

B4-1-5967

# Conservation of North Ocean Shores

PO Box 828 Billinudgel NSW 2483 Tel/Fax: (02) 6680 1276

The Project Manager  
Yelgun Rest Area  
Roads and Traffic Authority  
PO Box 576  
Grafton NSW 2460

22 December 2004

Attention : Peter Borelli

re : Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun

Dear Sir,

Thank you for the extension of submission time to the 4 Jan. 2005

As discussed and according to your advice, Conservation of North Ocean Shores (CONOS) wishes to provide a submission on behalf of the Environment Coalition (EC) regarding the Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun by the agreed date of 4 January 2005.

Please find faxed, eleven (11) pages following.

A hard copy has been forwarded for your convenience.

Yours Sincerely,



Stan Scanlon  
per CONOS/BEACON/BCE/FOK/NRWC/WIRES

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Attention : Peter Borelli

Re: Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun

Conservation of North Ocean Shores (CONOS) wishes to provide a submission on behalf of the Environment Coalition regarding the Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun.

We wish to object to this proposal, our reasons are as follows:

## Brief History of Billinudgel Nature Reserve

In February 1995 the NSW Coalition Government, via the Member for Ballina Don Page, purchased approximately 325 ha, mainly SEPP 14 Wetlands, creating the first stage of the Billinudgel Nature Reserve (BNR). In March 1995 the NSW Labor Government placed an Interim Protection Order on additional lands at North Ocean Shores (NOS). Over the following twelve months the NSW Labor Government purchased a further 388 ha, bringing the total area of the BNR to approximately 713 ha.

Since 1995 the NSW Government has placed numerous Interim Protection Orders, Interim Conservation Orders and Emergency Stop-work Orders on lands at NOS/Yelgun due to conflicting land uses which were impacting on the sensitive natural and cultural values of the BNR.

Furthermore, two Commissions of Inquiry have been held into lands at NOS/Yelgun. Both findings presented overwhelming scientific data on the ecological values, both natural and cultural, of the NOS/Yelgun area. Following the findings of the Cleland Inquiry (1997), the RTA also recognised the sensitivity of the BNR/Yelgun area and, in particular, fauna species moving from the hinterland to coastal areas.

Consequently, the RTA designed and incorporated a \$3.5million 'cut and cover' tunnel at Yelgun to provide a corridor for fauna species to cross the new Highway Upgrade in relative safety. Furthermore, because of the high number of threatened fauna species recorded for the area, the RTA also constructed several fauna underpasses and culverts at a further cost of approx. \$1million.

The EC is dismayed that the RTA can recognise the environmental values of the BNR in one section of the Highway Upgrade, ie. *Yelgun to Chinderah*, investing large amounts of money to ameliorate environmental impacts of the Highway Upgrade and then in another section, ie. *Brunswick River to Yelgun*, the RTA then proposes a combined Heavy Vehicle / Light Vehicle Rest Area directly adjacent to the BNR.

It is most unfortunate that the RTA did not do its homework for this current proposal, nor consult with the community. Instead, the RTA has advertised this Truckstop long after the formal submission process for the *Brunswick River to Yelgun* section of the Highway Upgrade had been finalised, confusing an unsuspecting public. Furthermore, the proposed Truckstop has not been subject to the rigorous Environmental Impact Statement (EIS) process that is required of similar engineering projects. This is totally unacceptable.

The EC wishes to emphasise the importance of the *Brunswick River to Yelgun* section of the Highway Upgrade commencing as soon as possible. We do not wish to remind the RTA that this section of the Highway Upgrade has already been delayed approximately five years because of local politics. To propose this heavy vehicle Truckstop in this section of the Highway Upgrade at such a late stage is not a wise one.

The proposal should have been part of the original *Brunswick River to Yelgun* EIS formal process. Failing that, the RTA should have located the proposed Truckstop in a section of the Highway Upgrade that is yet to go through the formal EIS process, and one that has not been subject to such political pressure.

### Project Activity

The size, scale and location of the proposed development in such an environmentally sensitive area is unacceptable.

The Truckstop proposal covers an area of approximately 4 ha in order to accommodate 15 cars, four cars with caravans, five light trucks and up to 21 heavy vehicles (B-doubles). It would also provide features such as toilets, picnic shelters, tables and information displays, and it would accommodate a *Driver Reviver* station.

We wish to remind the RTA that the land adjacent to the 'Truckstop' proposal has been afforded the highest conservation category ie. Nature Reserve status, and not that of a National Park. Only areas that meet the strict criteria are afforded Nature Reserve status, which means the area is set aside for scientific research and the preservation for future generations.

