

## Memo

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**To** [REDACTED] A / Project Director

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**From** [REDACTED] Project Manager Parkes Bypass

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**Priority** ROUTINE

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**Date** 24 March 2023

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**Subject** Parkes Bypass Addendum 4 Review of Environmental Factors – Cut 1 Widening and NOA Cells

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### Proposed modification

Modification to the Parkes Bypass Review of Environmental Factors (July 2019).

### Background

Transport for NSW (TfNSW) is building a new 10.5 kilometre bypass of the Newell Highway at Parkes (the Parkes Bypass, the project). The Parkes Bypass will divert heavy vehicle traffic out of the Parkes town centre. It will be located about 1.5 to two kilometres west of the existing Newell Highway and will generally include one lane in each direction. The Parkes Bypass will depart from the existing Newell Highway to the south near Parkesborough Road and will re-join the highway to the north of Parkes near Maguire Road.

The key features of the project include:

- A two-lane road (one lane in each direction) with five key intersections including:
  - Two T-intersections, north and south between the existing Newell Highway and the Bypass:
  - A split T-intersection at London Road
  - A four-way roundabout at Condobolin Road
  - A T-intersection with Bogan Road.
- Two bridges:
  - A bridge over two rail lines and Hartigan Avenue
  - A bridge over the Bypass on Victoria Street.
- An extension of Hartigan Avenue (Henry Parkes Way) with intersection with Brolgan Road, Billy Mac Place and Condobolin Road.
- Realignment, reconfiguration and changes to local roads including:
- Shifting part of Moulden Street to the west

- Maguire Road and Nock Road converted to cul-de-sacs
- New connection between Brolgan Road and Hartigan Avenue
- Connection between Thomas Street and Mitchell Street via the Reedsdale Road extension.
- A new shared path for pedestrians and cyclists which will connect Brolgan Road, Condobolin Road and Victoria Street.

A review of environmental factors (REF) was prepared for the Parkes Bypass in July 2019 (referred to as the project REF; RMS 2019). The project REF was placed on public display between 1 July 2019 and 9 August 2019 for community and stakeholder comment.

A Submissions report, dated December 2019 (TfNSW 2019) was prepared to respond to issues raised during the public display and assessed proposed changes as a result of design refinement.

An addendum review of environmental factors (REF) was prepared in March 2021 to assess changes as a result of the detailed design.

Two addendum review of environmental factors (REF) were prepared in December 2022 to assess changes as a result of utilities relocations, u Parkes Golf Course Reconfiguration

Naturally Occurring Asbestos (NOA) was discovered on site on 9<sup>th</sup> September 2022 at various locations. A Naturally Occurring Asbestos Management and Remediation Plan (Appendix G) was developed which recommended onsite encapsulation as the preferred remediation strategy.

## Purpose

The purpose of this memo is to:

- Describe the proposed modification.
- Document and assess the likely impacts of the proposed modification on the environment.
- Detail protective measures to be implemented.
- Document the recommendation of the Transport Senior Manager Environment and Sustainability and the decision by the Transport delegated manager whether or not to determine the modification to the project.

This memo is an addendum to and is to be read in conjunction with:

- Parkes Bypass Review of Environmental Factors (July 2019)
- Parkes Bypass Addendum Review of Environmental Factors (March 2021)
- Parkes Bypass Addendum 2 Review of Environmental Factors (December 2021)
- Parkes Bypass Addendum 3 Review of Environmental Factors (December 2021)
- Parkes Bypass Consistency Review Memo (July 2022)

## Description of proposed modification

TfNSW propose to modify the Parkes Bypass project as outlined below:

### NOA Encapsulation Cells

Six NOA Encapsulation Cells are proposed be constructed. The cells will be located on the eastern side of the current road design at strategic locations between Thomas Street (Chainage 33750) and Bogan Road (Chainage 35850). The location and area of each cell can be found in Appendix C.

