

Dan McClure
Project Manager, Moruya Bypass
Transport for NSW
PO Box 477
Wollongong NSW 2500

28 June 2021

Dear Mr McClure

Submission on the Moruya Bypass

The Moruya Bypass Action Group represents members of the Moruya community who have come together because of concerns regarding the processes involved in the selection of the preferred Moruya Bypass corridor, the transparency of the process, as well as the impacts of this corridor on productive agricultural land, properties, local businesses, the environment as well as the amenity and social fabric of our town.

Our group believe that the Moruya community deserves the best bypass solution possible. We are greatly concerned about the tokenistic community consultation undertaken to date by Transport for NSW on the Moruya Bypass, which is without doubt the most significant project ever undertaken in our town. The community has been given insufficient, and at times, conflicting information about the various corridor options with little time to consider whether the preferred option is the best one for our town and community.

Our concerns are:

- Lack of a genuine community consultation process
- Lack of a transparent assessment of options
- Lack of detailed information on the route options
- A lack of detail on the impact of the project on the character of Moruya, its residents, businesses, agriculture, environment
- An absence of understanding about the challenges that lie ahead for Moruya as it recovers from the impact of the bushfires and Covid, in particular the availability of housing and land.

We ask that the Moruya Bypass project team rethink the timing of this project and take the time to comprehensively and transparently review the short-listed options in the Strategic Corridor Options Report on the basis of more detailed comparative assessments undertaken for each option. This information should then be provided to the community who must be given time to fully consider it and make a more informed choice about which option they think is best for the town, its residents, businesses and the people who visit it.

Yours sincerely,

Julie Morgan
On behalf of the Moruya Bypass Action Group

Cc: Julian Watson the Director, Princes Highway Upgrade Program
Andrew Constance, Minister for Transport and Roads
Paul Toole, NSW Minister for Regional Transport & Roads
John Graham, NSW Shadow Minister for Roads
Barnaby Joyce, Federal Minister for Infrastructure, Transport, Regional Development
and Communications
Fiona Phillips Member for Gilmore

A. PROCESS

1. Lack of genuine community consultation

The Moruya Bypass was announced in the lead up to 2019 NSW elections without any prior consultation with the community, local business or council. Following Andrew Constance's announcement, the Eurobodalla Beagle published an article which included a map that indicated the bypass was to be close to town, in fact very similar to Option E. This created a perception in the community that this was to be the bypass route and generated an expectation that the bypass would be closer to town.

The first round of community consultation was conducted in March/April 2020 a month after the Black Summer bushfires and at the beginning of the COVID 19 pandemic with its drastic restrictions on social interactions and supply shortages. This was an extraordinarily difficult time for the community. The consultation was entirely online which excluded a large proportion of the community who are older and do not have technological know-how or who have limited access to the internet. As a result, there was only limited engagement. It is unclear how many individuals made submissions, commented on the interactive map or telephoned. The Consultation Summary Report, August 2020 does not include the number of people, only comments, nor is this information included in the Strategic Corridor Options report. At most we estimate that 150 people from a potential of over 7,500 Moruya residents participated in the consultation process which is clearly unrepresentative of the community.

There was only one week's notice prior to the current community consultation period which was conducted across only 5 days. It also occurred at a time when there was interrupted mobile and internet coverage across the region due to work on the telecommunications network. This together with the high proportion of elderly residents would have limited the number of people in the community who would have accessed the online Strategic Corridor Options Report, interactive map or the electronic survey, let alone provided feedback on them. Those who attended the markets or the 2 community information sessions were given a brochure which only showed the preferred corridor route leading most people to conclude that this was the only option. The survey questions were not about which option the community preferred but about how they felt about Transport for NSW's preferred corridor route.

The survey asked questions that could have applied to any option, not just the orange option. It also included a question that is skewed towards the Transport for NSW preferred option, i.e. Question 6:

"To help us further develop the preferred strategic corridor, we would like to know how strongly you agree with the following statements about the proposed bypass of Moruya.

Please rate based on 1 being not at all and 5 being very much.

It would improve safety.

It would reduce congestion on the highway and/or local roads.

It would improve resilience of the highway during weather events, traffic incidents and emergencies.

It would enhance liveability of the region and/or improve the town's amenity.