The EC condemns the RTA's intention to provide a Truckstop to accommodate both the traffic travelling north and south. The EC opposes this strategy, not only for the Yelgun proposal, but for the whole of the Pacific Highway Upgrade.

The EC instead advocates rest areas similar to those that the RTA constructed in the *Yelgun to Chinderah* section ie. a Rest Area for north travelling vehicles and a separate Rest Area for south travelling vehicles and on a size and scale similar to the two existing ones located at *Sleepy Hollow*.

In the *Highway Rest Area Strategy Background Report (RTA 2001a)* the RTA has outlined .. 'On primary truck routes, including the Pacific Highway, major truck rest areas should accommodate about 20 trucks and be typically located at 100 km intervals.'

Why then is the RTA proposing a major truck rest area at Yelgun which is located approx. 26 km south of Chinderah? Even if one was to calculate the distance from Brisbane to Yelgun, it would fall far short of the 100 km mark.

We wish to remind the RTA that this proposal is contrary to its own policy that, no development would be permitted at or near Interchanges. Several years ago the RTA made it quite clear to business operators and other interested parties that it would not entertain any development at interchanges ie. Humble Pies, Finns etc. Therefore, this proposal is contrary to the RTA's own policy.

#### Approvals, Licences and permits required

Dept. of Infrastructure, Planning and Natural Resources (DIPNR) administers SEPP 14 Wetlands legislation, the Native Vegetation Conservation Act, 1997 & Planning Issues ie combining local road traffic with Expressway traffic.

Dept of Environment and Conservation (DEC) administers Threatened Flora & Fauna Species (TSCAct) and Licence to translocate flora species..

NSW Fisheries - Fish breeding habitat -(FMAct 1994) Licence to Pollute.

Byron Shire Council - Approval to install and operate a sewage management facility. (Sec 68 LGAct,1993)

#### REF

The Review of Environmental Factors (REF) is deficient and appears to be desktop only. The consultants have only addressed the development site and not the impact the development would have on the surrounding environment. It is more than apparent that the consultants have not familiarised themselves with the local ecology of the NOS / Yelgun locality, nor with the NPWS data base, records and scientific information pertaining to the area.

The REF only covers an Eight-point test for the *Davidsonia jerseyana* (Davidson's Plum), a Threatened Flora Species located on the Truckstop site. The RTA has proposed to translocate this species to another location.

Over 170 species of fauna have been recorded for the Reserve, the majority of these are birds. The range of fauna is attributed to a diversity of vegetation and habitat types and the location of the Reserve in a region of high biodiversity. (BNR, PoM 2000)

Page 42, of the REF, **Fauna**, states, 'No threatened fauna have been recorded in or near the site of the proposed facility.' This is completely false and misleading.

With forty-four (44) Threatened Fauna Species recorded for the BNR alone and not including surrounding lands, a Species Impact Statement (SIS) is required. An SIS is required if a development or activity is likely to significantly affect threatened species, populations or ecological communities, or their habitats.

The REF does not incorporate an SIS, nor an Eight-point test for threatened fauna species or threatened flora species, other than the *Davidsonia jerseyana*.

Furthermore, other than the reference of pollutants from the proposed Truckstop being diverted into SEPP 14 Wetlands, the consultants have not addressed the impact of the proposal on the receiving environment.

It appears that the consultants have looked at this proposal in isolation and not in conjunction with the adjoining sections of the Highway Upgrade ie. *Yelgun to Chinderah*, or *Brunswick River to Ewingsdale*. Alternate options are available in adjoining sections of the Highway Upgrade as outlined in this submission.

The Northern Rivers Wildlife Carers (NRWC) and Friends of Koala (FoK) are two local groups that have been involved with the Highway Upgrade process for 10 years now. The consultants have not recognised this and instead have supplied a telephone number for a wildlife carers group based in the Hunter/Taree region. This again highlights the lack of research and community consultation undertaken for the REF on the proposed Truckstop.

### Environment

The proposal will **directly impact on**,

\* *Davidsonia jerseyana* (Davidson's Plum) a **Threatened Flora Species** under the TSC Act. 'Davidson's Plum is an endangered species with a greatly reduced local population' (REF).

The RTA proposes to translocate two mature trees and approx. 25 juveniles and seedlings to suitable habitat. The EC wishes to remind the RTA that the survival rate of translocated threatened flora species in the *Yelgun to Chinderah* Section of the Highway Upgrade was below expectations.

The EC opposes the translocation of this species and recommends that the Davidson's Plums remain insitu.

\* *Davidsonia jerseyana* (Davidson's Plum) is also an Endangered species listed on **EPBC Act, '99**.