The proposed Scope of works for the encapsulation cells is as follows:

1. Strip 100mm of topsoil and stockpile adjacent cell.
2. Excavate cell to required depth. (approx. 2m-6m depending on underlying geology)
3. Haul clean excavated cell material to Fill 1/ Fill 3 for use in road embankment.
4. Haul Cut 3/Cut 4 NOA material to encapsulation cell and fill to -500mm.
5. Place geofabric over NOA material.
6. Backfill remaining 500mm of encapsulation cell with clean fill.
7. Spread 100mm of topsoil.
8. Hydromulch area.

Additional details regarding the handling and management of the NOA material can be found in the Naturally Occurring Asbestos Management and Remediation Plan (Appendix G).

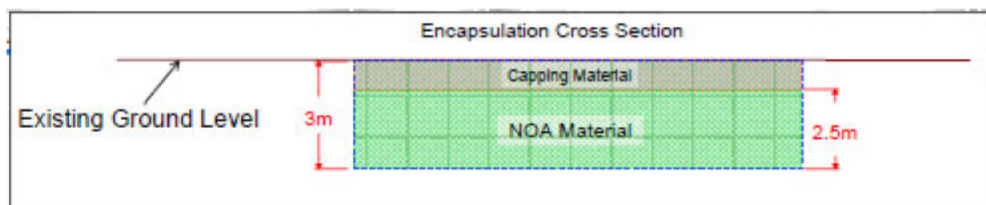


Figure 1: Typical NOA Encapsulation Cell Cross Section

#### Additional Temporary Stockpile Areas for Clean Fill

Three additional temporary stockpile areas have been proposed to facilitate the construction of the NOA encapsulation cells. The temporary stockpile areas will be located adjacent to the NOA encapsulation cells and will be used for the storage of clean fill. The location and area of each stockpile area can be found in Appendix c

#### Cut 1 Widening

It has been proposed to widen the batters of Cut 1 by approximately 15 to 20 meters on the eastern side of the current design between chainage 29050 and 29800. The excess soil from the widening is required for construction due to a shortfall in suitable clean fill material due to the discovery of NOA. The location and area of Cut 1 widening can be found in Appendix D.

### **Need for the proposed modification**

The proposed modifications are needed to safely, economically and sustainably manage the NOA material and complete the project.

### **Options considered**

#### Do Nothing – Continue project without NOA Management and Remediation

This option would have unacceptable health, safety and environmental outcomes. This option would not be acceptable to the community, regulators or construction partners. This option would have unacceptable legal and reputational risks. This option would have short time financial advantages, however in the long term there would likely be increased costs due to third party litigation claims, rework, and remediation costs.

#### Offsite Disposal of NOA and Sourcing of Suitable Clean Fill from Offsite

This option would involve transporting all NOA material offsite to appropriately licenced disposal facilities and sourcing suitable clean fill from offsite sources. It would involve additional transportation resulting increased truck volumes on public roads and associated emissions. Storage of NOA material would take up valuable space in local disposal facilities. This option would acceptably manage the NOA health and safety risks. This option would not require the onsite construction of the NOA encapsulation cells and associated long term management requirements. This option would not require additional clearing associated with Cut 1 Widening. The disadvantages of this option are significantly increased costs, increased impacts on local roads, increased impacts on local waste disposal facilities with limited storage capacity.

Manage NOA in accordance with the *Naturally Occurring Asbestos Management and Remediation Plan* (preferred option)

This option (this proposal) involves construction of NOA encapsulation cells, additional temporary stockpile areas, and cut 1 widening. This option would be in line with community, regulator, contractor expectations and would be acceptable from a health and safety perspective. There would be minor additional environmental impacts associated with this option and the long project long term environmental management plan would need to be updated to include the location of the NOA cells. This option best meets the overall project needs and objectives.

## Consultation

The NSW Environmental Protection Authority (EPA), Worksafe NSW and Parkes Shire Council have been consulted regarding the methodology for onsite encapsulation of NOA material.