It would improve access to with (sic) the proposed new Eurobodalla Health Service."

This question is biased towards an agreement response. **ALL** bypass options would improve safety, all bypass options would reduce congestion, all bypass options would improve some

aspects of resilience etc. This question does not help to discriminate between options, it is designed to elicit support for Transport for NSW's preferred corridor.

It was hoped that answers and additional information would be provided by Transport for NSW at the community information sessions held between the 22nd and 27th May, but this did not occur. Instead, the community was confronted with stock answers drawn from an inadequate options report. No additional information was provided, and many critical questions were unable to be answered. After requests from our group for more information, Transport for NSW finally released 14 pages of supplementary information on the 10th June, only 4 days before the closing date for submissions. There was no additional time offered to the general community to consider this information and requests by our group to provide an extension of time for the community were ignored.

Importantly, the community is being asked to provide feedback on the Moruya Bypass without fully understanding the scale of the project. What are the dimensions of the bypass including the number and width of the lanes, breakdown lanes, stopping bays or turnaround points, height of the bridge/flyovers above the river and the floodplain, spacing of support piers and the number and location of any on/off ramps? What is the estimated construction footprint for the bypass which includes storage compounds, hardstands for materials and machinery, site buildings, access tracks, dewatering facilities and sedimentation ponds and any other earthworks required to build the bypass all of which will increase the overall impact of the proposal on the floodplain and surrounding lands both in the short and long term? None of this detail was provided in any form even though Transport for NSW must be fully aware of what is involved given they have constructed similar bypasses on the NSW north coast.

There was no genuine community consultation about the various route options. The preferred corridor is essentially the one favoured by the Moruya Bypass project team. The community needs to be given more time to consider the proposed bypass options and to be provided with all of the information they need to make a fully informed decision.

2. Lack of a transparent assessment process

The Strategic Options Report refers to several workshops that were held to consider the various route options for the bypass corridor – a Preliminary Corridor Shortlisting Workshop where 11 options were assessed to arrive at 5 shortlisted options, a one day Value Management Workshop where the 5 shortlisted options were ranked based on weighted assessment criteria to come up with the preferred corridor option, a Corridor Review Workshop to review the design and technical work to be undertaken on the preferred corridor option and a Post-value Management Workshop to determine whether it was possible to improve any of the short-listed options. Only one of these workshops included community representatives and it is not clear who these community representatives were or how representative they were of the affected community.

The information provided to workshop participants to assist with the shortlisting of route options has not been made available to the community so that they can fully understand the decision-making process or the likely outcomes. The reports that came out of these workshops should be provided to the community so they can see who, if anyone, was

representing their interests at these workshops and the detail around how the shortlisting of route options was justified.

One of the key considerations in selecting the 5 preferred corridor options included community acceptance of the route based on the first round of community consultation in 2020 which was neither comprehensive nor representative of the Moruya community. What safeguards were taken to ensure that the feedback provided was representative of the community and not just the input from one interest group?

The options report itself contains inconsistencies about the five short-listed options. For example, the purple option was a renamed version of Option E. On page 72 of the report, Option E is described as starting at Larrys Mountain Road and is 4kms long but on the map on page 75 it is shown as starting north of the Moruya Industrial Estate and appears to be much longer. Which of these options was evaluated as the purple option? This would make a significant difference to the rankings and the comparison with other options and would compromise the decision of the preferred outcome.

The scores in the summary table of the overall ranking values for the 5 shortlisted options against 5 goals are confusing. In addition, there are a number of rankings that are not clear in the Corridor Options report. For example:

- It is not clear why the purple option has a lower safety value than the orange option when both criteria used had equal weightings.
- How can the shorter purple option score lower than the much longer orange option on sustainability since it has less of an ecological impact than the orange option which goes through 4 endangered vegetation communities and a much greater area of the floodplain. The report states that the orange route received a ranking of 1 for Sustainability even though it is acknowledged that it has adverse impacts on 4 of the 6 equally weighted criteria used to determine this ranking (page 83). This defies logic.
- It is also not clear why the orange option scores highly on resilience since it will go through at least 1.5 km of wooded country which has connectivity to forested areas, which makes it more bushfire prone than the purple option which is mostly on cleared land.
- It is also unclear why the yellow option was scored lower for liveability because it is further from town, yet the orange option scored highly for the very same reason.

