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Combined Heavy Vehicle/Light Vehicle Rest Area at Yelgun

Byron Shire Council

REVIEW OF ENVIRONMENTAL FACTORS

DECISION REPORT

REF DECISION REPORT PACIFIC HIGHWAY OFFICE

Combined Heavy Vehicle/Light Vehicle Rest Area at Yelgun

LGA: Byron Shire Council

INTRODUCTION

A Review of Environmental Factors (REF) for the Combined Heavy Vehicle/Light Vehicle Rest Area at Yelgun has been prepared to assess the potential environmental impact of the proposal as described below. The REF has been prepared by Acacia Environmental Planning Pty Ltd, and forwarded for assessment by Peter Borrelli Senior Project Manager, Strategic Projects (Project Management Services, RTA). This decision report has been prepared to consider the REF in relation to requirements under the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The objectives of this Decision Report are to:

- Assess the likely environmental impacts identified in the REF;
- Determine the significance of those impacts;
- Propose Conditions Of Approval should this proposal proceed; and
- Address the position under the Commonwealth EPBC Act.

PROPOSAL DESCRIPTION

The proposal is for the development and construction of a new Combined Heavy Vehicle/Light Vehicle Rest Area at Yelgun on the Far North Coast of NSW. The proposal will complement the Pacific Highway upgrade section between Brunswick Heads and Yelgun. However both the upgrade and the proposed activity are mutually independent projects, and can be constructed regardless the status of the alternate project. The Review of Environmental Factors examines the potential impacts of the proposed heavy vehicle/light vehicle rest area. A separate assessment has been prepared and approved for the upgrade between Brunswick Heads to Yelgun.

The new approved Pacific Highway route would move traffic away from existing rest areas, and the driver-reviver station on the south bank of the Brunswick River. The *Pacific Highway Safety Review* (RTA 2004) identifies the need to construct a combined-use rest area for both directions of travel that would also accommodate the Driver-Reviver operation from Brunswick Heads. The proposal offers access from both the proposed and existing highways.

Location options for combined heavy vehicle/light vehicle rest areas are limited by the potential conflicts between uses, noise and amenity. The identified location for the proposed facility at Yelgun would help to shield the rest area, and would provide an effective RTA

rest area for both light and heavy vehicles. The proposed location is to the east of the Yelgun interchange on land that was acquired by the RTA as a part of the Brunswick Heads to Yelgun upgrade (the property *Jagwen* Lot 2 DP 544703 identified in Figure 1 of the REF).

The proposed facility has been designed to accommodate 15 cars, 4 car-caravans, five light trucks, and up to 21 heavy vehicles. The concept also contains toilets, picnic shelters, tables, information displays, a play area and accommodates a Driver-Reviver station.

If the activity proceeds it is intended to build the proposal as a part of the contract to design, construct and maintain the Brunswick Heads to Yelgun upgrade. The main justification for linking the projects is that the RTA can achieve economies of scale resulting in better value for money.

OBJECTIVES OF THE PROPOSAL

The objective of the proposal is to construct, operate and maintain the combined heavy vehicle/light vehicle rest area adjacent to the Brunswick Heads to Yelgun upgrade.

JUSTIFICATION OF THE PROPOSAL

The proposal has been strategically positioned in accordance with both the *Highway Rest Area Strategy Background Report* (2001) and the *Pacific Highway/F3 Freeway Truck Rest Area Strategy* (RTA 2003). Rest areas are an important consideration in highway management and they enable all drivers to increase the frequency, duration and quality of rest breaks. They also provide opportunities for long distance truck drivers to stop in accordance with statutory regulations for driving and taking rest breaks, as well as to update logbooks, and inspect their loads.

CONSIDERATION OF REVIEW OF ENVIRONMENTAL FACTORS

The REF has been examined and considered. In my opinion the REF addresses the requirements of Section 111 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In considering the activity this assessment has examined and taken into account, all matters affecting or likely to affect the environment by reason of that activity as addressed in the REF and associated information. This assessment was considered in accordance with the Department of Infrastructure, Planning and Natural Resources (former Department of Urban Affairs and Planning's) best practice guideline, *Is an EIS Required?*

I have assessed impacts of the activity on critical habitat and on threatened species, populations or ecological communities or their habitats, for both terrestrial and aquatic species.