## Impact assessment

Attachment A addresses the environmental factors specified in section 171 of the Environmental Planning and Assessment Regulation 2021.

## Contamination and soils

The proposed modification would have a minor additional impact on soil from the increased ground disturbance associated with the works.

Movement of NOA material from known surface locations to the NOA cells has the potential to have additional short term impacts during construction. There will be additional potential long term contamination risks associated with the long-term management of the NOA cells.

The impacts are consistent with the determined project REF, occur within the current EPL premises boundary and can be managed with additional and the existing safeguards.

## Waterways and water quality

Minor short term negative impacts compared to the determined project.

The additional ground disturbance has the potential to increase sediment loads in waterways. The erosion and sediment control plan will need to be updated to mitigate this risk.

The impacts from the proposed modification are consistent with the determined REF and would not result in any new impact to water quality.

## Noise and vibration

Neutral impacts compared to the determined project.

The impacts from the proposed modifications are consistent with the noise and vibration impacts assessed in the determined project REF.

### **Air quality**

Minor negative short-term impacts compared to the determined REF.

The additional movement of spoil and NOA material has the potential to generate dust and impact air quality. Existing and additional safeguards will be implemented to manage these impacts.

### **Aboriginal heritage**

Neutral impacts compared to the determined REF.

The proposed modification is to occur within the REF (2019) study area. There were no Aboriginal Heritage items report within or nearby the areas impacted by the proposed modification.

Updated AHIMS searches were completed for the areas impacted by the proposed modification on 23 March 2023, which indicated there were no Aboriginal sites or places recorded in the areas impacted.

The impacts from the proposed modifications are consistent with the Aboriginal Heritage Impacts assessed in the determined project REF.

### **Non-Aboriginal heritage**

Neutral impacts compared to the determined project.

The proposed modification is to occur at locations assessed in the REF (2019) study area. There were no Non-Aboriginal Heritage items report within or nearby the areas impacted.

The impacts from the proposed modification are consistent with the Non-Aboriginal Heritage Impacts assessed in the determined project REF.

### **Biodiversity**

Minor negative impacts compared to the determined project.

The proposed modification will require additional clearing of vegetation classified as Miscellaneous ecosystems (Highly disturbed areas with no or limited native vegetation (pasture grassland and cropping)). There will be no additional impacts to native plant community types (PCT's).

The proposed modification will require the removal of one hollow bearing White Box (*Eucalyptus albens*) tree. A pre-clearing assessment identified that the tree contains 1 small hollow and 1 large hollow (Appendix D). The nest box strategy will be updated to offset the additional impacts.

### **Traffic and transport**

Minor negative short-term impacts compared to the determined project. There will be additional trucks on the public roads transporting fill material around the job site.

The impacts from the proposed modification are consistent with the Traffic and transport impacts assessed in the determined project REF.

### **Socio-economic issues**

Neutral impacts compared to the determined project.

The impacts from the proposed modifications are consistent with the socio-economic issues assessed in the determined project REF.

### Landscape character and visual impacts

Minor negative short-term impacts to visual amenity would be experienced during construction. The project landscaping plan will need to be updated to reflect the modification.

These are consistent with the landscape character and visual impacts assessed in the determined project REF.

### Waste

Positive long-term impacts compared to the determined REF.

The material excavated from the proposed NOA encapsulation cells will be re-used onsite. The unwanted NOA material will be encapsulated onsite in the cells, diverting a potential waste from local waste disposal facilities. The cut 1 widening will generate additional high-quality material for required for the project.

### Cumulative impacts

Neutral impacts compared to the determined REF. The potential cumulative impacts are consistent with those in the determined REF.

### Summary of additional or revised safeguards

A summary of additional or revised safeguards are included in the table below. A complete list of safeguards as amended is provided in Attachment B.