The report states that the impacts to the Moruya landscape and visual amenity was weighted highly in the liveability criteria. How can the orange option, which requires an extensive land bridge to be constructed over the floodplain rate highly on liveability? It will destroy the character of Moruya.

Value Management Workshop

We are concerned about the Value Management Workshop, based on the scant details which are publicly available. This was the only opportunity for an unspecified number of “community representatives” to be directly involved in the process. We understand that these community representatives participated via Zoom, which would have put them at a relative disadvantage

compared to other workshop participants who participated directly. The FAQ report has also revealed that the community representatives were required to sign confidentiality agreements, effectively gagging them from any further information dissemination to the wider community.

The description of the prioritization process for the criteria used in the Value Management Workshop raises concerns over statistical validity, as it conflates “scoring” and “ranking”, seeming to treat these as equivalent processes. It also indicates that the process then converts rankings to percentages, which is not mathematically valid. No description of the statistical basis for this methodology is provided, nor the underlying assumptions of the sample population distribution characteristics. Our group seeks advice regarding any independent peer reviewed research supporting the methodology used, and where else it has been applied.

It is also of concern that outcomes of the Value Management Workshop could then be arbitrarily “adjusted” in the Technical Workshop held just 10 days after the Value Management Workshop. Note that the technical workshop did not include any community representation. Pages 9 and 10 of the supplementary FAQs indicates that at least 6 different criteria scores from the VMW were changed at the Technical Workshop, with no methodology for these changes specified and only cursory explanations as to why these changes occurred. These events highlight the apparently arbitrary nature of the evaluation process undertaken to date.

3. Lack of detailed information on the route options

No detailed technical assessments were undertaken of all 5 short-listed route options prior to the selection of the preferred route. Instead, the preferred route was chosen based only on a value assessment undertaken at a one-day workshop.

Risk identification and mitigation assessments, as well as further technical investigations such as biodiversity surveys, ground truthing of vegetation and Aboriginal Heritage consultation are being undertaken only for the orange option. These detailed assessments are not yet complete and the risk assessment for the orange option will only be undertaken at the design stage. No process has been identified to change the route option should these investigations reveal significant obstacles.

Similarly, there have been no costings to determine value-for-money of the 5 short-listed options and only a preliminary economic analysis of the preferred route which was not provided in the Strategic Corridor Options report. Instead, a value assessment of the major benefits of the preferred route was used to justify the selection of this route. This values assessment focussed on bypass users and not local road users or the Moruya community. However, the orange option will presumably have a significantly higher cost than the purple option because it is twice as long and will impact on many more local properties and farms. It will also require significant biodiversity offset payments to counteract the impacts it will have on large remnants of the critically endangered Grassy Lowlands Woodland, as well as other endangered ecological communities on the floodplain.

These detailed assessments should have been undertaken across all the short-listed strategic corridor options in order to arrive at a preferred corridor option based on a fully informed analysis. Until that occurs, how can the community be confident that the orange option is indeed the best route for the bypass corridor?

The FAQs talks about the purpose and format of the Values Management Workshop. It lists a range of information that was provided to participants in order to assess the performance of the 5 short-listed corridors against project values and community/stakeholder feedback. On the basis of this, participants identified and agreed on assessment criteria, weightings and scoring to come up with rankings for each option looking at which options, on balance, met the criteria. As a result, 3 options were recommended to be taken forward for further investigation – purple, orange and yellow. While the FAQs describes the VMW process, it does not offer any detail about the information provided to participants or how the short-listed options were justified. As a consequence, the scores in the summary table of the overall ranking values for the 5 short-listed options against project values remain confusing.

The confusion could be reduced significantly if the information provided to workshop participants to assist with the short-listing of route options was made available to the community so that they can fully understand the reasons underlying the decision-making process.

