

ANDREW WOODWARD

Australian Labor for the federal seat of Cowper



TONY JUDGE

Country Labor for the state seat of Coffs Harbour

24 October 2018

Mr Ken Kanofski
Chief Executive
Roads and Maritime Services
By Email: coffsharbourbypass@rms.nsw.gov.au

COFFS HARBOUR BYPASS PUBLIC CONSULTATION - INITIAL RESPONSE

Mr Kanofski,

I am writing about the Preferred Concept Design (PCD) for the Coffs Harbour Bypass of Roads and Maritime Services (RMS) as announced on 24 September 2018 by the Deputy Prime Minister and Minister for Infrastructure, the Hon. Michael McCormack MHR, and the New South Wales (NSW) Minister for Roads, the Hon. Melinda Pavey MLA.

In short, the Australian Labor Party and Country Labor (**Labor**) **believes the Preferred Concept Design from RMS is totally unsatisfactory. Labor, in supporting the project in principle**, calls on the federal and state governments to provide all of the missing reports; answer all critical unanswered questions and come up a revised Preferred Concept Design which ultimately features full-length tunnels and not trenches (cuttings and land bridges).

Labor believes:

1. There is **no consensus in the community for the route and design** proposed by the governments. The majority view supports tunnels and not trenches.
2. This design is **higher, uglier, noisier and dirtier than the promised tunnels**, impacting lifestyle and amenity, property prices, Aboriginal heritage, nature, farms and the local economy, including jobs negatively. It also breaches NSW Government's North Coast Regional Plan 2036 by violating three of the four objectives of the plan.
3. The **design on the route is flawed**. The work required to come up with a credible design has not been done, including reports on the impacts on Aboriginal heritage; residents through noise, unsightliness and loss of property value; the natural environment; farms, and the local economy.
4. The previous and current **public consultation processes are flawed**.
5. The governments have **misled the community about the trenches** on the route, in calling 'land bridges' "tunnels".

Andrew Woodward - Labor for Cowper

0401041929 - PO Box 13, Bellingen NSW 2454

inbox@cowperlabor.net - Social media: "cowperlabor"

6. The governments have **mised the community about the need for trenches** as to cater for dangerous goods vehicles.
7. The governments have **not answered basic questions** during the public consultation process which are central to the public understanding of the project and giving it due consideration.
8. The process is being **unnecessarily rushed to meet the political and publicity needs of the National Party** for a federal election in February or May and the state election on in March.
9. Ministers requested and governments **allocated insufficient funding** for this project.
10. Governments should **scrap the current design and release a revised Preferred Concept Design** in the first quarter of 2019.

Labor supports the need for the bypassing of the Coffs Harbour CBD. We support in principle the route in the PCD Summary Report. We do not support the trenches or cuttings and land bridges design. These three trenches will be 30 to 50 per cent bigger than the ocean liner the QE2. We believe the design put forward by the governments is higher, noisier, uglier and dirtier than the design proposed between 2008 and 2018 with two or three 'real' tunnels. Should both governments not be able to obtain consensus on the route and the design, they must come up with alternatives before proceeding any further. This design on this route is not good enough.

The decision on the route and design for the Coffs Harbour Bypass is a huge one. It shouldn't be held hostage to the National Party's political and publicity agendas. These are the decisions we as a community will have to live with the consequences of for a century. We need it done once; we need it done right; we need it done now. But if 'now' takes a few months longer, then so be it.

This document was prepared for the 26 October 2018 public consultation process deadline. However, it is understood that the deadline has been extended. In Labor's view, if the current PCD is not scrapped immediately, public consultation should conclude no earlier than one month after all reports that feed into a PCD are released and available to the public for scrutiny.

1. No consensus

There is no consensus in the community on the route and or design. A route with a tunnels design existed from 2008 to 23 September 2018. The tunnels vanished without warning and credible explanation on 24 September 2018.

There are four schools of thought in the community on what's before them:

- A. those that believe that the Preferred Concept Design should be scrapped and await key reports
- B. those that support this route and design
- C. those that support this route but not the design (that is they would prefer tunnels as they're lower, quieter, cleaner and less of an eyesore) and
- D. those that support neither the route or the design, and the majority of the latter want a route on the other side of the range and this one abandoned.