\* approx 0.5 ha of **native vegetation** proposed for **clearing**. This vegetation could provide habitat for protected fauna. (REF)

The proposal will **further impact** on the adjacent Reserve system,

\* an area rich in **high conservation biodiversity**

\* and the forty-four (**44**) **Threatened Fauna Species** (TSCAct) eg. Koala, Breeding Osprey, Black & Grey-headed flying-Fox, Rose-crowned fruit-dove, Wompoo fruit dove, acid frogs and species of Insectivorous microbats.

\* impacting on the movement of fauna species within the area east of the Highway Upgrade eg. **Koala**

\* and **migratory birds**, including **JAMBA and CAMBA** (agreement signed by Japanese & Australian Governments) protected species. These species inhabit wetlands and other habitat areas and include the Great egret, Osprey, Latham snipe, White-bellied Sea Eagle, all of which occur on or adjacent to the proposed Truckstop. (EPBC Act, '99)

\* compromising the integrity of an area which has **high archaeological** significance. A total of thirty (30) archaeological sites have been registered with the NPWS for the BNR and surrounding lands

\* and the **SEPP 14 Wetlands**

The RTA has proposed to direct stormwater, effluent and pollutants into the adjacent SEPP 14 Wetlands & BNR

\* and **Endangered Ecological Communities** (TSCAct, Pt 3, Sch.1)

The Scientific Committee, established by the Threatened Species Conservation Act, has recently listed Freshwater Wetlands on Coastal Floodplains of NSW as an Endangered Ecological Community in Part 3 of Schedule 1 of the Act.

\* and the **topography** of the NOS / Yelgun area.

The majority of Rest Areas on the Pacific Highway Upgrade are constructed on level ground and not on a base of a ridgeline, as proposed at Yelgun. The EC has major concerns with erosion, the amount of fill proposed, pollutant runoff and effluent disposal.

'Maintaining high water quality is important as some wetland fauna are sensitive to poor water quality and chemical contamination. Poor water quality may also damage aquatic habitat; erosion, sedimentation and nutrient movements can create changes in conditions rendering habitat unsuitable for dependent fauna.' (BNR PoM 2000.)

- \* and **acid sulphate soils** known to occur in low lying areas at NOS
- \* and acid frogs ie. **Wallum tree frog and Wallum froglet**. These species are extremely sensitive to ph changes and pollutants. Wallum species are found in acid soil conditions and acid swamps. (TSCAct, '95)

The noise, lighting and pollutants from the proposed Truckstop could have adverse effects on the surrounding Reserve System and in particular fauna species, Threatened or otherwise. Nocturnal species are likely to be affected with certain avifauna being attracted to the lights generated by the 24 hour Truckstop. With the predicted vehicular movement of both Heavy and Light Vehicles, EC predicts that there will be an increase in fauna kills from vehicles utilising the Truckstop.

Roadkill statistics of native fauna species adjacent to the proposal include Northern Brown Bandicoot, Mountain Brushtail Possum, Red-bellied Black Snake, Swamp Wallaby, Carpet Python, Tawny Frogmouth, Australian Magpie, White-headed Pigeon, Barn Owl, Laughing Kookaburra and Koala. (NRWC)

In 2000 the EC lobbied the RTA and Minister for Roads, Hon. Carl Scully, to provide fauna underpasses in the location of the now proposed Truckstop. The EC was able to provide records of Koalas and other native fauna species that were utilising this area of highway to cross to / from the BNR. Koala fatalities at this very location were also reported to the relevant authorities.

The Minister for Roads outlined in correspondence to the EC that the RTA considered our recommendation and consequently it would be providing a fauna underpass to allow for the safe passage of fauna under the highway and that exclusion fencing also was to be incorporated either side of the new Freeway. (Dec, 2000)

Again, it is difficult for the EC to understand why in 2000 the RTA recognised the environmental sensitivity of the area and constructed a fauna underpass to allow for the safe passage of fauna species, including Koala, and now, in 2004, the RTA is proposing a Combined Heavy Vehicle/Light Vehicle Rest Area for the same location.

This proposal is contrary to the environmental stance the Minister for Roads and the RTA had previously advocated for the NOS/Yelgun area. This does not look favourably on the RTA.

#### Ecological Sustainable Development

The REF is not consistent with the four principles of Ecological Sustainable Development defined in Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

The potential impacts to the surrounding environment ie. BNR, Threatened Fauna Species (TSC Act, 1995), Endangered Ecological Communities, SEPP 14 Wetlands etc. have not been identified nor assessed in the REF.

#### Clause 228 factors

Factors given in Clause 228 of the *Environmental Planning and Assessment Regulation 2000* must be taken into account when considering the likely impact of an activity on the environment.