Safeguards	
Contamination and soils	C5 – Naturally Occurring Asbestos (NOA) is to be managed in accordance with the approved project Naturally Occurring Asbestos Management and Remediation Plan.
Waterways and water quality	No revisions to safeguards
Noise and vibration	No revisions to safeguards
Air quality	No revisions to safeguards
Non-Aboriginal heritage	No revisions to safeguards
Aboriginal heritage	No revisions to safeguards
Biodiversity	No revisions to safeguards
Traffic and transport	No revisions to safeguards
Socio-economic	
Landscape character and visual amenity	No revisions to safeguards
Waste	No revisions to safeguards

Cumulative Impacts	No revisions to safeguards
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## Licences, permits or approvals

All relevant licenses, permits, notifications and approvals needed for the Parkes Bypass Project and when they need to be obtained are listed in the Parkes Bypass REF (2019). There are no changes to the list of requirements. The Environmental Protection License (EPL) boundary may need to be updated to facilitate transportation routes of NOA material to ensure no material leaves the site boundary.

## Conclusion

All relevant safeguards identified in the Parkes Bypass REF (July 2019) and Parkes Bypass Addendum REF (March 2021) would be applied to this work. One Additional safeguard has been identified as set out in this memo.

Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to the proposed modification. The proposed modification has been reviewed in the context of the Parkes Bypass REF, determined addendums and endorsed consistency reviews and considered against the requirements of sections 5.5 and 5.7 of the EP&A Act.

In considering the proposed modification this assessment has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity as addressed in this memo, and associated information. This assessment is considered to be in accordance with the factors specified in section 171 of the Environmental Planning and Assessment Regulation 2021.

The Parkes Bypass Project including the proposed modification described in this memo will have some environmental impacts which can be ameliorated satisfactorily. Having regard to the safeguards and management measures proposed, it is considered that the expected environmental impacts are unlikely to be significant and an environmental impact statement is not required under Division 5.2 of the EP&A Act.

The assessment has considered the potential impacts of the activity on the biodiversity values listed under the Biodiversity Conservation Act 2016 and the Fisheries Management Act 1994.

The Parkes Bypass Project including the proposed modification described in this memo will not significantly affect biodiversity values listed under the Biodiversity Conservation Act 2016. Therefore, the concurrence of the Coordinator General of the Environment and Heritage Group of Department of Planning and Environment and a species impact statement or a Biodiversity Development Assessment Report (BDAR) is not required.

In addition to the above, the assessment considered the effect of the activity on:

- Conservation agreements under the *National Parks and Wildlife Act 1974*.
- Plans of management under the *National Parks and Wildlife Act 1974*.
- Biodiversity stewardship sites under the *Biodiversity Conservation Act 2016*.
- Wilderness areas under the *Wilderness Act 1987*.

The assessment has also addressed the potential impacts of the activity on matters of national environmental significance and any impacts on the environment of Commonwealth land and concluded that there will be no significant impacts. Therefore, there is no need for a referral to be made to the Australian Government Department of Agriculture, Water and the Environment for a decision by the Australian Minister for the Environment on whether assessment and approval is required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or for application of the EPBC Act strategic assessment for Transport activities assessed under Part 5 of the EPBC Act.

This memo is considered to be of adequate quality and meets all relevant requirements.


The proposed modification has been characterised in the context of the Parkes Bypass Project and is considered to be consistent with that project’s objectives and key features. While the proposed modification would increase the overall environmental impacts of the determined project, it is substantially the same as the activity described and assessed in the determined REF and does not constitute an entirely new activity.

## Certification

This memo provides a true and fair description of the scope and potential impacts of the proposal to modify the Parkes Bypass Project and the proposed NOA encapsulation cells and Cut 1 batter widening.