There is general agreement that everyone wants this resolved promptly to provide a badly needed solution and or to remove uncertainty. Opinions range on where 'the numbers' sit in these

categories. Only robust quantitative and quantitative research will answer these questions. Only new analysis (post 24 September 2018) should be used as the basis for gauging community sentiment. The forms filled in by residents at the three public displays are not credible as material inputs for consideration are missing.

Those included in this research must include people likely to be heavily impacted by the design (between the proposed route and the current Pacific Highway); those east of the highway to the Pacific Ocean; the communities of the northern beaches, including Woolgoolga; Sawtell, Toormina, Bonville and the Boambees, as well as the surrounding communities centred on Urunga, Bellingen and Coramba. They all have a stake in this.

It should also be noted that there are some in the community that say that those on the route should 'just put up with it' because 'they knew about it for 15 years'. This is unfair. They knew about a design with tunnels and purchased accordingly. The trenches are a new thing; dropped on the community like a bombshell at the last minute as a done deal. Promises of tunnels are on the record in numerous places in recent years. Even State Cabinet granted \$200 million for the project on the basis it had "expected tunnels". (See News Release [25 September 2018](#) and [11 October 2018](#))

2. This design is higher, uglier, noisier and dirtier

The design proposed on this route puts the interests of the RMS first and the interest of tens of thousands of people second. Embarrassingly, it also directly conflicts with the "[The North Coast Regional Plan 2036](#)", released with great fanfare by the NSW Deputy Premier, The Hon. John Barilaro MLA, in March 2017.

The key contentions are:

Higher: Trenches instead of tunnels elevate the deck of the roadway. Trenches bring with them numerous problems, which wouldn't exist with tunnels.

Uglier: The bypass without tunnels will be a highly visible ring around the rim of west Coffs Harbour. If tunnels were involved, it would be lower and out-of-sight to many, but not all.

Noisier: The trenches design puts the bypass at a much higher height and will make noise unbearable for many nearby residents. There will also be a constant whine as far away as the jetty due to the amphitheatre nature of the area. Indeed some RMS staff have been saying privately to people "*I'd move if I were you*". Technical issues aside, imposing noise treatment on a high number of people is grossly unfair. People live in Coffs Harbour for the fresh air and the sounds of nature. They want to work in their gardens, sit on their decks, swim in their pools and have a backyard BBQ, without the constant sounds of traffic. People don't want to be imprisoned in their homes because of this flawed policy and political shortsightedness.

Dirtier: With the elevated roadway, all vehicles will have to climb to the trenches, consuming more fuel and emitting more harmful pollution. On the way down, they will have to brake, increasing wear and tear on vehicles and increasing noise. Clothes-lines will become catchers of exhaust particles.

How the governments could impose a higher, noisier, dirtier and uglier design on Coffs Harbour defies belief. It is the sell out of the century.

The ridiculous nature of the design is reinforced by other and previously released work by the NSW Government. The Government's 20-year vision for the NSW North Coast - the North Coast Regional Plan 2036 - has as its objectives:

- The most stunning environment in NSW (violated by PCD)
- A thriving, interconnected economy (conforms with PCD)
- Vibrant and engaged communities (violated by PCD)
- Great housing choice and lifestyle options. (violated by PCD)

The design proposed by the federal and state governments violates three of the four objectives of the plan. It would appear RMS hasn't run by the PCD by the Deputy Premier and Department of Planning and Environment, the authors of the plan. This too defies belief.

3. Flawed design

In the PCD document, the governments have presented a flawed design as, by its admission, much work hasn't been done:

- Property acquisition: This design requires more properties and by the governments' admission consultations haven't concluded. (Page 21 of the PCD summary report)
- Field investigations: These have not been completed and released to advise of existing and potential environmental impacts. (Page 21 of the PCD summary report)
- Flooding models: These have not concluded. (Page 21 of the PCD summary report)
- Noise: "*A noise modelling is currently being developed*", that is, it is work-in-progress and not concluded. (Page 21 of the PCD summary report)
- Aboriginal heritage: "*A detailed cultural assessment of the area is being done which will identify areas of importance to the Aboriginal community*". Again, this is work-in-progress and vital to the entire community and not just the Aboriginal community that this information is available. (Page 21 of the PCD summary report)

Where are the reports on how many farms will be acquired? How many jobs will this cost? What impact will this design have on property prices in west Coffs Harbour and the jetty area?

