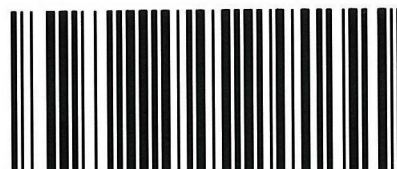




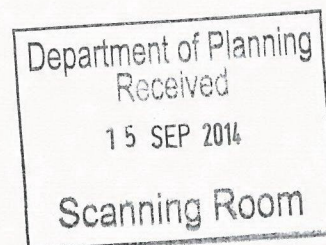
**Office of
Environment
& Heritage**



PCU55731

Your reference: SSI-6148
Our reference: DOC14/162489
Contact: Rachel Hannan
02 8837 6088

Glenn Snow
Team Leader - Roads
Infrastructure Projects
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Attention: Alexander Scott

Dear Mr Snow

I refer to your letter of 11 August 2014 inviting the Office of Environment and Heritage (OEH) to comment on the public exhibition of the proposed WestConnex M4 Widening (SSI-6148). OEH has previously provided comments to this project at the adequacy review stage on biodiversity, Aboriginal cultural heritage and flood risk management. A copy of this correspondence dated 26 June 2014 is attached for your reference.

In relation to biodiversity, OEH considered that the approach for offsetting impacts taken in the draft EIS was inadequate. The exhibited EIS has been amended to include broad discussion of the types of offsets that could be implemented (section 5.6), but does not include any specific recommendations about implementation of any of these options. The EIS should have included details on the location, duration, management regime, landowner endorsement and security of any offsets proposed. Given that this information is lacking, OEH still does not consider that the proposal will adequately offset the likely direct and indirect impacts of the proposal and should be amended.

In relation to flood risk management, OEH considers that the WestConnex Environmental Impact Statement (EIS) - Volume 3, August 2014 (on public exhibition) contains no new information to the previously reviewed WestConnex Environmental Impact Statement (EIS) - Draft Consistency Review, June 2014 and Hydrology & Flooding Technical Study, June 2014. Consequently our comments in relation to flood risk management remain as previously provided.

If you have any queries regarding this matter please contact Rachel Hannan, Conservation Planning Officer, on 8837 6088.

Yours sincerely

S. Harrison 11/09/14

SUSAN HARRISON
Senior Team Leader Planning, Greater Sydney
Regional Operations Group



Office of
Environment
& Heritage

Our reference: DOC14/95652
Contact: Rachel Lonie, 99956837

Mr Michael Young
Team Leader Roads
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Alexander Scott

Dear Mr Young

Reference is made to correspondence dated 10th June 2014 requesting comment from the Office of Environment and Heritage (OEH) on the adequacy of the Environmental Impact Assessment (EIS) that has been prepared for the WestConnex M4 Widening Project (SSI13_6148) in Western Sydney.

Comments on biodiversity, Aboriginal cultural heritage and flood risk management are provided in Attachment 1.

If you require further details or clarification on any matters raised in this response please contact Rachel Lonie Conservation Planning Officer on 9995 6837 or by email at rachel.lonie@environment.nsw.gov.au.

Yours sincerely

S. Harrison 26/06/14

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations, Metropolitan
Office of Environment and Heritage

ATTACHMENT 1

Office of Environment and Heritage (OEH) test of adequacy comments on the Environmental Impact Assessment (EIS) for the WestConnex M4 Widening Project (SS113_6148) in Western Sydney.

1.0 Biodiversity

1.1 Impacts on Threatened Ecological Communities and Species

The Biodiversity Assessment Report (BAS) mentions the Grey-headed Flying Fox (*Pteropus poliocephalus*) camp at Parramatta Park but does not mention the camp that is closer to the project, on Duck River at Clyde near the railway bridge. If it is possible that this camp may be impacted by the proposal, then the report should include an assessment of these impacts. OEH notes that the BAS states that the project would directly remove up to 8.86 hectares of potential foraging habitat for this species.

The project will impact on three threatened ecological communities (TECs): Swamp Oak Floodplain Forest and Shale-Gravel Transition Forest that are described as being in moderate condition, and Freshwater Wetland described as Map Unit 4 Freshwater Drainage Lines and as being in low condition. There are a number of discrepancies in the quantification of vegetation loss, the condition descriptions and the use of offsetting principles as described below.

For example, in the executive summary of the BAS impacts to TECs are described as being small in scale and limited to 0.13 ha of moderate condition vegetation and 0.36 ha of low condition (giving a total of 0.49). However, the conclusion (p100) and section 5.6 state that there will be a total loss of only 0.39 ha and that this is in low condition. Table 4.2 gives a total of 0.54 ha of TECs to be impacted.

Table 3.2 of the BAS also has some different amounts of vegetation and different condition status compared to other sections of the report. For example, Shale-Gravel Transition Forest (SGTF) is described as being a total of 0.4 ha in area and in moderate condition. The Assessment of Significance (Appendix E) states that impacts are limited to 0.09 ha of SGTF while Table 3.2 states that there will be a loss of 75% of 0.4 ha – ie 0.3 ha of SGTF.

Further, Map Unit 4 (Freshwater Drainage Lines) is described in Table 3.2 as being 1 hectare in size with 70% to be impacted while Table 4.2 states that 0.37 ha will be impacted. Section 5.6 concludes that the total loss of low to moderate condition TEC is less than 0.05 ha. These inconsistencies and errors need to be addressed.

1.2 Offsetting Biodiversity Impacts

Section 5.6 of the report discusses the need for offsetting. The report states that the "Principles for the use of biodiversity offsets in NSW (DECCW, 2008)" have been taken into account, including the principle that the project should aim to ensure a net improvement in biodiversity over time (Principle number 6).

However, rather than meet this principle and as the report states "*in the absence of a condition of approval relating to offsets and to determine if an offset should be considered for this project*" the Roads and Maritime Services (RMS) offsets policy has been considered instead. This alternative offset policy does not consider offsets are required where the vegetation is not in good condition, does not provide potential habitat for threatened species and the clearing is below 1 hectare. The report concludes from this that an offset is not required.

This is contradictory to the OEH Offset Policy and this outcome would not achieve a 'net improvement in biodiversity over time'. OEH considers that the direct and indirect impacts should be appropriately offset, however it would be reasonable when determining the adequacy of the offset, to take into account the small area and isolated and fragmented of the areas to be directly and indirectly impacted.

Principle 6 of the OEH Offset Principles includes a number of offset options as follows:

- enhancing habitat
- reconstructing habitat in strategic areas to link areas of conservation value
- increasing buffer zones around areas of conservation value
- removing threats by conservation agreements or reservation.

Options such as these should be considered in the offset discussion.

In summary OEH does not consider the EIS to be adequate in the documentation of impacts, and the approach that has been taken to offsetting impacts, and recommends that they be addressed prior to exhibition of the EIS.

2.0 Aboriginal Cultural Heritage

OEH has reviewed the ACH documents for this project and considers they have addressed all requirements of the DGRs adequately.

3.0 Flood Risk Management

From OEH's perspective the *Hydrology & Flooding Technical Study, June 2014* is considered acceptable for the assessment of the impacts of the project at this stage of the planning proposal. However, OEH understand that more detailed modelling during the detailed design stage will be undertaken to confirm flood levels as stated in Section 4.1.8 *'The flood levels predicted should be confirmed by more detailed modelling prior to being adopted for design purposes.'*

OEH also supports all recommendations in 'Section 6' of the report and agrees that the issues raised in this section, including sensitivity of hydraulic structures to blockages, be addressed during the detailed design stage.