As part of the consideration of the activity, this assessment has also addressed matters of national environmental significance and any impacts on Commonwealth land. In relation to matters of national environmental significance, this evaluation has been undertaken in accordance with Government Administrative Guidelines on determining whether an action has, will have, or is likely to have a significant impact.

REF EXHIBITION AND SUBMISSION REPORT

The REF was exhibited once the RTA had defined the concept design for the proposed facility and assessed the impacts. The REF was displayed between 23 November and 22 December 2004. The REF was exhibited at several localities including Ocean Shores, Billinudgel, Byron Bay, Mullumbimby, Murwillumbah and Brunswick Heads. Access was also available to the document through the RTA Internet website. Public notices of the REF's exhibition were published in the Northern Star on 22 and 27 November, the Byron Shire Echo on 23 and 30 November and 7 December, and the Byron Shire News on the 24 November and 1 December. The EP&A Act does not require the RTA to exhibit REFs, but it has done so to ensure the community was given the opportunity to review and comment on the proposed facility.

34 Submissions were received. These are included in a submissions report (Appendix 2), which includes a response to each submission including a range of commitments on different issues.

The REF was forwarded to each of the regulatory agencies below for review as a part of the exhibition process. Comments from the agencies were considered and where appropriate, addressed in the Decision Report. Comments from the following agencies were considered

- Department of Environmental Conservation (Environmental Protection Agency)
- Department of Environmental Conservation (National Parks and Wildlife)
- Department of Infrastructure Planning and Natural Resources
- Department of Primary Industries (Department of Agriculture)
- Department of Primary Industries (NSW Fisheries)

CONCLUSION

The Heavy Vehicle/Light Vehicle rest area proposed in the REF prepared by Acacia Environmental Planning has identified several potential environmental impacts. These impacts can be successfully mitigated through the use of safeguard measures proposed and to the Conditions of Approval set out below, this assessment has considered that these impacts are unlikely to be significant and therefore an Environmental Impact Statement is not required.

The activity described in the REF will not affect declared critical habitat as listed in the TSC Act (1995). The proposal has identified the potential to impact on two mature *Davidsonia jerseyana* (Davidson's Plum) plants along with several stems and seedlings within a metre of the mature plant. Davidson's Plum is currently listed as an endangered species (schedule 1). The impact will be mitigated by transplanting present species away from the construction area, and the proposal is not expected to have a long term impact on the viability of the population.

Development of the proposal is not considered to represent a significant impact on Davidson's Plum in terms of the area of known habitat to be removed and the number of plants impacted. The potential of this species to translocate further mitigates the impact of the proposal. With the proposed mitigation measures that have been identified, the proposal will not impact on the long term viability of the Davidson's plum and therefore a Species

Impact Statement is not required. The activity described in the REF will not affect any other threatened species, populations or ecological communities or their habitats.

The activity described in the REF will not affect Commonwealth land. It will have not impact on matters of national environmental significance.

CONDITIONS OF APPROVAL

1 REF Safeguard Measures, Conditions of Approval and Submissions Report

1.1 All safeguard measures/obligations stated in the;

- REF (section 7.1 in the combined Heavy vehicle/ Light Vehicle Rest Area at Yelgun REF or Appendix 1).
- Commitments from the Submission Report (Appendix 2) shall be applied to the proposal.

These Conditions of Approval, and commitments in the Submission Report shall prevail where there is any inconsistency between safeguard measures.

1.2 All parties involved in the construction project including contractors and relevant sub-contractors, shall be forwarded a copy of the REF and Decision Report (which includes the Submission Report). The appointed contractor shall ensure compliance with all of these Conditions of Approval and Submission Report commitments and implement any measures arising from these Conditions of Approval and commitments.

1.3 The appointed contractor shall bring to the RTA's attention any matter that will require further assessment, including environmental assessment, by the RTA before undertaking such actions.

1.4 Any works that result from this approval, will be covered by the REF, and relevant components of the CEMP, may be subjected to an environmental audit(s) and/or inspection at any time during the projects duration.