Prepared by:

28/03/2023

  
Project Manager

Reviewed by:



24/03/2023

  
Transport Senior Environment and Sustainability Officer

## Recommendation

It is recommended that the proposal to modify the Parkes Bypass Project with the addition of NOA encapsulation cells and Cut 1 batter widening as described in this memo proceed subject to the implementation of all safeguards and management measures identified in this memo and in the Parke Bypass REF and determined Addendum REFS and compliance with all other relevant statutory approvals, licences, permits and authorisations. Consideration of this proposed modification has examined and taken into account, to the fullest extent possible, all matters likely to affect the environment by reason of the activity and established that the activity is not likely to significantly affect the environment. The memo has concluded that there will be no significant impacts on matters of national environmental significance or the environment of Commonwealth land.

Recommended by: 28/4/2023

  
  
Transport Senior Manager Environment and Sustainability - West

  
  
Transport Senior Project Manager



## Determination

Determined by:

[REDACTED]

A/Project Director West

Date:

## Appendices

Appendix A – Section 171 EP&A Regulation checklist

Appendix B - Complete list of safeguards

Appendix C – Site Clearing and Fencing Plan – NOA Cells, Stockpiles, Sensitive Areas Markup

Appendix D - Site Clearing and Fencing Plan – Cut 1 Batter Widening, Sensitive Area Markup

Appendix E – Updated AHIMS searches

Appendix F - Preclearing survey increased clearing extent – Northern and Southern end of the Parkes bypass

Appendix G – Naturally Occurring Asbestos Management and Remediation Plan – Parkes Bypass

# Appendix A: Environmental Planning and Assessment Regulation 2021 checklist

The following factors, listed in section 171(2) of the Environmental Planning and Assessment Regulation 2021, have been considered to assess the likely impacts of the proposal on the natural and built environment. This consideration is required to comply with sections 5.5 and 5.7 of the EP&A Act.

Environmental factor	Impact
<p>(a) <b>Any environmental impact on a community?</b></p> <p>The proposed work may cause minor short-term environmental impacts on the community due to increased traffic associated with trucks transporting material on public roads.</p> <p>The works would have no environmental impact on a community in the long-term and road users would benefit from safer travelling conditions.</p>	Short term negative, long term neutral
<p>(b) <b>Any transformation of a locality?</b></p> <p>The proposed work will result in short term negative impacts whilst construction is ongoing.</p> <p>The long-term impacts would be neutral as the proposed areas will be rehabilitate in accordance with the landscaping plan</p>	Short term negative, long term neutral
<p>(c) <b>Any environmental impact on the ecosystems of a locality?</b></p> <p>The proposal would minor potential environmental impacts on the ecosystems of a locality a one hollow bearing tree will be impacted. However, the potential impacts would be minimised with the implementation of the safeguards in attachment B of this addendum memo.</p>	Minor negative
<p>(d) <b>Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</b></p> <p>The proposal would have minor temporary aesthetic impacts during construction. In the long term the proposal would not reduce the aesthetic, recreational, scientific or other environmental quality or value of the locality, as works would generally be contained with the existing road formation.</p>	Minor short-term negative, long-term neutral
<p>(e) <b>Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?</b></p> <p>The proposal would not have an effect on a locality, place or building of significance or other special value for present or future generations.</p>	Nil
<p>(f) <b>Any impact on habitat of any protected animals (within the meaning of the Biodiversity Conservation Act 2016)?</b></p> <p>The proposal would not have any impact on the habitat of any protected animals due to the limited scope of works for the proposed activities and the implementation of the safeguards given in attachment B of this addendum memo.</p>	Nil
<p>(g) <b>Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?</b></p>	Nil

