, since issue number 2, the masthead at the top of this page. It depicts the Blackwall Range as seen from the Back Channel farm of Harry and Dallas Law. The 'Bugle' went to see them recently.

The Law's main farm at Lumleys Lane with three homes, large machinery sheds, their heritage, their business and what was to have been their future is to be divided by the blade of a bulldozer of the Roads and Maritime Services -

to be replaced by a concrete highway. The price we pay is the loss of highly productive farmland for ever. The price the Laws pay is the shattering of all their dreams and the negating of generations of sweat and toil.

John and Ann Law came out to Australia from Scotland in 1842 and settled in Harwood. Their daughter Barbara married Charles Law who was from a different Law family. About 1890 their son James and his wife Harriet came north to Wardell, swimming their

horses across the Richmond at Law's Point. They settled as share farmers at Lumleys Lane, clearing the bush and making a dairy farm. They named the farm 'Stonehenge' due to the vast amount of rocks they had to pick up and move by hand. Later they bought the farm from the Lumleys. They ran dairy cattle which they milked by hand. They grew corn, raised pigs and they built a magnificent house from timber that was milled by the Randles of Coolgardie out of a single blackbutt tree.



Five generations of Laws look down from a wall that is to be bulldozed.

A couple of logs from the single tree that was milled by the Randles at Coolgardie and used to build the Law homestead at Stonehenge. ➔ The two young men were the sons of James Law. They both fought in the Boer War in South Africa between 1889 and 1902 but returned home to the farm. Two other members of the Law family fought for their country in the Great War. The daughters of James Law, Aunty Renee and Aunty Carrie, lived and worked on the farm. They never married. Carrie's fiancé was killed in action in the Great War (WW I).



The Laws were invited by Ballina Shire Council to have their home at Stonehenge listed as a heritage building. They declined, because Dallas and his wife Trish wanted to restore the old homestead as a family home. They borrowed a lot of money and hired craftsmen to renovate the house in traditional style. It was then listed as a 'building of significance' but that apparently has not deterred the RMS from declaring they will demolish it. Below, the house being renovated. The two palm trees were planted on the golden wedding anniversary of Dallas' great grandparents.

The Law family don't expect to receive from the RMS sufficient funds in compensation to buy another similar farm. They might get enough to buy a decent house and will continue to work their Back Channel farm. They might even head into Wardell where the peace will only be disrupted by the occasional rumble of cane trucks.

When you drive the new highway, be thankful for what progress has brought you. But spare a thought for the pioneer farmers who opened up this country so many years ago and for their descendants who have put food on our table. They are about to lose their birthright.



The dining room and the bathroom. The house is tastefully furnished with period furniture. The claw-foot bath was found in the paddock where Dallas' brother kept turtles. It was saved and restored.