1.5 The RTA shall undertake regular inspection and maintenance of the stormwater and effluent management system.

2 Licences, Agencies and Authorities

2.1 All necessary approvals, permits and licences required by NSW legislation shall be obtained prior to works commencing. These approvals, permits and licences shall be maintained and complied with during the construction period. These include, but are not limited to:

- Approval from Byron Shire Council to install and operate a Sewage Management Facility (Sect. 68 of The Local Government Act 1993)
- Licence or the relevant approval from DEC to translocate the Davidson's Plum (Threatened Species Conservation Act 1995)
- Notify NSW Fisheries in regard to any dredging and reclamation works on site.

3 Construction Environmental Management Plans (CEMP's)

- 3.1 A CEMP for the construction of the Combined Heavy Vehicle/Light Vehicle Rest Area at Yelgun shall be developed incorporating the safeguard measures identified. The proposed works may be a part of the CEMP prepared for the Brunswick Head to Yelgun upgrade as long as it incorporates the safeguards identified within the Combined Heavy Vehicle/Light Vehicle Rest Area REF, along with the Decision Report Conditions of Approval and Submissions Report.
- 3.2 All members of the team shall be made aware of their environmental responsibilities and measures to minimise environmental responsibilities and measures to minimise environmental impacts for the project including emergency response procedures.

4. Environmental Auditing.

- 4.1 Any works resulting from this approval and as covered by the REF may be subject to an environmental audit(s) and/or inspection at any time during their duration.

5. Community Consultation and Liaison

- 5.1 A register of public complaints shall be established at time of construction commencing and maintained for the full duration of construction. The register shall record details of complaints, complainant contact information and action taken to address complaints. Any complaints received shall be attended to promptly. On receiving a complaint, works shall be reviewed to determine if the issue relating to the complaint can be minimised or avoided. Feedback should be supplied to the complainant to explain what outcomes resulted.

6 Erosion and Sediment Control Structures

- 6.1 Erosion and sedimentation controls shall be developed in accordance with the REF, Best Management Practices, including the RTA Road Design Guide 1989 Section 8, Erosion and Sedimentation and the NSW Landcom's Managing Urban Stormwater Soils and Construction (Blue Book) 2004, as part of the CEMP. Disturbed areas shall be kept to a minimum and restored progressively as work is completed for each section.
- 6.2 Erosion and sediment controls shall be inspected by the contractor at a minimum of weekly intervals and within 24 hours of all rainfall events exceeding 10 mm in a 24 hour period. Regular routine maintenance shall be undertaken to de-silt sediment basins and traps, replace damaged sediment control fences and other structures. A register of these inspections, maintenance and rainfall levels shall be maintained.

7 Access and Traffic Management

- 7.1 All works shall be undertaken so as to minimise impacts to traffic flow.

8 Waste Minimisation and Management

- 8.1 Waste shall be managed and disposed of in compliance with relevant legislation (*Waste Minimisation and Management Act 1995* and Regulation, EPA and local authority requirements). The work site shall be maintained in a clean and tidy condition.
- 8.2 The storage of any chemicals on site shall comply with the requirements of EPA Guidelines "Bunding and Spill Management". Storage areas for fuels, oils and chemicals shall be surrounded by bund walls to contain any spillage, preferably on relevant vehicles. An emergency procedure for chemical spills and other potential incidents shall be developed prior to works commencing and implemented if required during the construction period.
- 8.3 The RTA shall investigate long-term options to contain spills while the site is in operation, including a downstream storage basin containing a lockable outlet.

9 Noise and Vibration

9.1 Noise Emissions

All reasonable and practical steps will be undertaken to reduce noise and vibration from the work sites. Techniques for controlling noise and vibration shall be guided by the Section 5 of the RTA *Environmental Noise Management Manual* (ENMM).

Hours of Operation:

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00am to 1.00pm
Sunday and Public Holidays	No work

- 9.2 Any works undertaken outside of normal working conditions shall be undertaken in accordance with Practice Note VII from the RTA *Environmental Noise Management Manual* (ENMM).

10 Vegetation Management

- 10.1 All field personnel shall be made aware of the presence and location of *Davidsonia jerseyana* (Davidson's Plum). Prior to activities being undertaken in near proximity to the species, they will be transplanted as directed within the REF.
- 10.2 The RTA shall liaise with DEC and follow their requirements especially in regard to the translocation of the Davidsons Plum, during the detailed design of the rest area.
- 10.3 The extent of clearing shall be minimised and the limits of clearing shall be clearly delineated in the field prior to the commencement of site works.
- 10.4 Vegetation removed to implement the project shall be reused whenever possible.
- 10.5 The burning of vegetation shall not be permitted.

