

Major Projects Assessments

Department of Planning and Infrastructure

GPO Box 39

SYDNEY NSW 2001

13 December 2013

SUBMISSION:

Pacific Highway Upgrade Woolgoolga to Ballina – Submissions/Preferred Infrastructure Report

To whom it may concern,

Please consider this letter as a submission on the Pacific Highway Upgrade: Woolgoolga to Ballina – Submissions/Preferred Infrastructure Report prepared by the NSW Roads and Maritime Services (RMS).

It is our view that the response to the submissions, including our submission (95 and 113), is inadequate. Based on the information that is currently available, in the EIS and the Submissions Report it is our view that the proposed project will result in unacceptable and irreversible impacts on the ecological value of the region and therefore should not be approved. RMS have not demonstrated best practice to date, and do not make any commitments to implement best practice into the future.

There is a significant amount of information missing from the EIS and supplementary documents relating to biodiversity impacts that has not been satisfactorily addressed through the response to submissions. Without this information, there is no certainty around the level of impact expected and the effectiveness of mitigation and management of these impacts. For example, limited survey efforts in regards to some species means that there is no certainty in relation to their presence, range and/or population status. In these instances, the RMS make the assertion that assuming the presence of a healthy population is a satisfactory outcome as it will lead to the implementation of certain mitigation or offset measures. However, while assuming presence might provide reason to implement certain mitigation measures or offset measures, it will not provide the baseline data required to monitor the effectiveness of these measures or, more importantly, ensure effective management of the population occurs over the life of the project. This is not best practice as it will not allow for ongoing assessment and evaluation of the 'real' rather than 'predicted' impacts on the species, and what this means for the population as a whole (ie not just the local population).

In addition, RMS take the approach that certainty around extent of impact and the effectiveness of mitigation and management are not necessarily required at this stage.

Rather they propose that mitigation and management measures will be continually reviewed and updated as required to ensure ongoing effectiveness and the extent of impact and effectiveness of measures are realised. In addition, they propose that management plans for some aspects of the project will be developed at a later stage. While it is essential to have adaptive management, it does not provide excuse to delay the development of management plans, or to delay the confirmation of specific details of management. Given the scale of the likely impacts of this project, best practice is to have as much certainty as possible and to ensure management measures have been included in the assessment process rather than be developed post approval. The aim of adaptive management is to continually improve management based on lessons from prior management, not to delay management.

RMS also take the approach that committing to offsets provides assurances for the long term survival of a species. Securing offsets before impacts are realised is essential in addition to having an offset plan. While RMS appear to understand this logic, their insistence to have a low level of certainty around the extent of impacts, the successfulness/appropriateness of mitigation and management measures increases the risk that unacceptable levels of impacts could occur and that offsets may not be an option. This is an irreversible impact and so should be adequately prepared for, in a precautionary manner.

It is clear that RMS are of the view that they understand the extent of likely impacts and can therefore make sound decisions around the required mitigation and management. However, given the sub-standard of the EIS (which is evident simply by the number of typographical errors particularly in the biodiversity sections), the significant gaps in baseline data that remain, the assertions made by RMS in relation to what is best practice/acceptable and the failure of RMS to adequately respond to those submissions that raise these issues as concerns, it is clear that RMS have not implemented best practice in relation to biodiversity management to date, and are unlikely to do so in the future unless directed to.

In summary, it is our view that before a decision on this proposal is made, the RMS should be required to invest more time and energy into ensuring:

- a robust set of baseline data for the entire project area
- detailed and auditable commitments to 'best practice' mitigation measures, management and offsetting.

If the project proceeds, we hope that this is only on the condition that a significant number of improvements are made to ensure that the long term and permanent environmental costs are further minimised and the ecological integrity of the region is not compromised. The current proposal and assessment does not give us confidence that the likely impacts have been accurately predicted or that they can be appropriately managed into the future.

Yours sincerely,

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Submission numbers 95 and 113