The FAQs describes the purpose and outcomes of the internal technical workshop which reviewed and made changes to the scoring for the 5 short-listed options based on their validity, technical correctness, the sensitivity of the weighted criteria, preliminary estimated costs. The consensus agreement from this workshop was to shortlist the purple, orange and yellow options for further development, but it did not identify a corridor option that was clearly best performing in terms of value. A further internal corridor review workshop was held to recommend a preferred strategic bypass corridor. This workshop reviewed the outcomes of the previous workshops and reviewed the 3 preferred options for construction, flooding, design, environmental and approval risks and opportunities as well as updated costs, benefits and value for money. An internal preferred corridor review workshop was then held in early 2021 to look at lower cost options and the outcome of technical investigations. Finally, a decision on the preferred corridor was made by Transport for NSW governance committees who determined which option, on balance, provided the best outcome in terms of values and value for money. This was the orange option. So the FAQs outlines the process that was followed in making this decision but given that *'all stages of the process were considered in determining the best option'*, it would have been good if the community that will be most affected by the bypass could have been more involved each step of the way, rather than being told the outcome some 13 months after a less than comprehensive initial consultation without any detailed information and without knowing who represented their interests at the only workshop that included community members.

Information contained in the FAQs does not alter our understanding from reading the Strategic Corridor Option Report that the preferred route was chosen based largely on a values assessment and that more detailed technical investigations will only be undertaken for the preferred route. These assessments and a detailed risk analysis will be undertaken at the design stage for the preferred option alone. Similarly, there has only been a preliminary economic assessment of the preferred route and this, as well as any costings referred to in the FAQs, have not been made publicly available. How can the community be confident that the preferred option is indeed the best route for the bypass corridor without the detailed information about both this option and the other short-listed options?

4. Visual impacts of the preferred option

Any of the corridor options that involve an elevated bypass across the Moruya River and its floodplain will have a negative visual impact on the river and its surrounding landscapes which have high environmental and heritage values. The current agricultural setting of the township with its natural vistas will be dramatically altered forever. The shortest and most direct route should be chosen as the preferred corridor option to minimise the visual impact of the bypass on this iconic setting. The community should have been provided with a clear illustration of what the elevated bypass will look like during the community consultation phase so that they can judge the likely visual impacts for themselves and make a more informed decision about which option they prefer. The majority of people we have spoken to are completely unaware that the bypass will be an elevated structure and have expressed dismay, as well as opposition to the preferred option, on learning this.

5. Agricultural impacts of the preferred option

The orange option crosses the greatest area of the Moruya River floodplain compared to any of the other options and impacts the largest area of productive agricultural land. It crosses a number of rural properties which are located on the river flats with the result that many hectares of productive farming land would be lost. Moruya has a narrow area of floodplain and the destruction of up to 6kms of these river flats constitutes a huge loss

The bypass will need to be elevated for its entire distance across the floodplain and will be supported by closely spaced piers. The construction of such a land bridge would disrupt the functioning of many farms and render them unviable both during construction and afterwards once the bypass is operational (altered overland drainage flows, overshadowing, runoff from the elevated roadway, soil compaction and exposure of acid sulphate soils). Many of these properties will be unusable if a bypass is constructed over their paddocks. This would severely impact primary production in our area. Consequently, the shortest route across the floodplain should be chosen to minimise the impacts of the bypass on some of the most productive agricultural land on the south coast.

There has been no consultation with farmers about how they use their land to enable a greater understanding of the likely impact on the local farming community. One illustration is on the southern bank of the river, where three properties will have their farms bisected by the preferred bypass route. This will render the properties unusable as cattle must be moved from paddock to paddock for feeding and then to higher ground in times of flood. These farms contribute to the local dairy and beef industry and their loss will have significant impacts on primary production. It will also have a knock-on effect by reducing their business with local suppliers, hence impacting the size and viability of the local economy.

The orange route also passes through known acid sulphate soils on the northern side of the river as well as the southern side and their disturbance will have long lasting effects on the ability of those properties to be used productively.

6. Impact on property of the preferred option

No information is provided in the Strategic Corridor Options report on how many properties and/or dwellings are likely to be impacted either directly or indirectly by each of the 5 shortlisted routes. This should have been an important consideration when shortlisting the various route options.

It is clear that the orange option will impact directly on the most number of properties. This option is 8 kilometres long, twice the length of the purple option. It crosses farming properties and requires the demolition of, at a minimum, 20 houses and other structures. The shorter purple option would impact far fewer properties both directly and indirectly. Most of the dwellings adjacent to the purple option are already indirectly impacted by the highway which existed prior to many of them being built.