	The proposal would not endanger any species of animal, plant or other form of life, whether living on land, in water or in the air due to the limited scope of works for the proposed activities and the implementation of the safeguards given in attachment B of this addendum memo.	
(h)	<p><b>Any long-term effects on the environment?</b></p> <p>The proposal would have positive long-term effects on the environment due to sustainable management of Naturally Occurring Asbestos. There are no anticipated negative long-term effects on the environment from the works due to the limited scope of these works and the implementation of the safeguards given in attachment B of this addendum memo.</p>	Nil
(i)	<p><b>Any degradation of the quality of the environment?</b></p> <p>The proposal would potentially degrade the quality of the environment in the short-term, however the potential impacts would be minimised with the implementation of the safeguards given in attachment B of this addendum memo.</p>	Minor short-term impacts, neutral long-term impacts
(j)	<p><b>Any risk to the safety of the environment?</b></p> <p>The proposal would have minimal risk to the safety of the environment due to the scope of works activities covered in this addendum memo, and the potential impacts would be minimised with the implementation of the safeguards given in attachment B of this addendum memo.</p>	Nil
(k)	<p><b>Any reduction in the range of beneficial uses of the environment?</b></p> <p>The proposal would restrict the future use of the land in areas where NOA is encapsulated. These risks would be managed with the implementation of the safeguards given in attachment B of this addendum memo</p>	Minor long-term impacts
(l)	<p><b>Any pollution of the environment?</b></p> <p>The proposal would include remediation of naturally occurring asbestos soils and movement to approved encapsulation cells.</p>	Overall positive Impacts
(m)	<p><b>Any environmental problems associated with the disposal of waste?</b></p> <p>The waste generated during the proposal would be contained and removed for disposal to approved recycling facilities or to licensed landfill in accordance with the safeguards in attachment B of this addendum memo. No environmental problems are anticipated for the disposal of waste.</p> <p>NOA waste material will be encapsulated in approved cells in accordance with an approved management plan.</p>	Nil
(n)	<p><b>Any increased demands on resources, natural or otherwise which are, or are likely to become, in short supply?</b></p> <p>The proposal would not significantly increase demands on resources, which are, or are likely to become, in short supply. Relatively small amounts of materials would be required for the proposed work. The safeguards listed in attachment B of this addendum memo would be implemented to minimise any impacts.</p>	Nil
(o)	<p><b>Any cumulative environmental effect with other existing or likely future activities?</b></p> <p>The proposal has the potential to have cumulative environmental effects with other existing or likely future activities, however the effects would be minimal due to the limited scope of works for the activities covered in this addendum memo,</p>	Nil

	and the potential impacts on the environment would be minimised with the implementation of the safeguards given in attachment B of this addendum memo.	
(p)	<p><b>Any impact on coastal processes and coastal hazards, including those under projected climate change conditions?</b></p> <p>The proposal would not have an impact on coastal processes or hazards.</p>	Nil
(q)	<p><b>Any impact on applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1?</b></p> <p>The proposed modification is in line with objective 1 and 20 of the Central West and Orana Regional Plan 2041:</p> <ul style="list-style-type: none"> <li>• Objective 1: Deliver the Parkes Special Activation Precinct and share its benefits across the region</li> <li>• Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure</li> </ul>	Positive
(r)	<p><b>Any impact on other relevant environmental factors?</b></p> <p>In considering the potential impacts of this proposal all relevant environmental factors have been considered, refer to impact assessment section of this addendum memo.</p>	Nil

## Appendix B: Complete List of Safeguards

Environmental safeguards for the Parkes Bypass are listed below. Additional safeguards identified in this addendum minor works REF memo are included in bold font. The safeguards will be incorporated into the CEMP and implemented during construction and operation of the proposed modification, should it proceed. These safeguards will minimise potential adverse impacts arising from the proposed works on the surrounding environment.

# Appendix C: Site Clearing and Fencing Plan – NOA Cells, Stockpiles, Sensitive Areas Markup

# Appendix D: Site Clearing and Fencing Plan – NOA Cells, Stockpiles, Sensitive Areas Markup

## Appendix E – Updated AHIMS searches



# Appendix F - Preclearing survey increased clearing extent – Northern and Southern end of the Parkes bypass

# **Appendix G – Naturally Occurring Asbestos Management and Remediation Plan – Parkes Bypass**