It should also be noted that at a community public meeting on 11 October 2018, a representative of the local Aboriginal Land Council stated to the 500 plus attendees that the council was opposed to the PCD.

How can anyone come up with a "preferred concept design" when much of the work required has not concluded and open to public inspection. The reports listed are material to robust community consultation. Coming up with PCD in these circumstances defies belief.

4. Public consultation processes are flawed

A route with a tunnels design existed from 2008 to 23 September 2018. The PCD Summary Report (Page 23) says: "*Business and community survey (November/December 2016 and June 2018) to help further understand the community's expectations, knowledge and concerns related to the Coffs Harbour bypass.*" How can you credibly use any of this research when for a decade people expected a tunnels design and instead got trenches? Any work undertaken to date is invalid.

Further, the governments announced the new design on the old route on 24 September 2018 and then decided to close public consultation on 26 October 2018, without answering fundamental questions. One-hundred-and-twenty months worth of work undertaken (over ten years) has been allocated a month for review, and the work is incomplete. Again, it defies belief.

It should be noted that after the first public display of maps, plans and models, the three scale models RMS had of the trenches appear to have disappeared. At the first public display, RMS staff were proudly boasting that these three models cost more than \$30,000 each. They were not present for the second and third public displays. Why did the governments hide these models costing over \$100,000? Scale models are expensive, as each piece is handmade, and there's no question that they are an essential means to help the public understand projects. They should have been on display and not at the back of a broom closet. This too defies belief.

5. Misleading about tunnels and land bridges

A land bridge is not a tunnel. A tunnel would be 400 plus metres long. Cuttings or trenches proposed range in length from 300 to 450 metres and contain land bridges between 50 and 80 metres in length. A land bridge is a land bridge. A tunnel is a tunnel. And a trench or cutting is much higher and therefore noisier, dirtier and uglier, than a much lower tunnel. Claiming a road bridge is a tunnel defies belief.

6. Misleading about why tunnels are not being built

The PCD Summary Report (Page 13) says: "*Why are long tunnels not being built? Long tunnels at Gatelys Road and Shephards Lane have not been included in the preferred concept design. By not including long tunnels, all dangerous goods vehicles not servicing Coffs Harbour will travel on the bypass and not through Coffs Harbour residential and urban areas.*" This is laughable.

The PCD summary report says: "*in 2034 (ten years after it opens), between 21,400 and 27,000 vehicles per day will use the bypass*". Translating figures done for the St Helena Tunnel in 2011 by the Roads and Traffic Authority (predecessor to RMS), they indicate in 16 years time at the upper end of forecasts the number of dangerous goods vehicles prohibited from using the tunnels would

be 21 a day, less than one in 1000 or less than one an hour. The 2011 report says "*All dangerous goods would pass through the St Helena tunnel on the upgraded highway, with the exception of Class 1 (explosive). Class 2.1 (flammable gasses)*",

	St Helena 2011	Coffs Bypass Low 2034	Coffs Bypass High 2034
Vehicles a day	14000	21400	27000
Heavy vehicles	2300	3516	4436
Dangerous goods	115	176	222
Prohibited	11	17	21
% prohibited	0.08%	0.08%	0.08%

Table 1. Traffic projections on the Coffs Harbour Bypass.

Using the governments' numbers on traffic types and volumes it is clear to see that only 21 dangerous goods vehicles a day would not be able to use the bypass in 2034, that is in 16 years time. Twenty-one vehicles a day is less than one an hour, and transport experts advise many of these would stop in Coffs Harbour anyway to deliver, pick up, refuel, eat or rest. Why should several thousand people have their lives ruined every day for a century for the sake of 21 vehicles a day! Again, this rationale defies belief.

Let's be very clear about the governments' justification for not building tunnels. They cited only one reason - that being dangerous goods heavy vehicles. The numbers prove this is a ridiculous assertion - 99.92 per cent of through traffic can use a bypass with tunnels.

7. Basic questions

A couple of fundamental questions remain unanswered. They're obvious questions. They have been asked but not answered.

The five key questions are:

- Who is this design "preferred" by?
- Why was the decision made to remove the promised tunnels?
- Who made this decision?
- When was this decision made?
- Which higher authority has signed-off on this decision? Prime Minister? Premier? Cabinets?