Many property owners that are impacted by the preferred route were not told of the proposal until after the report was released. Transport for NSW allowed insufficient time to inform all landowners who found themselves being told by their neighbours or reading it in the report. This is an example of poor planning and lack of consideration for people whose lives have now been destroyed. These people are in shock and feel helpless. This is on top of the trauma already felt in the community as result of the disastrous bushfires and COVID and has serious consequences for the mental health of these people.

7. Environmental impacts of the preferred option

The preferred orange option crosses the greatest area of high conservation value protected wetlands and threatened vegetation as well as creeks that feed into nationally important wetlands on the Moruya floodplain. It traverses stands of the Swamp Oak Forest Endangered Ecological Community and big patches of the Coastal Saltmarsh Endangered Ecological Community on the northern side of the Moruya River along Malabar and Dooga Creeks which connect to the nationally listed Malabar Lagoon, as well as large areas of both the Swamp Oak Floodplain Forest and Coastal Saltmarsh Endangered Ecological Communities on the southern floodplain of the river and a large remnant of the Lowland Grassy Woodland Critically Endangered Ecological Community along and adjacent to Congo Road and Noads Drive. The preferred route will bisect this important remnant and cut its connectivity with large areas of vegetation to the east and west which will impact on the movement and viability of local wildlife which have been severely affected by the recent bushfires. The 2019-20 bushfires placed immense pressure on wildlife and habitat on the south coast. Every effort must be made to protect remaining unburnt habitat and reduce pressures on threatened species.

The orange option also crosses Ryan's Creek and its associated wetland which is recognised as a wetland of national importance. Much of this vegetation will either be cleared or compromised to accommodate the bypass. The purple option is significantly shorter and closer to town. It will impact on much smaller areas of Swamp Oak Floodplain Forest and Coastal Saltmarsh vegetation on the southern side of the river only and is therefore a far better option on environmental grounds.

The orange option is very close to the NSW Government declared Marine Park Reserve (Marine Estate Management Act 2014). The chemicals and sediment from vehicles, the threat to the subterranean water table from vibration and leakages from construction imperil the viability of this significant natural environment. Placing the road through this area is incongruous with intention of the Act, which states to '*provide the highest level of protection for habitats, animals, plants, and areas of cultural significance*'. How can the proposed road passing through or very close to this wonderland of nature constitute '*the highest level of protection*'?

8. Business impacts of the preferred option

The business community has concerns about the impact that the bypass will have on Moruya's retail businesses that rely on passing traffic outside peak holiday times. Moruya is a service centre not a destination town like other tourist towns and the further the bypass is from town, the more likely it will be bypassed by travellers. The Moruya Business Chamber has not supported the orange option or any other. Like us they believe there are many questions that remain unanswered. We understand that many retail businesses do not support the orange option, in fact some retailers do not want a bypass at all.

Business have told us that the orange option is too far away from the town and that the purple option will ensure better survival for businesses in the town. Travellers will not be able to see the town from the orange option and will perceive it as too far away so will continue and stop at the next town. Not every driver/traveller/tourist will make a considered decision about whether it is worthwhile to turn off and drive into Moruya when they cannot see it. Some local businesses will close down if the bypass is located too far away from town and those remaining will struggle. Many businesses are still recovering from the significant financial loss caused by the bushfires followed closely by COVID. They will not be able to sustain the loss in trade during the construction and subsequent operation of the bypass. Bypasses of other towns on the south coast such as Bega, Batemans Bay, Gerringong, Kiama and Berry all run along the edge of the town which is visible from the bypass, but despite this, towns like Bega have taken some time to recover from being bypassed. The purple option is closer to town which will be visible from the bypass and is therefore less likely to have a negative impact on retail businesses that rely on passing traffic.

9. Noise impacts of the preferred option

Regardless of where the Moruya Bypass is located it will generate noise that will carry across the Moruya floodplain. An elevated concrete bypass with 4 lanes of traffic and a speed limit of 100kph will result in a road that is significantly noisier than an equivalent 2 lane bitumen road with a lower speed limit at ground level, yet there was nothing in the information provided to the community about the likely noise impacts of the bypass as a result of this type of elevated construction. These noise levels will increase in areas such as on and off ramps where traffic accelerates or decelerates. The only way to reduce noise issues associated with the bypass is to substantially reduce the speed limit on the bypass and to use sound barriers such as those found on other bypasses e.g. Kiama.