11 Heritage

- 11.1 All field personnel shall be given site awareness training on Aboriginal heritage and culture.
- 11.2 If any Aboriginal archaeological sites or artefacts are discovered during geotechnical investigations, work shall cease immediately in the vicinity of the find, and the DEC (NPWS) and Tweed Byron LALC shall be contacted promptly for further advice and action.
- 11.3 If any sites or relics of suspected non-Aboriginal heritage value are discovered during construction, work shall stop immediately in the vicinity and the NSW Heritage Office shall be contacted for further advice and action.

RECOMMENDATION

It is recommended that the proposed combined Heavy Vehicle/Light Vehicle Rest area at Yelgun proceed subject to implementation of all environmental safeguard measures identified in the REF, commitments in the Submissions Report and the above Conditions of Approval.

Approval recommended by:

 3/2/05

Cameron Perry
Environmental Officer
Pacific Highway Office

Approved by:



Robert (Bob) Higgins
General Manager
Pacific Highway Office 3/2/05

REFERENCES

RTA (2001) *Highway Rest Area Strategy, Background Report*, Roads and Traffic Authority, June 2001

RTA (2003) *Pacific Highway F3 Freeway Truck Rest area Strategy*, Roads and Traffic Authority, March 2003

RTA (2003) *Northern Pacific Highway Noise Taskforce Report* Roads and Traffic Authority, August 2003

RTA (2004) *Pacific Highway Safety Review*, May 2004

Appendix 1.
Summary of environmental safeguards
(Source Combined Heavy Vehicle/Light
Vehicle Rest area Yelgun Review of
Environmental Factors)

Category	Timing	Safeguard Measures	Section in ref
Air quality	Before construction	<ul style="list-style-type: none"> The RTA would prepare an Air Quality Management Plan that outlines procedures to minimise dust during construction. The Plan would include the following safeguards: Cover the loads of all truck leaving the site and entering the existing Pacific Highway to prevent loss of material. Prohibit open burning of cleared vegetation. Use water sprays to suppress dust on unsealed and exposed areas during dry or windy periods. Place speed restrictions on construction traffic when required to reduce dust generation. Establish quick growing sterile cover crops on topsoil stockpiles and embankment batters. The Air Quality Management Plan would form a part of the Construction Environmental Management Plan (CEMP) detailed in Section 7.2 	6.10
Approvals	Before construction	<ul style="list-style-type: none"> The RTA would require the following approvals, licences or permits before it could proceed with the proposed activity: An approval from Byron Shire Council to install and operate a sewage management facility (Section 68 of the Local Government Act 1993). A licence from the DEC to translocate Davidson's Plum (TSC Act). 	2.4
Community involvement	Before construction	<ul style="list-style-type: none"> The information display would show local features and information, maps and project information. However, the RTA would consult with Byron Shire Council, the Upgrade's Community Liaison Group and other interested stakeholders to determine the contents of the information display. 	4.4
Community involvement	Before construction	<ul style="list-style-type: none"> The RTA would discuss the proposed facility with the Upgrade's Community Liaison Group, which includes representatives of Byron Shire Council, during the exhibition of this REF. 	5.3
Flora and fauna	Before construction	<ul style="list-style-type: none"> Boundary and fauna exclusion fencing would be installed at the top of the cut batter for safety. 	4.8
Flora and fauna	Before construction	<ul style="list-style-type: none"> The RTA would prepare a Flora and Fauna Management Plan that details measures to minimise impacts on plants and animals during construction of the proposed facility. The Plan would include the following safeguards: The RTA would implement the recommendations in Ecos Environmental (2004): Translocate the two adult trees and associated juveniles in Locations 1 and 2 to the translocation site for the Upgrade, which has been established for the Upgrade at Billimudgel, approximately three kilometres south of the proposed facility. Use a suitably-qualified person to apply the 'direct transplant method' when transplanting. This method consists of transplanting when soil moisture and humidity are 	6.2