In Table 8 the consultants have only applied the criteria of Clause 228 factors to the actual site proposed for the Truckstop, and not the surrounding / receiving environment. The EC proposes likely impact on all the criteria outlined in Clause 228 Factors ie subclauses (a) through to (o).

#### EIS

Under Sec 111 and 112 of the EPA Act, the RTA has a 'Duty to Consider Environmental Impact.'

Under Part 2 of Schedule 3 - Designated Development, the determining authority must take in factors to consider and in particular the EC highlights the following subclause :-

2. (b) the likely impact of the proposed alterations or additions having regard to factors including;
  - (i) the scale, character or nature of the proposal in relation to the development and
  - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality; and
  - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty; and
  - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts...

The EC opposes this development proposal as the alteration / addition to the existing approved development could significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the approved development.

The RTA would need to undertake an EIS if this proposal were to proceed.

#### Social

The EC objects to the proposal on social grounds as well. The proposed Truckstop is located in close proximity to the towns and villages of North Ocean

Shores, South Golden Beach, Billinudgel and Yelgun. The size of the RTA's Truckstop proposal is totally unacceptable in a location so close to these towns and villages.

Some of the villages mentioned above are rural. These residents have already been disadvantaged by increased noise levels and the night lighting that will be generated from the RTA's decision to locate the Interchange at Yelgun. Residents will be subject to increased noise levels generated from heavy vehicles negotiating the Yelgun Interchange.

For the RTA to now propose to locate a Combined Heavy Vehicle/Light Vehicle Rest Area of this magnitude adjacent the same location, six years after the formal submission process has been finalised for this part of the Highway Upgrade, is unprofessional and unacceptable.

Furthermore, in Sept. 2001, the RTA again reopened the submission process to allow for public comment on the Design Review of the Highway Upgrade. The RTA did not include the proposed Truckstop in this submission process.

It is more than apparent that a Truckstop of this size is best located away from nearby towns and on an isolated stretch of highway. Billinudgel is one of three villages in the Byron Shire that has been earmarked by Council as a growth area for future rural residential development.

In the REF it states that...'The presence of urban and rural development, ecological constraints and topography limit suitable sites.'.. from the Queensland border to Ballina ....and yet the consultants have not assessed the impact of the Truckstop proposal on the future growth of the township of Billinudgel located less than one kilometre away. This is a contradiction.

Byron Shire is only a small shire and has already been impacted by the RTA's construction of three major Interchanges. The Yelgun Interchange, when completed, will make it four. The added impact of this proposed Truckstop on the amenity and environmental values of the shire is not warranted. There are more suitable alternatives.

### Safety

The EC objects to the Truckstop proposal for safety reasons as well. The EC has major concerns with the RTA's proposal to locate the Truckstop on a local road, thereby mixing highway traffic (B-doubles etc.) with local traffic. The EC agrees with the Ocean Shores Community Association (OSCA), in that it appears that the RTA has done a 'backflip', as the Truckstop proposal is totally contrary to the RTA's stance in justifying the need to separate local traffic from highway traffic.

Furthermore, the proposal to locate the 'Driver Reviver' at the Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun is not a wise one. The EC is concerned about the safety factor of the RTA's proposal to combine local traffic with B-doubles, light trucks and individual vehicles (entering from both the north & the south) ie. elderly pensioners, 'P' plate drivers etc. negotiating the B-doubles for a 'cup of coffee'.

To combine local traffic with B-doubles, light vehicles and people who want a 'cup of coffee' is not acceptable and we believe it is a recipe for disaster. With the closure of the *Driver Reviver* in Brunswick Heads a new location will have to be found for this service during the construction of the *Brunswick River to Yelgun* section of the Highway Upgrade.

The EC recommends that a permanent site for the *Driver Reviver* could be located in close proximity to the Tyagarah Service Station.

### Community Consultation

The RTA's effort regarding community consultation on the proposal is dismal.

In 5.3 of the REF it says, 'the RTA would discuss the proposed facility with the existing Community Liaison Group for the Upgrade during the exhibition of this REF'. What the RTA did not mention was that the Community Liaison Group did not meet until the evening of 15 Dec., five (5) working days before submissions were due, allowing very little time for feedback to community groups, individuals etc. before the close of public submissions.

It is most unfortunate that the RTA did not liaise with the local community and environment groups regarding the Truckstop proposal as it would have become apparent that the proposal and the location selected were entirely unsuitable due to the environmental, social and safety constraints.