10. Lack of an understanding of the circumstances of the local community

The community has been told that construction will begin on the Moruya bypass during the term of the current government and at the same time construction will commence on the new Eurobodalla hospital. This will put tremendous strain on our community which is still recovering from the aftermath of the 2019-20 bushfires when over 500 homes were lost. There is an acute housing shortage in the Eurobodalla and there are many residents who have lost their homes and still do not have permanent accommodation. Some people have been unable to find accommodation altogether and are living in tents and caravans. We wonder what will happen to those residents who are unfortunate enough to lose their homes as a result of the Moruya Bypass? Some, who have lived here most of their lives, may find themselves forced to relocate out of the area. An influx of construction workers will place further strain on our housing market. Work on the Moruya Bypass should be suspended until

the region's housing shortage has been addressed and even then the bypass option that displaces the least number of people should be chosen.

We have serious concerns for the wellbeing of residents who have been told that their properties will be impacted by the orange option. Our community is struggling to recover from the twin traumas of the bushfires and COVID-19. There is a 7 month waiting list to see a counsellor in our region. We desperately need a new hospital which can provide the Eurobodalla with not only mental health services, but a range of other services that are not offered here such as intensive care units, paediatric and orthopaedic units and various cancer therapies which currently require very ill patients to travel to other regional centres over 2 hours away.

Transport for NSW needs to consider and respond to the change in circumstances of our community and the Moruya Bypass project as a whole should be comprehensively reconsidered in light of the stark new realities for our region.

11. Conclusion

It seems that the main reason that the Transport for NSW project team chose the orange option over the purple option for the Moruya Bypass was because of its distance from town (noise/amenity) even though it is longer, visually more obtrusive, environmentally more destructive and will result in the direct loss of more property. It is also likely to have a significantly higher cost. We have been told that this option will allow for the expansion of the township. However, it is not clear how this could occur, since the area surrounding the bypass to the east of the town is largely flood-prone or supports the Critically Endangered Grassy Lowlands woodland vegetation and is therefore not suitable for further development. Even if this land were developable, it would result in the town expanding up to the bypass and negate any amenity advantages of locating the bypass away from town.

According to the Strategic Corridor Options Report, the purple option was seen to 'bisect' the town, when in fact it is at the eastern edge of town and skirts the eastern edge of Riverside Park which has not been developed into parkland. Its proximity to town has advantages which would counteract the noise/amenity issues that can be dealt with in the same way that other bypasses on the NSW South Coast have managed their noise issues. It is the shortest, most direct and least destructive route.

If Moruya needs a bypass, then the shorter it is the better and construction works should be timed so that they take the well-being of the community into account rather than election cycles.

There are a lot of unresolved unexplained outcomes and processes that have not been answered. Transport for NSW should take the time to reconsider the options and begin a process of genuine community consultation. This will only be resolved through a considered, collaborative, community consultation process.

In this regard, we note that Transport for NSW has recently responded to concerns raised by the Shoalhaven community regarding the proposed route for the Milton-Ulladulla bypass by announcing the creation of a co-design committee for that project. The co-design committee will be an independent committee of community stakeholders, residents, government agencies and Transport representatives. This committee will identify and recommend an

option for the bypass. Once identified, that option will be shared with the wider community for feedback.

We think that the complexities and impacts of the Moruya bypass are of sufficient scale and magnitude to justify a similar co-design process for the Moruya Bypass. This concept was unanimously supported by Eurobodalla Shire Council at its meeting of 22nd June 2021 (see attached extract from minutes of the meeting). The Moruya Bypass Co-design Committee's terms of reference would be tailored to reflect the unique circumstances of the Moruya community, town, businesses, landscape and agricultural industry, and include the future management and maintenance of the existing bridge over the Moruya River, as this is a vital community asset whose longer term future must be assured.

We will only get one chance with a major project like this, so we need to make sure that Transport for NSW invests the time and resources to get this process right.

Our town and our community deserve no less.