Then there are other questions:

- Why is it that St Helena Tunnel, 434 metres in length, on the Pacific Highway between Tintenbar and Ewingsdale possible but the same not replicated in Coffs Harbour?

- Why is it that the governments can build West Connex and North Connex in Sydney with tunnels, but the people of Coffs Harbour treated like second-class citizens?
- Is it true that under the tunnels plan 120 properties would need treatment for noise costing \$6 million? Is it true that under the trenches plan, 900 properties will require noise treatment at the cost of \$45 million?
- What is the impact on property prices?
- Why is it that the PCD Summary Report makes no mention of noise impacts on residents or the number of properties that will require treatment. What are you hiding?
- How many farms are lost with this design?
- What is the view of the Office of Environment and Heritage on the PCD?
- What is the impact on Koalas - a threatened species?
- What is the impact on job losses?

These are all material matters, which would enable the public to provide informed feedback. It defies belief that a month after the release of the PCD that these questions remain unanswered.

8. The process is being unnecessarily rushed

We know from the federal Department of Infrastructure and Regional Development in Senate Estimates in 2017 and 2018 that the Coffs Harbour Bypass was always on the drawing board to commence in 2020/21 financial year (See News Release [23 May 2017](#) and [21 May 2018](#)). In summary, an officer of the department stated that this is the logical time to start as it would be after the completion of the Woolgoolga to Ballina work.

Such a timetable would have seen the final business case go to the federal government in June 2019 for final project approval. By then, RMS would have had all of the missing reports done (by late this year or early next year) and been able to come up with an informed PCD (which may have been different to the one released on 24 September 2018). These reports would have been available for inspection. Following the release of a PCD in early to mid-2019, an [Environmental Impact Statement](#) process would have run and then the final business case would go in on schedule in June 2019, allowing construction to start in 2020/21. Remember, they put in a fake "*Business Case*" in December 2017 as a media stunt. It was a draft, but they never told anyone that.

What changed, however, was that the federal Member for Cowper, Luke Hartsuyker, was under intense pressure from Labor's federal Shadow Minister for Transport, Infrastructure and Regional Development, The Hon Anthony Albanese MHR, and local Labor candidates on the bypass. It was known that the then Prime Minister Malcolm Turnbull was planning a general election for August 2018. The bypass was a significant issue in the northern end of Cowper and subject to intense local media and public pressure. To get the issue off the agenda, the Nationals 'needed' an announcement in May 2018 ahead of the August 2018 election, which never eventuated.

Panicking, Mr Hartsuyker convinced the Deputy Prime Minister to bring forward the announcement of funding of the Coffs Harbour Bypass from the 2019 budget to the 2018 budget, where "\$971

million" was allocated to the "*Coffs Harbour Bypass*". We know this as only \$10 million in federal funds was allocated toward the project in 2018-19 and a total of \$235 million would be spent by the end of 2021/22. This means \$736 million would be spent from 2022/23 on and we still haven't seen a schedule beyond what's in the 2018 budget papers. Where is the missing three-quarters of a billion dollars, by the way?

The 2018 budget announcement was essentially 'fake news'. It should have been in the 2019 budget. And now everyone is scrambling to make it work. Because all of the work hadn't hadn't concluded, the old budget figure of "\$1.2 billion" was requested (\$1.17b actually - \$971m federal and \$200m state). Had the work been done in a typical process, project costs may have been higher resulting in an increased request for funding. But now the project is stuck at \$1.17 billion because it was rushed and this is the 'on-the-record' figure. They don't want to increase it because they're scared to go back to Treasury asking for more and admitting their mistake. They also don't want to risk being accused of a 'budget blow-out'. We are now paying the price for this political stupidity and expediency. It too defies belief.

Now, a state election is scheduled for 23 March 2019, and a federal election is expected in either February or May 2019. The typical process timetable doesn't suit the political needs of the Nationals. They want the process rushed to get the 'bad news' out of the way 'now'. Labor has some sympathy for RMS. It had a proper timeline to work to, but the federal and state Nationals politically interfered with the process to suit the mooted August 2018 federal election timetable and with that not eventuating everything is geared around the state and federal elections next year. Stand-by for PR stunts, selfies, brochures, TV ads, fake sod-turnings and more.