It is our understanding that at the meeting of the 15 Dec. 2004, the Community Liaison Group made it very clear to the RTA representatives present that they were very unhappy about the Truckstop proposal and that they did not support the proposal in any shape or form.

### Alternative Options

The consultants have not even addressed Alternative Options in the REF and instead have chosen to address the 'do-nothing option'.

In the REF 3.2 it says, 'The RTA has reviewed opportunities to locate a combined heavy and light vehicle rest area between Ballina and the Queensland border. The presence of urban and rural development, ecological constraints and topography limit suitable sites.'

Firstly, this is a total contradiction, as there are numerous constraints associated with the Yelgun proposal, ie. 'the presence of urban and rural development, ecological constraints and topography', which the EC has outlined in this submission. The EC recommends the RTA look at the bigger picture and take into account surrounding lands ie. BNR and the impact this proposal will have on the receiving environment.

Secondly, the EC is critical of the fact that the RTA has not included any information in its REF on the alternative sites it reviewed between the Queensland border and Ballina. It is most unfortunate that the reports and studies undertaken for these alternative sites were not made available in the REF for public comment.

The EC recommends the following options to the Yelgun Truckstop proposal:

(i) Extend the existing Truckstops (both north & south) near *Sleepy Hollow* in the *Yelgun to Chinderah* Section of the Highway Upgrade, located approx. 10 klms to the north in the Tweed Shire.

(ii) The EC not only objects to the Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun, but would also object to any proposal to locate it elsewhere in the Byron Shire.

Byron is a small Shire with a huge influx of tourists that flock to the area for its beautiful beaches, National Parks, cafes etc. The Pacific Highway Upgrade has and will continue to have a major impact on the environment and visual amenity of the Shire, the very attractions tourists come here for.

A proposal of this magnitude is not appropriate, nor acceptable to the majority of people in the Byron Shire, who elected a predominantly 'Green' Council and 'Green' Mayor, at its last election.

(iii) Locate a smaller Truckstop, similar to the one on the opposite side of the Highway, to service southbound traffic in the *Brunswick River to Ewingsdale* section of the Highway Upgrade.

The RTA already owns land at Tyagarah. The land was the crushing plant site utilised by *Balderstone and Hornibrook* contractors to crush rock in the construction of this section of the Highway Upgrade. This land is opposite the Truckstop provided by the RTA to service northbound traffic. The RTA did not provide a Truckstop for southbound traffic in this section.

The Tyagarah site is close to an existing service station. This business was directly impacted upon by the Highway Upgrade and would therefore benefit greatly, as well as provide a service to passing trade.

No major excavation or fill would be required, as this area is not located on a

ridgeline and the infrastructure is already in place. There would be a lesser impact on Threatened Fauna Species, and the management of pollutants and sewage removal would not impact on SEPP 14 Wetlands, as would be the case with the Yelgun proposal.

The construction of the Tyagarah option would be far less costly to the RTA than the Yelgun proposal.

The EC is somewhat surprised that in 2005, the RTA could propose a development that discharges pollutants into a Reserve System dominated by wetlands and habitat to a high number of threatened flora and fauna species. This can only be described as 'Dinosaur Planning'.

The EC trusts that the RTA will take our objections seriously and exercise the *Precautionary Principle*, a fundamental guiding principle in ecological sustainable development. At this stage of planning it would be far more wise, economically, environmentally and socially, to go back to the drawing board as better alternative options are available.

Should the RTA wish to discuss any issues raised in our submission, please contact the above telephone number. Thank you.

The Environment Coalition comprises of the following groups

Conservation of North Ocean Shores (CONOS)  
Byron Environment and Conservation Organisation (BEACON)  
Byron Environment Centre (BCE)  
Friends of the Koala (FoK)  
Northern Rivers Wildlife Carers (NRWC)  
Wildlife Information and Rescue Service (WIRES)

The Project Manager  
Yelgun Rest Area  
Roads and Traffic Authority  
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22 December 2004

Attention : Peter Borelli

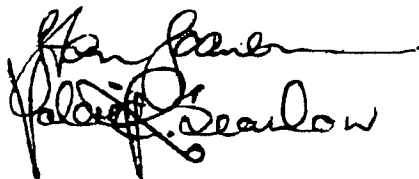
Dear Sir,

Re: Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun

We wish to object to the Combined Heavy Vehicle / Light Vehicle Rest Area at Yelgun.

We object to the Truckstop proposal on the Safety, Social and Environment issues outlined in the Conservation of North Ocean Shores (CONOS) submission on behalf of the Environment Coalition.

Yours Sincerely,

Handwritten signature of Stan & Val Scanlon in black ink.

Stan & Val Scanlon  
Jones Rd  
Yelgun.  
NSW 2483