Should Labor win the Federal Election, it will establish a Federal Integrity Commission. We believe one of the first government projects this new powerful federal agency should investigate is the handling by the two governments of the Coffs Harbour Bypass project. It lacks integrity.

9. Allocating insufficient funding

The previous section deals with the mess created concerning the process and funding allocated for this project. What is even more staggering is that the governments by their admission have under-budgeted for this project. Both the federal and state governments talk of this project costing \$1.17 billion.

The PCD summary report states: "*Including previous expenditure on planning and some land acquisition, the total cost based on the preferred concept design for the bypass is expected to be between \$1.17 and \$1.3 billion.*" (page 3)

Why did they not budget \$1.3 billion for this project? Would this have not been economically responsible to do so? Why did Mr McCormack and Mr Hartsuyker request \$129 million less from Cabinet than it was advised to do so by RMS?

The NSW Minister for Roads calls the PCD the "gold plated option". It is fools gold. It defies belief.

10. Release a revised Preferred Concept Design

The federal and state governments should scrap this Preferred Concept Design; do the work they should have done; consider it; redraft it, and come up with a revised concept design for public consideration. The process and output to date are unsatisfactory. If it proceeds as is, we will have to live with the consequences of it for a century. It will impact the lives of thousands every day and change the appeal of Coffs Harbour for the worse. We should be known for our harbour, nature and lifestyle and not canyons, noise and indoor living. As we have said at the conclusion of every section, quite simply, the Preferred Concept Design defies belief.

The Coffs Harbour Bypass is the single largest infrastructure project ever on the Mid-North Coast. To date, it has been bungled by the National Party governments in Sydney and Canberra and by the federal Member for Cowper and state Member for Coffs Harbour. Interestingly, both local members aren't recontesting their seats at upcoming elections. We now know why.

We can do better by removing the veil of politics and election dates from the process. Both governments can repair the damage they have done and the mess they have created. We need a process with integrity that delivers a robust route, design and community consensus on both. We are far from that point at this time. Labor supports the bypassing of Coffs Harbour but not with this design.

Labor also supports a big picture approach to addressing the long-term transportation infrastructure needs of the area. We need to bypass the Coffs Harbour CBD sooner rather than later. Also, we need the much talked about "western bypass" well before the middle of the century. We need a route for the High-Speed Rail link between Sydney and Brisbane - a project on Labor's agenda. In the second half of the century, we will need a location for a new regional airport in the area as the current location will be subject to inundation through rising sea levels brought about by climate change, which the Nationals are actively worsening.

The only things being bypassed by the National Party governments at this time are truth, transparency and credibility. As we say, it defies belief at every turn. We deserve better.

Thank you.



ANDREW WOODWARD

Labor Candidate for Cowper (Federal)

And on behalf of **TONY JUDGE**

Labor Candidate for Coffs Harbour (State)

Labor's public statements (since 24 September 2018)

24 September 2018 #1: [News Release: Ten questions for Michael McCormack about the Coffs Harbour Canyon](#)

24 September 2018 #2: [News Release: Coffs Harbour Bypass – the sell-out of the century](#)

25 September 2018: [News Release: For the record – The National Party's promises on the Coffs Harbour Bypass](#)

26 September 2018: [Letter: Response to a Coffs resident asking for previous CBD bypass routes to be examined due to the missing tunnels](#)

27 September 2018: [News Release: the Coffs Harbour Bypass "Preferred concept design" is totally flawed and should be trashed](#)

27 September 2018: [News Release: Coffs Harbour Bypass design is higher, noisier and uglier than first thought.](#)

1 October 2018: [News: Andrew Fraser admits he hasn't even looked at the new bypass design a week after its release.](#)

3 October 2018: [News Release: The National Party needs to stop complaining about the poor reaction to the Coffs Bypass and get a new design with real tunnels and not trenches](#)

8 October 2018: [News Release: Governments must obtain consensus on bypassing Coffs Harbour](#)

11 October 2018: [News Release: Federal and state governments caught red-handed misleading about the Coffs Harbour Bypass.](#)

12 October 2018: [News Release: bypassing Coffs Harbour – next steps](#)

14 October 2018: [Blog: Should an alternative route for the Coffs Harbour Bypass undergo re-examination?](#)

18 October 2018: [News Release: Where are the missing models?](#)

ENDS